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Constructing Honor-Based Violence in Swedish Courts: A Feminist Critical Discourse Analysis

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Abstract

Honor is not formally defined as a legal category in Swedish law, yet it is invoked in court reasoning as both a motive and an aggravating circumstance. In recent years, legal measures have been introduced in Sweden to identify and address honor-based violence (HBV), and since 1 July 2020, increased penalties of crimes committed with an honor motive. At the same time, concerns have been raised that limited knowledge of honor, or reliance on stereotypical understandings, may lead to simplified interpretations in which honor motives are either over-attributed or overlooked. This raises questions regarding how HBV is interpreted and operationalized within the legal system. Therefore, this thesis aims to examine how discourses of HBV appear in Swedish murder cases involving claims of honor-related motives, and how these are expressed through legal reasoning. The study explores how honor is constructed and justified by legal actors, including judges, prosecutors, and expert witnesses, and analyzes the tensions and interpretive frameworks through which honor is understood in court judgments. Methodologically, the study employs a Feminist Critical Discourse Analysis (FCDA) and is based on an analysis of ten Swedish murder cases in which honor-related motives were invoked. FCDA functions as the overarching theoretical framework, while performative gender and intersectionality are used as analytical tools. The findings reveal recurring discursive patterns in which honor is framed as a gendered, culturalized, and migration-related phenomenon. A cultural discourse emerges dominant in court reasoning, with a secondary feminist discourse. As a result, patriarchal power relations are frequently constructed through culturalized interpretive frameworks. The analysis further shows how responsibility and victimhood are negotiated through patterns of victim blaming and perpetrator mitigation. Overall, the findings show that legal actors construct honor through culturally gendered interpretive frameworks in Swedish court reasoning on honor motives.

Keywords: honor-based violence, feminist critical discourse analysis, intersectionality, legal discourse, gendered violence, culturalization

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1 Introduction

“Honor crime is not a legal concept. Culture or religion is no excuse in the Swedish legal system. A crime is a crime. This also applies if an honor motive is an aggravating circumstance that must now be taken into account when choosing a penalty.” (Norée, 2023. My translation.)

This statement captures a central tension in the Swedish legal context. While honor is not formally recognized as a legal concept, it is nevertheless invoked within judicial reasoning, particularly as a motive and as an aggravating circumstance. Moreover, there is no universally recognized definition of honor-based violence (hereafter HBV) in Sweden, whereby it has been approached in a variety of ways (Lundgren et al. 2010, p. 51). However, the concept of honor tends to be conceptualized through a dualistic construction of female shame and male honor. In such cases, men’s honor is defined based on how women behave, or are expected to behave, based on patriarchal ideologies. This is often based on the view that women are claimed by their male relatives, entailing that masculinity is regulated by controlling the female behavior, as well as by protecting them from being dishonored (Björktomta 2019, p. 458; Elaies & Rabe 2025, p. 1; Eshareturi et al. 2014, p. 372). Gender, culture, and power have been, and continuously are, central concepts in the construction of honor and risks leading to preconceived assumptions about the motive being honor-related based on certain stereotypes. When constructions involving an assumption of honor motives, especially when they involve notions of culture, criticism has been directed towards the judicial system regarding a discriminatory treatment of individuals and groups with non-Swedish ethnic backgrounds (Rosquist 2020, pp. 20-21).

Against this background, special investigation methods have been developed in Swedish law to enable the identification of honor and handling honor-based crimes (Rosquist 2020, p. 21). Additionally, measures to increase penalties for honor-based crimes have also been implemented. Since 1 July 2020, crimes committed with an honor motive constitute grounds for increased punishment. This means that if the motive was to preserve or restore the honor of an individual, family, kin, or other similar group, it is considered an aggravating circumstance that will result in a harsher penalty. However, honor does not have to be the sole or primary motive for the crime, rather, it is sufficient that one of the motives is honor-related (Government Bill 2019/20:131, p.

104). Nonetheless, honor is still a complex phenomenon and consists of many aspects. In Sweden, the concept of honor is primarily understood in terms of female chastity and the notion of the female victim, which risks other aspects and concepts of honor being unnoticed, such as respect, revenge, and protection. If lack of knowledge about honor, or if stereotypical characteristics are not met, it entails a risk of simplified interpretations, which can cause acts being presumed to have an honor motive or, alternatively, the honor motive is obscured. Thus, there is a risk that the new legislation will be implemented in an unfair and imprecise manner due to culturalization (Cinthio et al. 2022, pp. 23, 26-27).

1.2 Aim & Research Question

Honor has become an increasingly important concept in Swedish criminal law following the recent legislation introducing aggravating circumstances and sentencing. However, the concept of honor remains contested, creating difficulties as legal actors must construct, interpret, and justify a socially loaded and complex concept in their reasoning. Against this background, the thesis aims to examine how discourses of HBV occur in Swedish lethal violence cases involving alleged honor motives, and how these are expressed in legal reasoning. This includes both cases in which an honor motive is established and cases in which such claims are rejected. The study focuses on how the concept of honor is constructed and justified by legal actors in court judgments, such as the judge, lay judges, expert witnesses, and prosecutors. Thus, the thesis investigates discourses, discursive constructions, and discursive tensions in how the honor motive is argued and operationalized by the court and other legal actors. Such an analysis is important as judicial constructions of honor may shape how violence is legally interpreted, categorized, and legitimized, with consequences for how responsibility and motives are attributed. This is significant for socio-legal research, as it highlights how legal categories are produced and how law interacts with broader meanings of violence. At the same time, legal discourse may interact with and reproduce broader societal narratives about culture, gender, and violence, which can have implications for how such cases are understood both within and beyond the legal system. As the analysis is based on legal reasoning in a limited number of cases, the thesis does not aim to make broader claims about HBV as a social phenomenon. Rather, the research question is oriented toward how the notion of honor is constructed within court discourse, meaning that the analysis concerns the ways

in which the concept is applied within legal reasoning. To enable this, the thesis aims to answer the following research question:

- How is the concept of honor discursively constructed by legal actors in Swedish court judgments involving honor-based violence, as reflected in court reasoning on honor motives?

To answer the research question, the following sub-questions guide the analysis:

- How are gendered norms and power relations articulated in constructions of honor?
- How are culture, ethnicity, and migration invoked in constructions of honor?

2 Background

The research question and sub-questions are asked against the backdrop of clashing definitions and various explanatory perspectives on HBV. To understand these tensions, it is necessary to situate how honor and HBV have been understood and constructed within the Swedish context. The concept of HBV and honor killing first emerged in Sweden in the late 1990s as a result of the murder of Sara Abed Ali in 1996. This was followed by the murder of Pela Atroshi in 1999 and Fadime Sahindal in 2002, the latter of which became the most widely known honor killing in Sweden. These events led to an expanding debate on HBV and oppression in Swedish media and academia during the early 2000s and has contributed to discussion within the Swedish judicial system (Rosquist 2020, pp. 20-21, 112; NCK, 2010; Jämställdhetsmyndigheten, 2025). The debate concerns how honor killings are constructed differently from other murders, generating issues regarding, among other things, integration, deviance, and notions of ‘us and them’ (NCK, 2010, p. 9). The National Centre for Knowledge on Men’s Violence Against Women (NCK 2010, pp. 5, 9), operating on behalf of the Swedish government, emphasizes that the debate does not concern the forms of violence, as these are generally understood as collectively enacted and involving both men and women. Rather, there is controversy concerning various perspectives of explanation and understanding of HBV (NCK 2010, pp. 9, 18).

One approach is a feminist perspective, often referred to as the gender power perspective, that argues that honor-based violence is rooted in universal patriarchal values and structures. In that sense, the discourse focuses on a universalistic understanding of men’s violence against women, which implies that women’s vulnerability to HBV is understood through the same practices as other forms of patriarchal violence against women. That is, as a result of male structural dominance, where shame and honor are found in all forms of violence against women in intimate relationships (NCK 2010, pp. 18, 25-26). In contrast to the feminist discourse, the cultural discourse emphasizes that honor-based violence is motivated in part by patriarchal values, but it is asserted that cultural factors have a crucial part in the committing of violence as it is considered as expressions of non-Western patriarchal value (NCK 2010, p. 18). This means that the concept of honor is used to distinguish HBV from other forms of violence against women by attributing the prevailing patriarchal systems as culturally conditioned (Lundgren et al., 2010, pp. 121-122). The third perspective is an intersectional approach, which highlights how patriarchal and cultural

aspects are interconnected, rather than focusing solely on either gender or culture. This perspective emphasizes how HBV interacts with other social categories and power structures (Ouis 2016, p. 363; Strid et al., 2021, p. 8). It has been argued that there is a risk that men with foreign backgrounds are portrayed as particularly prone to violence, thereby obscuring other forms of violence. Thus, HBV is understood as a specific context in which several power structures interact, such as gender, class, ethnic and racial discrimination (NCK 2010, pp. 18, 32-33; Lundgren et al., 2010, p. 122).

While these perspectives and definitions reflect broader academic debates on honor, the legal system has developed its own definition in relation to the legislation on aggravating circumstances for honor motives in the Government Bill 2019/20:131. According to the bill, honor is:

Honor refers to a collectively shaped honor that is characterized by strong patriarchal or heteronormative notions and that the family or extended family's reputation, position, or similarly is dependent on the actions of individual members, e.g. the chastity and virginity of female relatives and their actual and alleged behavior in relation to such ideals.

(Government Bill 2019/20:131, p. 104. *My translation*)

Thus, for the honor motive to be established, the court assesses whether the circumstances of the case correspond to the criteria outlined in the Government Bill 2019/20:131.

3 Literature review

This chapter presents a literature review in light of the study's research field. The review is highlighted to provide a comprehensive representation of how existing literature has contributed to the field's understanding of HBV and its discourses, as well as to identify the areas that are in need of further research. Aspects of definitions and discourses of HBV, its impacts on professions and practices, how honor is constructed and situated through lived experiences and within legal contexts, as well as critiques and implications are highlighted.

3.1 Honor-Based Violence in Media and Political Discourse

Research on the construction of honor in the media and politics is a prominent perspective within the framework of HBV. Several studies have demonstrated how media representations of HBV construct a culturalized and racialized distinction between Western and non-Western societies (Reimers 2007; Gill & Brah 2014; Gill 2022). Reimers (2007, p. 239), through a critical discourse analysis of Swedish newspapers following the murder of Fadime Shindal, shows how a dichotomy is constructed between a modern, tolerant and gender-equal Sweden and an outdated, patriarchal, and foreign 'other'. Similarly, Gill & Brah (2014, pp. 73, 83), in their analysis of British media coverage of the murder of Shafiea Ahmed, demonstrate how HBV is racialized through representations of minority cultures as static and backward, in contrast to a modern and progressive majority culture. Comparable patterns are also identified in Canadian media, where Gill (2022, p. 1) illustrates how honor crimes are framed as an imported problem associated with Muslim communities, reinforcing processes of othering.

Media reports on HBV consistently tend to portray violence against women in minority or immigrant families as arising from culture, tradition, or religion, whereas similar forms of violence in majority populations are individualized and attributed psychological or social factors (Reimers 2007, pp. 241, 250; Gill & Brah 2014, p. 73; Gill 2022, pp. 1-2, 13). This differential framing not only creates a hierarchy of violence, where HBV is constructed as different and more severe, but also obscures the broader patriarchal structures that underlie gender-based violence across all societal groups. By locating the problem within the culture of the 'other', the media shifts attention away from structural inequalities and normalizes violence within the majority population as

isolated incidents rather than systemic issues (Gill & Brah 2014, p. 83; Gill 2022, pp. 17). Furthermore, such representations contribute to processes of racialization and separation, where national identity becomes tied to ideals of modernity, gender equality, and progress, implicitly positioned as Western traits (Reimers 2007, pp. 249-250; Gill & Brah 2014, p. 73; Gill 2022, pp. 1-2). In this context, minority groups are constructed as culturally deficient and in need of transformation. As a result, integration is framed as the primary solution to HBV, placing responsibility on individuals to assimilate and ‘become’ Western or Swedish, while structural power relations, such as racism, that enable and sustain such violence remain unaddressed (Gill 2022, p. 16; Reimers 2007, p. 249).

Gill (2022, p. 2) further highlights how media constructions have had effects on Canadian policy, where the framing of HBV as an immigrant issue is instrumentalized to achieve state objectives. This serves to both reinforce the image of the West as gender-equal and modern, and to enable the surveillance of minority groups while strengthening the perception of immigrants as a threat to national values (Gill 2022, pp. 4, 11). The same logic extends beyond media representation into political and institutional discourse. Hellgren & Hobson (2008, p. 385) illustrate how high-profile cases, such as Fadime Sahindal, became debated within Swedish politics, where HBV functioned as an arena for negotiating boundaries of national identity. In these debates, Swedishness was strongly linked to ideals of gender equality, constructed in opposition to a patriarchal ‘other’ (Hellgren & Hobson 2008, p. 386). This reflects the same cultural framing found in media discourse, where Sweden is positioned as a “good society” and a global model of equality, while HBV is framed as fundamentally non-Swedish (Hellgren & Hobson 2008, p. 398). A comparable dynamic is evident in the UK context analyzed by Meeto & Mirza (2007, p. 189). Here, media portrayals have affected multiculturalism policies aimed at respecting cultural differences have, in practice, contributed to institutional inaction. It has entailed authorities to avoid intervening in cases of violence in minority families for fear of being perceived as racist, and to view such violence as a cultural practice rather than a human rights violation (Meeto & Mirza 2007, p. 195). Much of this is rooted in the historical invisibility of women, although they have more recently become visible as victims of a Muslim, alien ‘other’. Thus, media representations of ethnicized young women have contributed to shaping political debate that are increasingly shaped through

Islamophobia, rather than through a human rights perspective, reinforcing cultural explanations of violence over structural understandings (Meetoo & Mirza 2007, p. 188)

This body of work demonstrates how HBV is constructed in public discourse and how media representations shape and reinforce political debates. Across the Swedish, British, and Canadian contexts, these studies show a consistent pattern in which honor is framed as a culturally foreign phenomenon, positioned in opposition to national values of gender equality, modernity, and progress. In doing so, they highlight how media and political narratives contribute to processes of othering, where violence is attributed to ‘non-Western’ cultures rather than understood as part of broader structural inequalities. However, while this literature provides important insights into how HBV is constructed publicly, it has paid less attention to how these discursive constructions travel into legal settings. In particular, there are limitations of how such narratives are translated, interpreted, or potentially transformed within court reasoning. This leaves an important gap in understanding how broader societal discourses on honor, culture, and gendered violence are reflected within legal interpretations.

3.2 Professional Perspectives of Honor-Based Violence

Furthermore, research has examined how constructions of honor, such as in media and political discourse, shape professional responses to HBV. As Eshareturi et al. (2014, pp. 370-371) argues, “The very fact that the term *honor-based violence* has evoked concern due to the implication of what honor represents highlights the problem of constructing meaning through language and how this inevitably becomes a problem for policymakers, specifically in relation to the interpretation of policy into action” (Eshareturi et al., 2014, pp. 370-371). This underscores how the framing of HBV is not merely descriptive, but as direct consequences for how it is understood and acted upon in practice.

Empirical research in the United Kingdom has demonstrated how these constructions influence professional responses in policing (Aplin, 2017; Eshareturi et al., 2014). Through police investigation and interviews with police officers, Aplin (2017, p. 1) shows how police responses are shaped by uncertainty and competing interpretations of HBV, while Eshareturi et al. (2014, p.

369) highlights how policy and discourse affect institutional practices. Both Aplin (2017, p. 8) and Eshareturi et al. (2014, pp. 377-378) show that police responses are often influenced by stereotypical assumptions and a problematic passivity, ultimately putting victims at risk. A common theme in their findings is a form of blindness in risk assessment, where risks are underestimated and certain aspects overlooked (Eshareturi et al., 2014, p. 378; Aplin 2017, p. 8).

Eshareturi et al. (2014, pp. 369, 378) highlights the tendency within the United Kingdom's political discourse to situate HBV within the context of minority communities, leading professionals experiencing fear of appearing as racist or Islamophobic. This leads to a moral blindness among professionals where the rights of individuals are sacrificed in order not to violate cultural values (Eshareturi et al., 2014, pp. 373, 378). Therefore, it is argued that honor-related violence should be separated from cultural assumptions, as cultural sensitivity leads to insufficient approaches to HBV within the police (Eshareturi et al., 2014, pp. 378-379). At the same time, it is important not to fully include HBV within the broader framework of domestic violence, as this may overlook its severity and specific dynamics, such as the collective nature of the violence. This can lead to practitioners who are trained to handle 'typical' cases of domestic violence to underestimate the risk of rapid escalation, including the risk for lethal outcomes such as honor killings (Eshareturi et al., 2014, pp. 374-375). It is also important to distinguish HBV from domestic violence in order to highlight the role of collective and better account for the involvement of multiple perpetrators, including women (Aplin 2017, p. 1). This is particularly relevant given the tendencies within the British police to underreport female perpetrators due to gendered assumptions, where mothers are often viewed as victims of patriarchal structures rather than perpetrators (Aplin 2017, pp. 8-9). Taken together, both studies suggest that effective policing requires moving beyond preconceived notions and recognizing HBV as a violation of human rights, rather than treating it as a private or cultural matter (Aplin 2017, p. 9; Eshareturi et al., 2014, p. 379).

Similarly, interview-based research of Swedish social services (Bergman & Olsson, 2021; Baianstovu & Strid, 2024) illustrate the challenges faced by social workers in their response to HBV. These studies find that practitioners operate within an organizational context marked by high workload, limited resources, time constraints, and a pervasive fear of acting in discriminatory ways. A central dilemma across both studies is that concerns about being perceived as racist or

incorrectly categorizing individuals can lead to hesitation in intervention, which in turn risks undermining the protection of vulnerable individuals (Baianstovu & Strid 2024, pp. 554-555; Olsson & Bergman 2021, pp. 7-8). At the same time, it is highlighted how this uncertainty is shaped by broader societal and institutional structures. Baianstovu & Strid (2024, pp. 554, 566) argue that cultural stereotypes surrounding HBV risk leading social workers to make misjudgments and engage in discriminatory practices toward minority groups by attributing the origins of violence to ethnicity or religion. As a result, the ethnicization and culturalization of honor may become harmful in and of itself, leading to misconceptions and stereotypes about exposure that may cause other causes of violence to remain unnoticed. Thereby creating distance between clients and social workers, which may undermine trust in social services and discourage individuals from seeking help (Baianstovu & Strid 2024, pp. 554, 566). In contrast, Olsson & Bergman (2021, p. 1) place greater emphasis on the organizational conditions of social work practice. They show how a lack of professional recognition and limited managerial support contribute to an insecure professional role, where social workers are often expected to move between generalist and specialist functions. This can weaken competence in handling complex cases such as HBV (Bergman & Olsson 2021, pp. 6, 9). Their study also highlights how previous avoidance of intervention in minority contexts, particularly driven by fear of cultural insensitivity, has contributed to failures in protecting victims (Bergman & Olsson 2021, pp. 9-10). In addition, the lack of shared understanding between agencies, such as between social service and the police, reinforced uncertainty and contributed to a continued fear of misclassification or discriminatory practices (Bergman & Olsson 2021, p. 7).

To conclude, this body of research highlights how different interpretations and constructions of honor shape professional responses to HBV. Across both policing and social work, these constructions contribute to uncertainty, often driven by a fear of acting in discriminatory ways. As a result, key aspects of HBV may be overlooked, while limited resources, time constraints, and insufficient specialist knowledge further complicate effective intervention. However, less is known about how these dynamics affect legal actors, including whether similar patterns of uncertainty, limited resources, and interpretative challenges shape their responses to HBV.

3.3 Lived Experiences of Honor-Based Violence

Moreover, a body of research has examined the phenomenon through interviews with individuals who are, or have been, situated within honor-based context, thereby generating conceptualizations of the issue based on lived experiences. Through qualitative interviews with young women in honor-based contexts in Sweden (Christianson et al., 2021, p. 1; Björktomta 2019, p. 449) and in the Netherlands (Ahmad 2023, p. 1), it is found that women's chastity and sexuality are directly linked to family honor. Women are thus constructed as bearers of the family's reputation and social status, where the family's moral value depends on their chastity. This means that individual autonomy is subordinated to collective family interests, as the shame associated with violating these norms affects the entire family. According to the studies, it is for this reason that women are subjected to both social and individual control, as well as to violence (Ahmad 2023, p. 1; Christianson et al., 2021, p. 6; Björktomta 2019, p. 455). Furthermore, Ahmad (2023) and Christianson et al. (2021) highlights how ideals of the honorable and ideal woman are central to the regulation of women's behavior within honor-based contexts. Ahmad (2023, pp. 1, 13) shows how expectations of becoming an honorable daughter or wife are established both implicitly and explicitly through gendered socialization within families and communities. These expectations are rarely articulated directly but are reinforced through everyday norms and observations of consequences when norms are violated (Ahmad 2023, pp. 1, 13). Similarly, Christianson et al. (2021, pp. 7, 9, 12) describe this process as 'honorable women in becoming' (p. 9), where ideals of femininity are continuously shaped through a combination of collective expectations and individual adaptation.

In contrast, Idriss (2022) and Cinthio et al. (2022) analyze HBV from a broader perspective that challenges the traditional focus on women as victims. Idriss (2022, p. NP11907) highlights how patriarchal structures of honor, which are closely tied to women's bodies, also affect men, as men are expected to control and regulate women's behavior. Although HBV tends to be associated with women, men are also affected by similar patriarchal systems. In addition to ensuring that they regulate the sexuality of female relatives, fathers' control, and exercise of power over their sons based on heteronormativity and masculinity norms (Idriss 2022, pp. NP11917-NP11918). This illustrates how patriarchal systems of honor regulate both women and men, reinforced through for example, the family and culture, which uphold hierarchical gender roles and subordinate those

who deviate from them (NP11918-NP11919). Furthermore, Cinthio et al. (2022, p. 9) highlights similar notions from interviews with male perpetrators of honor-related crimes, including violence and honor killings. The perpetrators describe growing up in patriarchal environments where violence was a normalized and accepted part of everyday life, and they were assigned the role of protectors of their sisters from an early age. They were taught that their own will and actions were tied to the family's reputation and interests of the collective (Cinthio et al., 2022, p. 9). Another pattern found by Cinthio et al. (2022, p. 16) is that the perpetrators often perceive themselves as victims, describing a sense of coercion from family members that led to the commitment of the crime. As a result, they frame their actions as a personal sacrifice of their freedom in order to restore and protect the family's honor (Cinthio et al., 2022, p. 16). Finally, the study also highlights how perpetrators perceive themselves as being stereotyped by Swedish courts based on culture, religion, and tradition. The perpetrators suggest that the Swedish legal system lacks understanding and is biased in its assessments due to the culturalization of the concept of honor. According to the perpetrators, they have received stricter sentences based on their foreign or religious backgrounds, rather than the crime (Cinthio et al., 2022, pp. 19-20).

These studies highlight how honor-based contexts shape individuals' experiences from the perspective of those who are or have been directly affected. They demonstrate the strong association between honor and the female body, as well as men's role in enforcing these norms, while also showing how men themselves are situated within and constrained by patriarchal structures. Finally, Cinthio et al. (2022) provides insights into male perpetrators' experiences and perceptions of honor within the courts, which is of particular relevance to this study. However, research examining this issue from the perspective of legal actors remains limited, particularly in relation to how honor is constructed within legal decision-making, as opposed to perpetrators' accounts of their subjective experiences.

3.4 Honor-Based Violence in Courts and Legal Contexts

A body of research has focused on the construction of HBV in courts and its handling of such cases by analyzing judgments (Reddy, 2008; Nothhafft 2025; Uygur & Özdemir 2026; Khan 2020; Rosquist 2020). All articles, from different geographical and theoretical perspectives, argue that

courts tend to use cultural perceptions and explanations of honor. Nothhafft (2025) illustrates this clearly in her study, where she argues that German courts apply a biased notion of perpetrators. That is, the notion of the foreign perpetrator, where perpetrators of lethal violence in intimate relationships are constructed differently depending on culture and race. In cases where a white perpetrator had committed lethal violence, the court framed this in terms of individual, emotional causes, leading to a lenient sentence. When the perpetrator, on the other hand, had an immigrant background, a racialized discourse emerged in which the court invoked honor and portrayed the similar acts of violence as extreme (Nothhafft 2025, p. 3). Reddy (2008, p. 305) further argues for the prevailing negative consequences of categorizing HBV as cultural rather than as a subset of gender-based violence within a British context. The use of cultural interpretations and explanations in court risks stereotyping minority cultures as static and inherently patriarchal, which reinforces the idea of HBV as culturally distinct. It also implies that other aspects, such as gender-based expressions of HBV, are ignored by the court (Reddy 2008, pp. 316-317).

In a similar manner, within the Turkish courts, Uygur & Özdemir (2026, p. 2) states that, although laws and courts strive to be objective in their rulings, there are issues regarding bias and stereotypes in court judgments of honor-related crimes, such as in honor killings. The study argues that honor killings are frequently treated as individual matters and as expressions of tradition, or unjust provocation or acts, which can lead to the disregard of patriarchal power systems and diminish the voices of women in the judicial system (Uygur & Özdemir 2026, pp. 6-8). In cases where these discourses become normalized, the courts risk producing epistemic injustice, meaning that gendered norms of male dominance and female subordination are reinforced in society (Uygur & Özdemir 2026, p. 3). Khan (2020, p. 75) also highlights Pakistan's legal system's exclusion of women. Khan (2020, p. 74) argues that the Pakistani legal system functions as a tool for maintaining patriarchal control over female sexuality. This is largely due to the law of qisas and diyat, which allows the victim's family to demand retribution, forgive the perpetrator, or reach a financial settlement. The issue in cases of honor killings is that the perpetrator and the victim's family often belong to the same family. This means that male relatives, who may support the murder, are able to forgive the perpetrator, allowing them to avoid punishment. In this way, male dominance over women is both reinforced and reproduced (Khan 2020, pp. 78-80).

Within the Swedish legal system, Rosquist (2020) has analyzed how courts construct and articulate the concept of honor based on judgments from honor killing cases between 1997 and 2017. He identifies both feminist and cultural discourses in the construction of honor, although cultural discourses appear to dominate while feminist perspectives function more as complementary frameworks (Rosquist 2020, p. 144). That is, the courts consistently adopt a cultural perspective when investigating honor killings. In earlier court judgments, an exogenous cultural discourse predominated, where courts, in their reasoning regarding motives, distinguished between what is ‘the Swedish normal’ and ‘the other abnormal’ cultures (Rosquist 2020, p. 234). This also applies in cases where expert witnesses testified, where honor was treated as something different and requires special combating and investigating approaches. In later judgments, an endogenous cultural discourse becomes increasingly prominent, where honor is viewed in regard to internal cultural explanations, often relating to family dynamics, thereby becoming a distinct and legitimate motive (Rosquist 2020, pp. 226, 234). The endogenous cultural discourse is revealed in court reasoning in the construction of the obligation to maintain family unity in a specific cultural context, where loyalty within family relationships is portrayed as particularly central. As a result, the court constructs a notion that this obligation is logical given the circumstances. Consequently, the court views honor as a rational motivation and justification for the violence, as it is of such significance that it serves as an informal law governing individuals’ behavior (Rosquist 2020, p. 234)

These studies suggest that courts, across different geographical contexts, often rely on cultural explanations when interpreting HBV. They also found how legal systems in some settings, such as Pakistan, are embedded in patriarchal structures that can contribute to the normalization of violence against women. Overall, the findings indicate that judicial reasoning is shaped by broader sociocultural assumptions and stereotypes rather than operating as a neutral legal process. Rosquist’s (2020) study shares similar focus in examining how honor is constructed within court reasoning. However, it is limited to cases prior to the introduction of the legislation on aggravating circumstances. This distinction is crucial, as it leaves open the question of how such legal reforms may have reshaped judicial reasoning. By focusing on the post-legislative context, the present study addresses this gap and makes it possible to explore how honor is constructed within a

changed legal framework and how the updated legislation may shape contemporary court reasoning.

3.5 Conceptual and Theoretical Work on Defining HBV

Finally, there is also a body of research that seeks to conceptualize and theorize the notion of honor in order to establish clearer understandings and address the tensions that arise in its use (Wikström & Ghazinour, 2010; Strid et al., 2021; Ouis, 2016; Elaies & Rabe, 2025). Wikström & Ghazinour (2010, p. 245), in their study evaluating the Swedish government's program on HBV, highlight a tension between universalist and cultural perspectives. This reflects a broader conflict between explanatory frameworks within the Swedish public debate and in practice. The universalist perspective understands HBV as an expression of men's violence against women, situated within broader patriarchal power structures. In contrast, the culturalist perspective emphasizes the existence of HBV within specific cultural and patriarchal contexts, often closely linked to ethnicity, origin, or religion. In the Swedish debate, this has frequently resulted in HBV being described as a consequence of immigrants' inability to adapt to Swedish norms of gender equality (Wikström & Ghazinour 2010, pp. 247-248). With a focus on sheltered housing for victims, these theoretical discourses are argued to shape the provision of support. When violence is understood through a universalist perspective, there is a risk of overlooking the need for collective forms of protection. Conversely, a culturalist perspective may lead to ethnocentric or racialized assumptions about immigrant communities. This tension can place women in a vulnerable position, where the intervention of sheltered housing risks replacing familial control with institutional isolation, resulting in the loss of women's social networks (Wikström & Ghazinour 2010, pp. 247, 252, 258).

This public discourse on HBV is what Ouis (2016, p. 359) refers to as the secondary honor discourse. In her work, Ouis (2016, pp 360-363) problematizes the simplified representations of victims and perpetrators in the Swedish debate on HBV by introducing the concepts of primary and secondary honor discourse. The primary discourse refers to the actual norms and power structures within patriarchal contexts, where honor may also encompass positive values such as respect and hospitality. In contrast, the secondary discourse consists of the Swedish public debate, which is criticized for producing stereotypes and contributing to the 'othering' of immigrant

families. Ouis (2016, pp. 360-363) further argues that the dominant portrayal of the oppressed immigrant girl as victim of a violent father is overly simplistic. In practice, women may also act as perpetrators, while men can be subjected to both restrictive gender roles and violence. Against this background, she advocates for an intersectional approach that accounts for the interplay of multiple power structures. While factors such as gender and culture are relevant for understanding honor, they are insufficient on their own as explanations due to the risk of oversimplification (Ouis 2016, pp. 360-363).

Similarly, both Strid et al. (2021, p. 8) and Elaies & Rabe (2025, p. 16) argue for the need of intersectional approaches to HBV in Scandinavia. Through a qualitative meta-synthesis, Elaies & Rabe (2025, p. 6) identify four dominant themes in how HBV is conceptualized within Scandinavian research. These include ‘classic honor-based violence’, which emphasizes collective norms and patriarchy; ‘bounded desires’, referring to the regulation of sexuality and chastity norms; ‘cultural and ethnic associations’, linking HBV to specific minority groups; and, finally, ‘challenging classical HBV-discourses’, where simplified explanations are criticized (Elaies & Rabe 2025, pp. 7, 9, 11, 13). Across these themes, a tension emerges between defining HBV as a distinct cultural category and understanding it as a subset of domestic violence. This tension creates a risk of ‘othering’, whereby the phenomenon is framed as static and foreign (Elaies & Rabe 2025, pp. 1-2, 8-9). The findings further indicate that conceptualization of violence simultaneously produces notions of who is constructed as a perpetrator, a victim, and who is neglected. To address this complexity, the authors advocate for an intersectional approach that highlights how factors such as gender, ethnicity, and socioeconomic status intersect. Such an approach makes it possible to capture the specific power dynamics within honor-based contexts without detaching from broader structural and universal dimensions of violence and inequality (Elaies & Rabe 2025, p. 17).

Furthermore, Strid et al. (2021, p. 1-2), in their quantitative study of teenagers in Sweden, highlight the importance of adopting an intersectional perspective. They conceptualize intersectionality as mutually shaping, where factors such as gender, ethnicity, socioeconomic status, religion, and age interact to produce specific patterns of vulnerability (Strid et al., 2021, 1-2). Through this lens, they demonstrate how honor norms are reinforced by structural isolation, such as parental

unemployment, which, in combination with limited social mobility, increases the risk of violence. A key finding is that while girls are most affected by everyday control and isolation, boys report unexpectedly high levels of sexual violence from family members, illustrating how different forms of oppression intersect depending on individuals' social positions (Strid et al., 2021, p. 7). Finally, they emphasize the need for a feminist and intersectional approach on violence, arguing that much literature remains in either cultural or gender-based explanations. Moving beyond this divide is seen as essential for understanding how experiences of HBV are shaped through overlapping social positions of inclusion and exclusion and inequalities (Strid et al., 2021, p. 8)

Overall, this body of research highlights the multiple ways in which honor is defined and conceptualized, while also revealing the tensions that emerge from these differing perspectives. These include the reproduction of simplified stereotypes and the risk of not capturing the full complexity of HBV. At the same time, the literature underscores the importance of intersectional approaches as a key analytical tool, providing a useful foundation for addressing existing gaps in the field. However, this body of research remains at a conceptual level, with limited attention to how these definitions and perspectives create tensions within legal institutional practices, such as within court settings.

3.6 Contribution to the field

Building on the existing literature, this study is positioned at the intersection of several identified gaps. While previous studies have extensively examined how HBV is represented in media, politics, and professional practice, they have also shown how these understandings shape responses among professionals such as social workers. However, less attention has been given to how these broader discourses are operationalized within legal contexts and by legal actors, particularly in contemporary Swedish court settings. In addition, existing research on courts has primarily focused on earlier periods or on contexts outside Sweden, leaving a gap in understanding how honor is currently constructed within Swedish courts, especially in relation to shifts in legislation and legal frameworks. By addressing honor constructions in post-legislative Swedish court cases, this study contributes new empirical insights into how legal reasoning constructs and frames HBV in court discourse.

Furthermore, while intersectionality has been highlighted in the literature as a crucial analytical approach for avoiding simplified or either-or explanations, it has not been consistently applied in empirical studies of legal practice. This study therefore contributes to this gap by adopting an intersectional framework to examine how gendered, cultural and structural dimensions of HBV intersect in court discourse. Overall, the study contributes to a more nuanced understanding of how HBV is constructed and interpreted within a post-legislative legal setting, with particular focus on legal actors.

4 Theoretical Framework

While its methodological operationalization is discussed in the following chapter, a feminist critical discourse analysis (hereafter FCDA) provides not only an epistemological and methodological foundation but also theoretical concepts that serve as the analytical lenses of this study. Accordingly, this chapter presents the conceptual tools through which the data is interpreted, including FCDA's (Lazar, 2017) understanding of gendered power in discourse, Butler's (1988) theory of performative gender, and intersectionality as conceptualized by Walby et al. (2012). The following chapter then addresses how these perspectives were applied methodologically.

Court judgments do not exist in isolation, but can reproduce power relations through wording, framing, and emphasis. In that sense, FCDA is used as an analytical tool to analyze how gendered power relations are constructed in court discourse with a focus on language and linguistic strategies. Lazar (2017, p. 378) identifies two linguistic strategies that uphold systems of power by assigning responsibility for certain types of crimes. The first strategy is victim blaming, which is based on social norms and cultural values in relation to what is considered respectable. This may entail highlighting expressions such as 'decent', 'respectable', or other more negative phrases like 'fails' or 'violates', which in turn reinforce binary stereotypes of being either respectable or deviant. In that sense, victim blaming occurs when a victim violates social or cultural norms and is perceived as disrespectful, which implies that the victim is at fault and has brought the incident on themselves (Lazar 2017, pp. 378-381). Thus, victim blaming is understood as a discursive strategy through which violence is legitimized by attributing responsibility to the victim. In this study, attention is directed to linguistic patterns in which responsibility is shifted onto the victim, for instance in cases where the victim is constructed as having violated honor-based or gendered norms, thereby being positioned as having provoked or caused the violence. The identification of these patterns in the data is described in the analytical procedure (see section 5.3).

Moreover, the second linguistic strategy, as proposed by Lazar (2017, p. 381), is perpetrator mitigation, which aims to mitigate culpability in various ways despite it being acknowledged. One way in which culpability can be diminished is by victim blaming, thereby making both the perpetrator and the victim responsible for the incident. The perpetrator's culpability can also be mitigated in situations where they are portrayed as a victim and therefore socially excused. This

means that in cases where the perpetrator is humanized, responsibility for their actions is further reduced, which normalizes gender-based crime and is used as an explanation for the perpetrator's actions. In these cases, the blame is shifted to society and creates a justification for continued violence as the blame has been removed from the perpetrator, both individually and as a group (Lazar 2017, pp. 381-383). In that sense, analysis is enabled of how responsibility for violence is reduced by framing the perpetrator as influenced by honor-based norms, cultural expectations, or social pressure. The analysis is guided by attention to linguistic patterns in which the perpetrator is constructed as acting under obligation or control, rather than fully autonomous. This involved framings that position the perpetrator as bound by normative structures, which contributes to the reproduction of existing power relations within the discourse.

To capture the gendered dimensions within the analysis, the study draws on Butler's (1988) theory of performative gender as an analytical lens within the broader FCDA framework. Butler's (1988, pp. 519, 523-528) earlier work is useful for understanding how gender norms are continuously enacted, reproduced, and sanctioned through discourse. In this sense, gender is not something one is, but something one does. Gender is constituted through repeated performative acts, such as bodily gestures, behaviors, and linguistic expressions, creating a naturally gendered self. However, 'doing' one's gender is not an entirely individual choice, rather, gender is maintained through social norms, pressures, and regulatory practices that sanction deviant behavior. These mechanisms contribute to the reproduction of a binary gender system by rewarding certain performances while disciplining others. That is, society has clear sanctions that punish those who fail to perform their gender in the 'right' way. In this process, language plays a central role, as it does not merely describe social reality but actively participates in producing it. Discursive practices thus both sustain and potentially disrupt existing gender norms. Through attention to the institutional and discursive processes by which categories are constituted, social constructions can be exposed and challenged (Butler 1988, pp. 519, 523-528). This conceptualization of gender provides a way of understanding how honor-based motives may be constructed in relation to perceived violations of gender norms, where the victim is positioned as having violated expected forms of behavior and is thereby rendered accountable for the violence. This perspective also enables an analysis of how binary gender norms may be implicitly reduced within judicial language, for instance where court reasoning draws on assumptions about appropriate gendered

behavior, roles, and responsibilities. Importantly, this also highlights how legal language itself is performative, where the judgments not only include descriptions of gender but also contribute to constructing it through their reasoning.

Furthermore, within the framework of FCDA, intersectionality guides the analysis of how gendered constructions of honor are co-produced through culture, ethnicity, migration, religion, and sexuality. Crenshaw (1991, pp. 1244-1245) defines intersectionality as a framework for understanding how different oppressive systems are intertwined and how the intersection of these systems creates unique forms of vulnerability. While Crenshaw (1991) provides the foundational concept, this study draws on the conceptualization of intersectionality developed by Walby et al. (2012). This is because their definition offers an operationalizable framework that is better suited to discourse analysis on HBV. In particular, their understanding of intersectionality as the interaction of multiple inequalities that mutually shape one another makes it especially relevant for this study (Walby et al., 2012, pp. 234-235). This allows the analysis to move beyond treating gender, power, and culture as separate categories, and beyond focusing solely on the relation between them, by also examining the power relations within each category. When treated as distinct categories, the emphasis on disadvantages may obscure the power dynamics of the dominant group within the category. Therefore, it is crucial to focus on inequalities, rather than analyzing fixed categories. Analysis of dominating groups can therefore be enabled by focusing on unequal social interactions, which is crucial for examining the active processes that result in the marginalization of groups (Walby et al., 2012, pp. 229-230). Accordingly, rather than treating honor as a fixed category, the analysis is guided by an understanding of how its meaning is continuously produced through interpretations within the justice system. This includes attention to how certain ways of explaining and framing honor become legitimized, while others are marginalized or rendered less visible. In this sense, honor and its associated concepts, such as sexuality, family structures, and culture, are not approached as categories of disadvantaged groups intersecting one another, but as sets of inequalities that mutually shape and transform each other within discourse. This also enables an analysis of the internal dynamics within each set of relations, such as hierarchical power relations that operate within them.

This notion of mutual shaping is advocated by Walby et al. (2012, pp. 234-235), as it enables an analysis of both the inequalities that interact and the intersections where they shape each other. This implies that social relationships are transformed through their interaction, without becoming something entirely new. Rather than understanding intersectionality as mutual constitution, where categories merge into something different, or as an additive approach in which categories are simply layered upon one another, this perspective highlights how inequalities influence each other in relation. They do not vanish or become a new category, but are reshaped through their interaction (Walby et al., 2012, pp. 234-235). This implies that honor is not understood as a new category emerging from the combination of culture, gender, and religion, but as something produced through their interplay, forming a key analytical lens in this study. These inequalities are approached as mutually shaping one another while remaining analytically distinguishable, enabling analysis of how, for example, gender is constructed through culture, and vice versa, while still allowing each to be examined on its own within the judgments. Furthermore, inequalities may be implicitly embedded within language rather than explicitly stated. As Walby et al. (2012, p. 235) suggests, concepts such as forced marriages may carry gendered, ethnicized and religious meanings without these being directly stated. This is particularly relevant in the study of honor, where expressions such as ‘family control’ or ‘traditional values’ may implicitly involve notions of honor, culture, and patriarchy. From this intersectional approach, the analysis is not limited to what is explicitly stated, but also attends to what is implied within the discourse.

5 Methodological Framework

Having outlined FCDA's analytical lenses and theoretical vocabulary in the preceding chapter, this chapter turns to how these were methodologically operationalized. It addresses the epistemological positioning of the study, the sampling and data collection process, the analytical procedure through which the lenses were applied to the material, and the reflexive and ethical considerations that guided the research.

5.1 Feminist Critical Discourse Analysis (FCDA)

This study is grounded in an interpretivist epistemological approach, in which knowledge is understood as socially and contextually constructed rather than objectively given (Della Porta & Keating 2008, pp. 23-25). Based on this epistemological stance, a FCDA has been employed, as it enables an examination of how gendered power relations are produced and reproduced through discourse. Lazar (2017, p. 372) describes FCDA as a political perspective that combines traditional critical discourse analysis with feminist theory and practice and based on the idea that individuals possess and vary between multiple social identities, where gender is diverse and continuously changing. Thus, FCDA aims to examine the complex systems where gender ideologies and their disproportionate power relations become common sense in certain discourses and communities. It involves studying assumptions and inequalities that are maintained discursively. Therefore, FCDA aims to challenge discourses that contribute to the maintenance or reinforcement of gender-based social orders that harm or exclude individuals' or groups' possibilities (Lazar 2017, pp. 372-373). FCDA was considered a suitable methodological approach for this study due to its focus on how power and gender are constructed through discourse. In relation to the research question, which examines how honor is constructed by legal actors in Swedish court judgments involving HBV, FCDA provided guidance for the data collection process by informing the selection of relevant cases and ensuring that the material was approached with attention to how honor appears within legal reasoning (see section 5.2). It also guided the coding process by shaping what was considered analytically relevant in the judgments, particularly in relation to how gendered norms, responsibility, and institutional interpretations are articulated (see section 5.3).

Furthermore, Lazar (2017, p. 373) highlights a set of interrelated principles of FCDA. The first principle addresses the FCDA's view of gender as an ideological structure that distinguishes individuals into binary hierarchical categories based on notions of gender differences. That is, binary perceptions are upheld by institutional and everyday actions, making them commonsensical. As individuals are seen intersectionally as part of several social identities within FCDA, aspects such as race, sexuality, and culture differentiate how gender is discursively constructed between men and women in various situations (Lazar 2017, p. 373). This becomes prominent in regard to honor as it tends to be constructed as male honor and female shame, which entails a binary and hierarchical difference between the genders (Björktomta 2019, p. 458; Elaies & Rabe 2025, p. 1; Eshareturi et al. 2014, p. 372). Therefore, this first principle has formed large parts of the data analysis, as it enabled examination of how gender and its associated norms, values and statuses are discursively constructed by legal actors within the court as well as the court itself. Through FCDA's view of gender, other aspects such as sexuality, culture, and power, have also been present in the examination of how gender is discursively constructed. That is, for instance, how gender and sexuality are discursively constructed together, or whether gender is discursively constructed differently in relation to power or culture.

Additionally, a focus on power has been significant for the purpose of the study, especially in relation to gender from a patriarchal perspective. This constitutes Lazar's (2017, p. 373) second principle, which focuses on the role of power. One form of power is patriarchy, which refers to a system that privileges men at the expense of women and is used as a critical concept to examine masculine dominance and systematic gender inequalities. Within this framework, it is essential to view patriarchy as interrelated with other systems of power such as heteronormativity. The other perspective on power is diffuse and intimate power, which operates through normalizing systems of power that create self-regulating individuals (Lazar 2017, p. 373). These two perspectives on power have been central to the analysis, with patriarchal power facilitating the examination of gendered power relations and family power structures. This has, along with the diffuse and intimate power, enabled investigation of whether these power structures have become normalized, and how this contributes to sustaining honor norms and violence. The principle has therefore been central to examine how the underlying power structures of honor are discursively represented in court, and the ways in which power is constructed and emphasized within discourse.

Moreover, Lazar's (2017, p. 374) third principle concerns a constitutive perspective of discourse, meaning a mutual relation between discourse and the social. In other words, discourse both produces and is produced by social practices. This implies that language use involves upholding or challenging the previously mentioned social identities and hierarchies of power (Lazar 2017, p. 374). This has been significant for the examination of the discursive construction of honor in relation to social factors, such as gender, power, sexuality, and culture. That is, to enable analysis of whether language use, such as certain word choices or formulations, reflects public debates or notions of honor, and how legal actors maintain or challenge these notions. For example, as Baianstovu & Strid (2024, p. 566) states, societal norms can cause culturalization and ethnicization of honor, which in turn risk producing misconceptions and stereotypical characteristics. The analysis therefore examined whether the court's constructions of honor were reflected in the constructions of honor presented in the literature review. In light of this, it has also been crucial to consider Lazar's (2017, p. 374) fourth principle, which addresses critical awareness. It involves self-reflection of the researcher in order to avoid reinforcing existing patterns of exclusion (Lazar 2017, p. 374). This reflection and self-awareness have been of great importance throughout the conduction of the research, especially due to the sensitivity of the subject. It was crucial to reflect on one's own position and the stance taken in analysis to avoid harming vulnerable groups, for example by culturalizing the subject. This principle is further discussed below in relation to reflexivity and ethical considerations (see section 4.4).

Finally, Lazar (2017, p. 375) advocates transnationalism, which is based on the idea that gender-related power structures are a global problem expressed variously depending on context. Therefore, transnationalism involves examining how gender ideologies operate similarly and differently in a global context. This makes it possible to identify discursive patterns that are common to various cultures, while accounting for local characteristics. To enable this, it requires integrating local and contextualized analyses with an understanding of greater social and discursive processes. Accordingly, the researcher alternates between the specific text and its universal significance (Lazar 2017, p. 375). As previously mentioned, honor is a relatively new phenomenon in the Swedish context, characterized by prominent discourses on migration, 'us and them' dichotomies, and culturally situated framings (e.g., Baianstovu & Strid 2024, p. 554;

Rosquist 2020: pp. 98-99). Therefore, transnationalism has been crucial in the data analysis to determine how normative concepts are discursively represented in relation to honor. Accordingly, it has been necessary to alternate between how honor has been constructed in particular judgments, in regard to particular countries and cultures, as well as to the greater notions and discourses that have been acknowledged in research. This has enabled the identification of broader discursive patterns of honor within local contexts, while also allowing for an alternative perspective examining whether local characteristics have been overlooked in the discursive construction of honor.

5.2 Sampling & Data Collection

The sample has consisted of lethal violence cases where an honor motive has been discussed in court. This means that an honor motive has not necessarily been established by the court, rather, it has been sufficient that it was included in the prosecutor's allegations and, thereby, addressed in court. This is partly because it has not been feasible to only include cases classified as 'honor killings' due to insufficient number of cases, but mainly because there is analytical value in analyzing cases where the alleged honor motive has been denied by the court. Against this background, the data consists of ten lethal violence cases involving an alleged honor motive. Each case includes judgments from both the District Court and the Court of Appeal, resulting in a total of twenty judgments (see Appendix). This means that every case has been followed from the District Court's judgment to the Court of Appeal's judgment, which has enabled analysis of how the various courts and their actors construct, assess and reason about the honor motive in the particular case. Although the analysis has not been presented sequentially, it has been valuable in illustrating the contested terrain of the concept of honor. In particular, it has shown how the same definition and evidence in a case may lead courts to different conclusions as to whether the crime was motivated by honor.

In regard to the unit of analysis, a full reading of each judgment was first conducted in order to provide contextual understanding and to identify which parts were relevant for the analysis. Particular focus was then placed on specific sections of the judgments, while other parts were excluded. This approach also helped ensure that no relevant references to honor were overlooked,

including instances where honor was implicit, absent, or reframed through alternative explanations. As the study aims to examine how honor is constructed by legal actors in court, the statements of the defendants and other witnesses were excluded. Instead, the analysis is based on sections in which honor is discussed in relation to the prosecutor's claims, expert witnesses' reports, statements of the counsel for the injured party and defense attorneys, as well as the court's reasoning and sentencing considerations.

The selection of data was additionally shaped by the new legislation of aggravating circumstances according to Chapter 29, Section 2, Paragraph 10 of the Swedish Criminal Code (SFS 1962:700). The included judgments were determined after its implementation, that is, after July 2020, with the exception of two judgments. The reasons for this have been difficulties in identifying cases, as well as the possibility of a comparative dimension on how honor was discursively constructed before it was formally recognized by law. These judgments, one in 2018 and the other in 2019, are nevertheless near the law's enactment. Therefore, the study covered a time period from 2018 to 2025. The cases have been identified through the database JUNO, which is a database available through Lund University that contains, among other things, court judgments, court case law and Government Bills. Criminal case numbers are also available, which has been used to request judgments from the respective courts in cases where the judgment was not published on JUNO. To identify cases in the database, the keywords 'honor killings', 'murder', 'lethal violence', 'honor', and 'honor motive' have been used in various combinations. Additionally, the search results have been restricted to the time period 2018-2026 and to 'General Courts', 'District Courts' and 'the Courts of Appeal' in order to show judgments. Lastly, the limitations related to case identification within the database should be noted. One criterion was that the case involved an alleged honor motive, requiring honor to be explicitly mentioned in the judgment. Consequently, the data was limited to cases available in the database, as inclusion depended on keyword searches for the term 'honor'.

5.3 Analytical procedure

As mentioned, court judgments have constituted the results and analysis of this thesis, with a particular focus on how the courts and the legal actors' construct honor and how they reason honor

in regard to the motive. At the initial review of the data, the judgment was read in its entirety in order to obtain general understanding of the case, to identify which sections contained a primary focus on honor as well as sections where honor was downplayed, reframed or absent. Subsequently, a closer examination of the data was conducted, with particular attention given to specific sections identified in the initial reading. The central parts of the judgments were the indictment, description of the case, violence, victim and perpetrator, discussion of motives as well as the final verdict and the justification for sentencing. These sections were central as they provided meaning in relation to the purpose of the thesis. They focused on honor and its associated concepts, including family, culture, values, and collectivity, making them characterized by discursive constructions and clashes.

To facilitate analysis while effectively navigating the extensive judgements and the selected sections, the research questions and FCDA have been continuously adopted. In accordance with FCDA (Lazar 2017, pp. 372-373), a particular focus has been on how gender and power are constructed in relation to honor, such as how heteronormative norms or virginity are constructed based on patriarchal power structures, or vice versa. Due to the complexity of the concept of honor and its interrelated constructions, the coding of the material was conducted in an open manner, whereby multiple codes were allowed to appear across several categories. This approach facilitated the identification of intertwined constructions, illustrating how, for instance, power intersects with gender and culture, as well as gender and sexuality within cultural contexts. In other words, the codes were perceived as interconnected rather than distinct. Accordingly, broader thematic categories of power, gender and culture were developed, including multiple codes of sexuality, religion, and migration, that were analyzed in relation to one another rather than being treated as separate analytical units.

In relation to the sub-question “*How are gendered norms and power relations articulated in constructions of honor?*”, one prominent theme identified was power. This theme captured instances where gendered power relations were expressed or implied in constructions of honor to explore the ways in which the courts and its actors challenge or maintain the normalized structures. To enable an analysis of power, particular attention was paid to linguistic features in how honor was defined, in order to examine whether power was embedded in the construction of the concept.

Furthermore, the analysis explored how power was constructed in relation to victims and perpetrators, including whether power dimensions were reflected in the attribution of responsibility and obligation and in how the relationship between victim and perpetrator was characterized. Within this framework, it was also examined whether the violence was portrayed as a legitimate act or if it was challenged. It also addressed how victims and perpetrators were positioned in relation to responsibility for the acts, as well as how explanatory factors were distributed between their behavior and the perceived causes of violence. In light of gendered violence, in the intersection of gender and power, there has been considerable focus on how family values, traditions, respect, male dominance and control are constructed. Furthermore, the intersection of power and culture was also included, where focus on how these prevailing power structures were attributed as legitimate or normal within certain cultures. This was done in order to examine whether racialized or culturalized assumptions were treated as explanations or justifications for these power imbalances.

Similarly, the central theme of gender was also examined. In addition to the intersection with power, as described above, constructions of gender itself were examined in relation to honor. This has been carried out by focusing on how women and men are described, positioned, and attributed roles in relation to honor. Further, it has been crucial to examine the roles and expectations attributed to the genders, as well as certain expressions that convey whether she or he, for example, 'respects' or 'fails/violates' the gender ideologies. This category also included an examination of the intersection between gender and culture, focusing on how gender was positioned in relation to cultural contexts. This involved whether discursive distinctions were made, for example, between gender norms attributed within particular cultures. Attention was further directed to how expectations regarding behavior, appearance, and sexuality were emphasized as part of cultural and religious traditions.

Finally, the theme of culture, in addition to the aspects of gender and power, consisted of codes primarily concerned with migration and integration, in accordance with the sub-question "*How are culture, ethnicity, and migration invoked in constructions of honor?*". These codes captured references to cultural explanations of HBV, including descriptions of cultural contexts, traditions, and backgrounds. This involved data analysis based on how honor is constructed as something

different, whether references to migration, country of origin, and integration were used as explanatory frameworks. Additionally, the material was coded based on cultural practices, traditions, and values to investigate whether these factors were used to explain violence and whether distinctions were drawn between ‘Swedish’ and ‘non-Swedish’ norms and values.

Overall, as evident from the coding process described, the categories of power, gender, and culture were closely interrelated throughout the analysis. The interrelated treatment of the categories reflects the aim of the study, which is to examine how discourses of honor are constructed and articulated in the material. Maintaining this approach was essential in order to capture overlaps, tensions and potential clashes between different discursive dimensions. Thereby, it enabled a more nuanced analysis of how honor is produced in the judgments.

5.4 Reflexivity & Ethical Considerations

Given that the study is based on judgments that are publicly available, extensive ethical considerations have not been required. Additionally, the study does not incorporate personal data, such as statements by perpetrators or involved individuals, but focuses solely on the reasoning of legal actors in the judgments. Although such statements were not included, names may appear within the reasoning through references by others. All names have therefore been anonymized to minimize the risk of identification, in order to preserve the integrity of the individuals involved, despite the public accessibility of the judgments. Moreover, the focus of the study has been on discourses about the phenomenon of honor and how various professional groups, rather than specific individuals, construct honor. However, ethical concerns regarding the representation of honor and risk of reproducing harm to social groups have been carefully considered by consciously integrating reflexivity (ALLEA, 2023).

Winther Jørgensen & Phillips (2000, p. 28) argue that the aim is not to explain the true meaning of something that has been written or the reality behind the discourse, but to analyze the patterns found in the texts and the social consequences of the discursive representations. Consequently, it is crucial to be reflexive in the role of the researcher in order to avoid attempting to explain why someone speaks in a certain way and to minimize the risk of one’s own opinions and values being

reflected in the analysis. Therefore, it is important to approach the material as unfamiliar, by setting aside previous knowledge and personal assumptions (Winther Jørgensen & Phillips 2000, p. 28). To avoid seeking answers to the meaning behind the statements in the judgments, it has required reflection on what is truly of interest to the study by continuously integrating the research questions into the material and analysis. As a woman, my reading of the material may be informed by an awareness of gendered power relations, which may have shaped the attention given to how women are positioned in the narratives of honor. This perspective may also have contributed to the identification of additional aspects in the material that, while analytically interesting, fall outside the scope of the study's focus on honor discourses. It was therefore crucial to maintain analytical distance from such elements, as they are not central to the study's aims. To address this, I maintained a clear analytical focus by consistently returning to the research question and prioritizing those observations that relate to constructions of honor in the judgments. This was supported by going back and forth in the material during coding, where extracts were categorized and re-categorized based on their relevance to the analytical focus. At the same time, this has also benefited the study's analysis because, by approaching the material from a feminist perspective, I have been particularly attentive to how honor is articulated in relation to gendered power structures and control over women's bodies and behavior. Additionally, a feminist perspective allows for an understanding beyond women, highlighting how men are shaped and constrained by norms of masculinity.

The practice of self-reflexivity is also crucial in order to avoid unintentional reproduction or reinforcement of harmful stereotypes (Lazar 2017, p. 374). Being self-reflexive and setting aside preconceived notions and assumptions regarding honor discourses has been crucial because there is a significant risk of reproducing negative ideas about honor. Given the extensive public and academic debate on HBV, as presented in the literature review, I am aware that my interpretations may be shaped by prevailing discourses that frame honor as culturally specific and often linked to 'other' communities. Culturalization is a prominent concern associated with this topic, and as some research (cf. Olsson & Bergman, 2021; Elaies & Rabe, 2025) indicates, honor-based violence and oppression are often associated with issues related to migration and integration. This has been a common discussion within a Swedish setting, and as a Swede, my perception may be shaped by dominant societal discourses that frequently portray honor as something external to 'Swedish'

culture. While I recognize this discourse through, for instance, media representations, it is not one that I advocate and I maintain analytical distance from it. Nevertheless, given its prominence in public discourse, my awareness of it may still have influenced how references to honor in the judgments were interpreted. Simultaneously, despite the risk of culturalization, it is crucial to not abandon notions of culture and migration completely, as it is an occurring discourse. To address this, I focused the analysis on how honor is constructed within the wording of the judgments and ensured that interpretations were continuously checked against the data. After completing full analysis, I revisited the initial coding to assess whether earlier interpretations remained consistent.

Taken together, my positionality may have influenced both the identification of relevant material and the interpretation of discursive constructions of honor. However, efforts were made to mitigate such influences through ongoing reflexivity, involving continuous awareness of these potential biases and a maintained engagement with the research questions throughout the research process.

6 Result & Analysis

In this section, the study's findings are presented, with a focus on recurring discursive patterns identified in court reasoning. The analysis highlights how honor is constructed through intersecting discourses of gender, sexuality, culture, and migration, as well as how responsibility and victim positions are negotiated within the judgments. Derived from the analytical procedure discussed above, the following themes were identified: *The Legal Construction of Honor*, *Honor as a Patriarchal and Collective Norm*, *Honor as a Cultural Phenomenon*, and *Honor as a Framework for Explanation, Responsibility, and Blame*.

6.1 The Legal Construction of Honor

This theme highlights how the concept of honor is defined by law, in accordance with the Government Bill 2019/20:131, which is the definition that the courts rely on when assessing honor motives. One of the study's findings is that the definition appears to be difficult for the court to interpret, as tensions arise in the assessment of the honor motive. Despite that all judgments, apart from the two before 2020, use the same definition, the honor motive is attributed differently. This also applies within the particular cases, where the District Court has established an honor motive but the Court of Appeal has acquitted, and vice versa. In three cases the honor motive was dismissed by both the District Court and the Court of Appeal, in three cases honor motive has established by both courts, in three cases the District Court established honor which the Court of Appeal then acquitted, and in one case the District Court dismissed honor but the Court of Appeal established that it has honor-related. It is precisely these cases where the District Court and the Court of Appeal differ that are of great interest in relation to the legal description of honor, as it becomes visible that the courts' interpretation and understanding of honor differs, since the same evidence and definition is used.

6.1.1 Collective Honor as a Legal Concept

It is clearly stated both in the Government Bill 2019/20:131 and in the courts' reasoning that the collective aspects of honor are of particular importance in the assessment of honor motives. This is for example made visible by the District Court:

It should be a matter of the honor of a person, or a family, or a kin for the honor motive to be taken into account as an aggravating circumstance according to Chapter 29, Section 2, Paragraph 10 of the Swedish Criminal Code.

(B 3959-24, p. 128¹)

The quote illustrates, by stating that it must be a matter of a larger group's honor, that this is a requirement that must be fulfilled for it to form the basis for aggravating circumstances. However, the District Court also highlights that it does not need to be the perpetrator's own honor, but that it can be someone else's honor:

The honor of the person, family, kin, or group to which the motive relates does not have to be the perpetrator's own.

(B 3023-21, p. 29)

It can also be a "similar group's" honor, which the District Court refers to:

This refers to other groups comparable to the family or kin that do not constitute family or kin in the formal sense, but are considered to be (e.g. clans). There is therefore no requirement for kinship.

(B 3959-24, p. 128)

These quotes illustrate that honor is defined as a collectivist act according to the legislation. However, it is not described in the judgments whether this requires the act to be carried out collectively, or whether it is sufficient that the collective was behind the act, or that the individual act occurs as a result of the collective. This has led to the collective aspect being interpreted differently, primarily by expert witnesses, which is illustrated through two expert witnesses' statements in the same case:

There are, however, many more examples where honor killings have not been committed by collectivist actions. The norms of honor and the honor collective are what you grow up with and

¹All quotes from the court judgments are translated by the author.

you relate to it in everything you say and do, believing that you have an audience and that they are being judged by the collective. It does not have to be a physically present collective, but you relate to the collective.

(B 2686-23, p. 32)

[The perpetrator] has no network of relatives nearby, which means he lives relatively freely.

(B 2686-23, p. 37)

The two expert witnesses indicate a disagreement regarding the collective, which highlights the tension concerning what is classified as collective. On the one hand, collectivity is presented as a continuously present normative frame of reference, internalized in the individual and operating even in the absence of a physical network. On the other hand, the absence of a concrete network is emphasized as a factor that enables greater freedom of action, which suggests that the collective can also be understood as dependent on physical social presence and control. This disagreement between expert witnesses may thereby reproduce uncertainty in the assessment of motive, as differing interpretations of honor-based collectivity highlight the extent to which courts must implicitly prioritize between competing definitions.

6.1.2 Patriarchal and Heteronormative Aspects in Law

Furthermore, clear patriarchal and heteronormative structures of honor are evident in the legal definition. There is a strong focus on the control of girls and women, in their behavior, appearance, and sexuality. This control appears not only as individual but also as socially organized and collectively maintained, where women's bodies and scope of action become carriers of the family's and relatives' reputation. This is illustrated by the District Courts:

Honor-related violence and oppression are linked to honor norms that are based on strong patriarchal or heteronormative beliefs.

(B 3959-24, p. 128)

[...] that the family's or kin's reputation, position or the similar is dependent on the actions of individual members, such as the chastity and virginity of female family members and their actual and alleged behavior in relation to such ideals.

(B 3023-21, p. 29)

As the patriarchal norms are presented as central and exemplified through female victims, it reproduces a gendered power structure in which men are more often assigned the role of supervisors and enforcers of honor, while women are expected to embody and protect it. This can be understood in line with Butler's (1988, pp. 525-526) argument that norms are maintained through repeated acts, where individuals' scope of action depends on them acting in accordance with what is perceived as 'correct' behavior. Although patriarchal structures and heteronormative norms also affect men, there is an absence of male victims in the legal definitions and explanations in the judgments. The legal language therefore performs a gendered binary by defining victim status exclusively through female behavior (cf. Butler 1988, p. 526). Instead, men are described as dominant and powerful, and as enforcers of honor norms, either directly or indirectly through their exclusion from definitions of victims. Illustrated by District Courts:

Patriarchal beliefs are expressed in control of girls and women that range from restrictions on everyday life regarding clothing, freedom of movement and socializing, to restriction of choices of education, work, marriage, and divorce.

(B 3959-24, p. 128)

In families that live by honor norms, it is usually the men who decide, but women can also participate in honor oppression.

(B 4189-22, p. 35)

In the first quote, patriarchal structures are constructed as restrictions that women are subjected to, and through the absence of men they are positioned as the ones who establish and carry out these restrictions. In this way, men are indirectly constructed as practitioners, and their position as victims is made invisible. In the second quote, this process is made explicit, where the man is described as the decision-maker in regard to honor norms, illustrating his power. At the same time, the woman's role as an enforcer is highlighted, however, through the wording of "can" and "participate", she is constructed as someone who only temporarily or exceptionally participates, which downplays her potential role as an active enforcer of HBV. This is further emphasized by the fact that her participation is linked specifically to oppression rather than to the use of violence,

which further limits how her actions and responsibility are presented. Furthermore, this contributes to a reproduced gendered division where men are associated with the use of violence and women with its maintenance.

6.1.3 Pre-2020: Interpreting Honor in Law

The case (B 4917-19; B 17470-18) which occurred before the introduction of the law, is interesting from two aspects. First, the judgment does not contain any definition of honor, neither informal nor legal. Second, it is the only case where the District Court dismissed the honor motive, which the Court of Appeal then changed to being classified as honor-related. Instead of a concrete definition, the meaning of HBV and honor culture is described through the circumstances and evidence presented in the case, as illustrated by the Court of Appeal:

The investigation in the case provides clear support that [the perpetrator] and [the victim] have grown up in and have been influenced by the norms that prevail within a so-called honor culture. Their marriage has been arranged, and there is no reason to question the information that has emerged in the interviews with, among others, [witness] and [witness], as well as the two children, that [the perpetrator] during the marriage has controlled and restricted [the victim's] social contact and her independence.

(B 4917-19, p. 11)

Furthermore, the Court of Appeal described the way the murder was carried out as honor-related:

It should also, with regard to the honor motive, be taken into account that the act was planned and took place in a public place, and that [the victim] was subjected to excessive violence with stab wounds, including to the face, and multiple stab wounds in and around the heart. These circumstances are, according to [expert witness], typical in honor killings.

(B 4917-19, p. 13)

Taken together, the quotes illustrate an understanding of honor that is not explicitly defined, but instead is constructed through the circumstances presented in the case. Honor becomes something that is given meaning through descriptions of control, arranged marriage, and the nature of

violence, rather than through a clearly defined conceptual definition. The fact that the Court of Appeal, unlike the District Court, recognizes the honor motive can therefore be understood as a shift in how these circumstances are interpreted. Despite the District Court considering honor culture to be a contributing influence, it remained cautious about establishing an honor motive, which is illustrated in the following quote:

That [the perpetrator] may have been influenced by the culture in which he was raised is almost obvious, but that it would, in any decisive respect, underlie the murder he subjected [the victim] to is somewhat doubtful, not least considering that the defendant has completely denied this.

(B 17470-18, pp. 10-11)

The quote illustrates how the District Court regarded it as “almost obvious” that the perpetrator had been influenced by honor norms, while at the same time placing considerable weight on his own statement that the murder was not committed with an honor motive. In this case, the perpetrator’s own account appears to play a significant role in the court’s assessment of honor, which differs from other judgments where such explanations were not given equal significance. The Court of Appeal, on the other hand, did not consider the perpetrators statement to the same extent, instead concluding that it was “proven beyond reasonable doubt” (B 4917-19, p, 13) that the act had an honor motive based on the circumstances mentioned above. Taken together, this highlights how the classification of HBV largely depended on interpretations of both social practices and the expression of violence, rather than on predetermined criteria, thereby allowing considerable room for interpretation in the legal application.

6.2 Honor as a Patriarchal and Collective Norm

Having examined how honor is legally defined, the following section turns to how these definitions are constructed with gendered meanings in the court’s reasoning. One of the study’s main findings is that honor appears within a patriarchal gendered order. In the judgments, male family members, most often the father, are consistently constructed as hierarchical superiors and as central bearers and managers of honor. At the same time, women’s scope of action appears to be limited in relation to expectations of behavior, sexuality, and relationship choices. Women’s sexuality is constructed as central to the family’s honor, while men are assigned responsibility for controlling and

protecting it. The judgments also construct associations between violations of gendered norms, women's behavior, and HBV and lethal violence, meaning that deviations from expected gender norms are sanctioned through violence (cf. Butler 1988, p. 528). Overall, a gendered division of responsibility emerges, where the maintenance of honor is organized through a clear hierarchical division between the genders, with males positioned as central.

6.2.1 Patriarchal Family Structures

Within the constructions of patriarchal structures, a hierarchical power structure within the family becomes apparent. In several judgments, honor is constructed as being tied to hierarchical family relations in which the father is the one most heavily affected by shame. This positions him as the primary bearer of the family's reputation, which in turn legitimizes an overarching responsibility to control and regulate the behavior of other family members. At the same time, other family members, particular women and youths, are framed as subordinated within this structure. This is illustrated in the following quotes from expert witnesses:

As stated above, men, as decision-makers and heads of families, consider it their right and honor to take care of the women in the family

(B 2655-24, p. 161)

Honor is the context of legislation as an aggravating circumstance is about men's right to respect, that right is given precedence over the most fundamental right, the right to life. Men's respect takes precedence over children's and women's right to life

(B 2686-23, p. 31)

The quotes illustrate how men are constructed as the core of the family and as figures who must be respected above all. Likewise, they show that this position means that men can make decisions over other family members, to such an extent that their perceived honor is prioritized over the lives of children and women. This implies a normative order in which a man's perceived loss of honor, resulting from a family member's actions, is given such significance that lethal violence appears as a legitimate response (cf. Butler 1988, p. 528). An expert witness has made this more explicitly:

The perpetrators of honor killings are mainly men who are relatives of the girl/woman, usually father, brother, uncle or father-in-law. When a female family member commits a crime against the family, it means that the honor of the family or tribe has been tarnished and caused them shame. In such cases, the men of the family consider themselves entitled to kill those who committed dishonor in order to restore the honor of the family

(B 2655-24, p. 161)

The excerpt illustrates how the expert witness wording “entitled to kill” constructs a logic in which lethal violence appears as a legitimate right in which the family’s honor is perceived as violated. This right is attributed to male family members, who emerge as those who both define shame and determine its restoration. Within this structure, the father or other male relatives often appear as the head of the family and central decision-makers. This is evident in several cases, but particularly by an expert witness in one of the judgments:

The shame hits the father in the family the hardest. The decision about honor-based violence or honor killing is made by the father. It may look different who carries out the murder, but it is the father who orders it or selects someone who is particularly suited to carry out the crime

(B 2655-24, p. 386)

In the excerpt, the father is constructed as the decision-maker, even in cases where he is not the perpetrator. He is positioned as the one who determines that the killing should be carried out. This also highlights the authority attached to the position of the head of the family, through which he is able to decide who will commit lethal violence. As the expert witness states:

Based on the norms of honor, the possibility for a son in the family to commit a murder of another family member completely on his own, without sanction from his father, is extremely small

(B2655-24, p. 387)

Thus, by emphasizing that the son is unlikely to commit a murder against a family member without instruction from the father, the father’s position as decision-maker becomes evident, as does the strength of a hierarchical structure in which the son’s loyalty and fear of losing respect appear decisive. This suggests that the son’s actions are not necessarily entirely voluntary, but rather

shaped by the father's authority, even in situations where he might otherwise have acted differently (cf. Butler 1988, p. 525). Through this formulation, a power structure is constructed in which the father's authority appears decisive for actions carried out within the family, while the son's scope of action is framed as constrained by loyalty and respect for a hierarchical order where the father's position entails that his decisions are expected to be followed. The expert witness's framing of sons is further supported by previous research conducted by Cinthio et al. (2022, p. 16), who found that perpetrators of HBV themselves described their actions as resulting from family pressure, framing their violence as a sacrifice of their freedom for the family's honor. Thus, other family members' actions gain meaning primarily in relation to how they affect the honor of the male head of the family, meaning that the authority over how honor is defined and restored is largely situated with the men in the family.

6.2.2. Gender Norms and Collective Control

The decision-making and controlling relations that were shown to be associated with the male actors are also made visible in the judgments through descriptions of those who are subjected to control. In the judgements, recurring limitations of socialization and freedom of movement emerge, as well as regulation of relationships and sexuality. This includes norms concerning unapproved separations, perceived infidelity, and notions of rules governing marriage and choice of partner. These restrictions are framed as situations in which HBV and lethal violence are invoked. This is illustrated through recurring associations between women's behavior and concepts such as infidelity and norm violations, as one expert witness states:

The definition of dishonor with "unknown men". Being in a room with non-family members is linked to infidelity, as is running away, becoming pregnant before marriage, or otherwise challenging gender norms

(B 2655-24, p. 385)

Control thus appears to be regulated through specific norms of what constitutes deviant behavior, as stated by the District Court:

The investigation in the case supports the view that [the victim] lived under controlled conditions and that her life was characterized by the norms that prevail within a culture of honor. For example, she was not allowed to separate from [the perpetrator]. The murder occurred shortly after [the perpetrator] saw [the victim] with another man for the first time [...]

(B 3959-24, p. 215)

In addition, these norm transgressions are constructed as legitimate factors for HBV. As illustrated by an expert witness:

The fact that a woman wants a divorce or is unfaithful can then justify her being subjected to deadly violence

(B 4189-22, p. 29)

Overall, the analysis shows, as illustrated by the excerpts, that women are positioned within a gendered normative order in which their sexuality, social interactions, and relationship choices are continuously subjected to control. Even being present in the same space as “unknown men” can be constructed as a violation of gendered norms connected to ideas of infidelity, respectability, and loyalty toward men. The same applies to women’s wish for separation, which is framed as a central motivation for HBV. In this way, the woman is constructed as subordinate to the man, where her right to choose to leave a relationship appears limited within an honor context, in which these gender norms are simultaneously culturalized and framed as part of an honor-related normative understanding. Lethal violence thus emerges as a possible sanction for norm violations, which, through Butler (1988, p. 528), can be understood as a punishment for deviations from expected behavior. It also becomes evident in a case where the Court of Appeal assumes a clear motive:

According to the Court of Appeal, there were clear motives for him to kill her. In this way, the pregnancy, which was unwanted for him, would be terminated and he would be able to keep the secret about [the victim] and the pregnancy from his family

(B 2587-24, p. 14)

This illustrates how the woman's pregnancy and their relationship are constructed as something that must be controlled and managed in order to preserve the family's honor and social status. In that sense, the court identifies an honor-based logic as the motive and, in doing so, the court's language naturalizes that logic by framing it as "clear" rather than, for example, "alleged" or "claimed". The wording of the courts and expert witnesses thereby reproduces a representation of the woman's body and actions as decisive for the man's ability to maintain respect within an honor context.

6.2.3 Gendered and Collective Responsibilities

Furthermore, a recurring focus emerges on responsibility for maintaining honor, where honor is constructed as something that belongs to and is shared by the collective. This means that the maintenance of honor appears as a shared responsibility, although men are more prominently positioned as those who carry and manage honor. Simultaneously, women are constructed as responsible for maintaining honor through their behavior, particularly in relation to the prevailing norms of sexuality, relationships, and loyalty. These aspects become central to how honor is understood and monitored within the judgments, where social control and the regulation of women's scope of action appear as part of this responsibility. The individual's will and action are thereby subordinated to the collective norms and interests, as illustrated by an expert witness:

Honor-based violence and oppression are characterized by a strong collectivist element, usually of family and relatives, which means that the individual's interests are considered subordinate to the interests of the family. The individual's sexual relations are the concern of the entire family, which can affect their honor.

(B 2686-23, p. 32)

The individual's subordinated self-interest, particularly in the case of women, is understood in relation to the construction of women as responsible for the family's honor. In line with Ahmad (2023, p. 1), the women's chastity and sexuality are directly connected to the family's reputation and social status, where the family's moral value is made dependent on her behavior. In that sense, the woman emerges as a representative of the collective's honor, meaning that her own will and action are subordinated to the interests of the family and the collective. The same applies to

younger men, who are constructed as unlikely perpetrators of HBV in the absence of instructions from a father (B 2655-24, p. 378). Within this construction, an expert witness states that a gendered division of responsibility that emerges:

Honor is based on two pillars, firstly the notion of pure blood which is the responsibility of women. Women should not pollute the blood of the family and kin. [...] The second pillar consists of the notions of a good name which is the responsibility of men, [...]. Men must ensure that women stay within the framework of honor and do not pollute the family's pure blood.

(B 2686-23, p. 31)

In excerpt, women are not primarily referred to as bearers of honor, but rather as responsible for maintaining it through the control of their sexuality and behavior. Men, in turn, are constructed as those who define, monitor, and protect honor. In this way, responsibility for the collective's honor is gendered, with women positioned as accountable for its preservation, while men are framed as protectors and its primary bearers. Furthermore, the expert witness terms of "pure blood" and "pollute the blood" are deeply loaded. The expert witness introduces biological metaphors to illustrate the importance of pure blood, and that blood ties can "fade" in relation to "honor ties" (B 2686-23, p. 33). This is further adopted by the District Court:

Through [expert witness] statement and testimony in the District Court, [...], the prosecutor has, according to the District Court, demonstrated that honor is more important than blood ties and more important than love in the Somali clan structure

(B 2686-23, p. 39)

This illustrates how the metaphors of "pure" and "polluted" blood construct family ties as changeable, where blood ties may fade if they are perceived as polluted. In this representation, honor is positioned as more important than the family itself, suggesting that loyalty and respect are prioritized over individual relationships, as family is constructed based on an honor-related order. This also highlights the District Court's reliance on the expert witness, where this understanding is adopted uncritically.

6.3 Honor as a Cultural Phenomenon

In addition to honor being constructed as gendered, these gender constructions are also situated within a cultural discourse. This constitutes another key finding in the study, where honor is constructed as culturally conditioned and tied to migration, origin, and a non-Swedish ‘other’. This is made visible in the judgments through recurring references to geographical origin, cultural normative systems, and notions of differences between Swedish and non-Swedish values. Within this discourse, the analysis also shows how different power relations intersect in the construction of honor, where migration, minority positioning, and majority norms intersect.

6.3.1 Cultural Contextualization of Honor

Within the cultural discourse, honor is in some cases constructed as being tied to specific geographical origins. In the judgments, assumptions about honor motives are made visible in relation to the perpetrator’s background, where HBV is partly understood through references to country of origin and its cultural connections. Alongside this culturalized understanding, a counter-discourse also emerges in the judgments, where expert witnesses explicitly reject the association between honor, culture, religion, and geographical origin:

Honor culture is not tied to a specific culture or religion and also occurs in non-religious contexts. Honor culture shapes people’s thoughts, feelings, and behaviors.

(B 2655-24, p. 385)

That, as [expert witness] testified, honor killings occur in certain areas of Syria does not mean that people who come from these areas can be assumed to commit such murders long after they have moved away.

(B 8797-20, p. 22)

Despite this, formulations that reproduce these connections appear by an expert witness, but mainly District Courts:

Honor is something important to Somalis

(B 2686-23, p. 36)

Afghanistan is a country where there are strong elements of a culture of honor

(B 558-20, p. 131)

In the opinion of the District Court, it can be considered common knowledge that there are strong norms of honor within Kurdish culture and that murders are committed in the name of honor, although the degree of this can of course differ between different families.

(B 3023-21, p. 30)

Here, a more direct connection between honor and a specific ethnic group is reintroduced, illustrating how different discourses coexist in the judgments. While counter-discourses are present, they are less prominently articulated compared to discourses associating honor to culture and nationality, which appears more dominant. These formulations rely on generalizations in which an entire group is attributed shared norms and values. In this way, the group is constructed as a unified category in which honor is assumed to be a particularly prominent norm. Furthermore, the phrase “common knowledge” highlights Lazar’s (2017, p. 374) constitutive principle, as it does not merely describe a cultural association, but produces it as self-evident and widely accepted without questioning. This naturalizes a specific understanding of honor norms as something that does not require explanation or problematization, thereby narrowing the space for alternative interpretations. Similar generalizations about culture and religion also emerge, illustrated by statements from District Courts:

This should of course be seen against the background that is completely unthinkable for a woman from these cultural circumstances to move alone.

(B 2655-24, p. 35)

Evidence has been adduced that [the perpetrator] has a garment, a so-called thobe. The District Court has some difficulty understanding the significance of this circumstance, [...]. It has been suggested in the case that the issue of religion could be linked to a culture of honor.

(B 8797-20, p. 19)

Through the wording “from these cultural circumstances”, a culturalized construction emerges in which honor norms are made directly dependent on culture as an explanatory factor. Consequently, an association between honor-related norms and cultural background is normalized. Simultaneously, a gendered dimension becomes visible in the representation, where the woman’s move is made relevant to these norms, which highlights the expression of a patriarchal order constructed as culturally rooted. In the second case, the prosecutor constructs a direct connection between religion and honor, where a specific item of clothing is used as an indicator of religious affiliation and thereby connected to an honor motive. One material thing thus becomes an assumption about both belonging and motive. The construction of motive is therefore built through interpretations of honor as religiously bound. In contrast, the court emphasizes that the significance of this is difficult to establish, which introduces a distancing from, and problematization of, this form of culturalization. This suggests that courts can function as sites of contestation, and that reproduction of dominant discourses is not consistent across cases.

6.3.2 The ‘non-Swedish Other’

There is also a tendency for these culturalizing assumptions to be constructed through a distinction from what is defined as Swedish. In the judgments, honor-related norms are in some cases positioned as deviant in relation to Swedish values and societal norms. A boundary is thereby drawn in which certain constructions are reproduced as the ‘other’, while Swedishness functions as an implicit reference point for normality. This is repeatedly illustrated through wordings such as “so-called culture of honor” (e.g., B 4189-22; B 1868-25, p. 9), where honor culture is labeled in a way that signals distance either from the concept itself or from the groups to which it is attributed. Such language produces honor culture as the ‘other’ in relation to an implicit Swedish order. Similar patterns are also evident in the judgments through the differing meaning attributed to everyday actions. An expert witness state:

Just because you live in a different way, rumors can start and that’s what you are afraid of. Just because you move freely can start a rumor, which you are very afraid of.

(B 2655-24, p. 388)

The repetition of “just because” highlights how everyday actions are assigned a different meaning within the framework of honor norms. The wording shifts the understanding of seemingly neutral behaviors, such as moving freely, into something that is itself constructed as problematic. In this way, language produces a process of othering, where actions that within a Swedish normative understanding may appear self-evident are instead framed as deviant and particularly charged within an honor context. This is further reinforced in an expert witness’ statement:

In Somalia, being excluded is a disaster. In Sweden, being excluded is not purely materially or economically bad, but socially it can be catastrophic. Being cut off from emotional and supportive relationships can be socially bad, but you won’t die from hunger in a country like Sweden. [...] For a Swede, it may seem completely incomprehensible.

(B 2686-23, p. 29)

This excerpt creates a distinction between Sweden and Somalia, where social and material conditions are compared in a way that positions Sweden as the norm for safety and stability. Through the wording “for a Swede, it may seem completely incomprehensible”, the division between what is understandable and what is foreign is reinforced, contributing to a reproduction of the distinction between Swedish and non-Swedish. This reflects a process of mutual shaping (Walby et al., 2012, pp. 234-235), where migration status and economic conditions interact to shape and construct a particular understanding of honor. Overall, honor-related norms are consistently constructed in relation to an implicit Swedish normative order, where everyday actions, social relations, and family ties are assigned a different meaning. This contributes to reproducing a division between ‘the Swedish’ and ‘the other’. This construction of honor as something deviant and ‘non-Swedish’ also emerges in the relation to migration and integration. In the judgments, lack of integration and migration background are in some cases tied to the presence of honor motives, which contributes to positioning honor as something associated with culture. This is made visible through an expert witness statement:

In connection to migration, honor-related norms, attitudes, and values can be further reinforced in the new country. This may be due to, among other things, belonging to a minority group in the new country and wanting to avoid women that belong to minority groups to behave “too Western”. This may involve wearing clothes that are not permitted, taking off the veil or using make-up.

The statement illustrates how honor norms are constructed as something transferred through migration, but also as something that may be reinforced in the host country. It reflects an understanding in which minority positioning and encounters with Western norms contribute to an increased need to uphold honor-related values, particularly through the regulation of women's behavior, appearance, and social expression. In this way, migration, minority position, and gendered norms are shown to interact and mutually shape the construction of HBV (Walby et al., 2012, pp. 234-235). Furthermore, the judgments also show how lack of integration is in some cases constructed as an explanation for the emergence or persistence of HBV, as illustrated in this expert witness statement:

The research [expert witness] has seen shows that families from Afghanistan can integrate, but they keep their traditions and that is very important. You can be integrated in some parts but have the norms and values intact.

(B 2655-24, p. 389)

The statement associates integration to a distinction between adaptation to Swedish norms and the persistence of norms associated with geographical origin. This produces a construction in which a lack of alignment with Swedish norms is used as an explanatory framework for the occurrence or continuation of HBV. Integration is therefore connected to understandings of HBV, where the degree of adaptation to Swedish norms functions as an interpretive framework.

6.4 Honor as a Framework for Explanation, Mitigation, and Blame

Having established how honor is constructed through gendered and cultural discourses, the following section turns to how honor operates as a key explanatory framework that both motivates actions and frames certain forms of violence as meaningful or understandable. The analysis also shows how language helps maintain power structures, which becomes clear through patterns of both perpetrator mitigation and victim blaming. The patterns identified show how honor-based reasoning organizes both responsibility and blame, and how language contributes to making certain forms of violence appear more understandable and legitimate.

6.4.1 Honor as a Motive For Action

A prominent pattern is that the court refers to honor as an explanatory cause of violent acts. Thereby, the use of honor is constructed as motivated by honor, for example through references to restoring shame or punishing norm transgressions. This is illustrated by the Court of Appeal's statement:

According to the Court of Appeal, there were clear motives for him to kill her. In this way, the pregnancy, which was unwanted for him, would be able to keep the secret about [the victim] and the pregnancy from his family.

(B2587-24, p. 14)

The statement shows how the court assigns honor an explanatory function in relation to the use of violence, where specific events are constructed as triggering motives. The wording that there were "clear motives" to take her life highlights how the violence is made understandable through an honor-based logic, where the act is associated with the need to protect and restore the family's honor. This can be understood in line with Rosquist (2020, p. 234), who found court reasoning to be shaped by a cultural discourse in which family loyalty and internal normative systems are presented as central to individuals' actions. Consequently, the violence is constructed as rational within a cultural context (Rosquist 2020, p. 234). Similar patterns can be found in cases where honor is constructed as the only possible motive, as by the District Court:

In addition, the manner in which the act was committed also suggests that it is an honor-based crime. [The perpetrator's] actions and statements in connection with the act cannot be interpreted as anything other than that he meant that [the victim], by wanting a divorce and her relationship with [new husband], has dishonored his and his family's honor, and that the crime was intended to both prevent further damage to honor and to repair or restore the damaged honor.

(B 4189-22, p. 35)

The wording "cannot be interpreted as anything other than" illustrates how the honor motive is assigned an exclusive interpretive framework, in which alternative understandings of the act are

excluded. In doing so, a discursive link is normalized between the violent act and notions of violated and restorable honor. This reduces the possibility for other interpretations of motive. As a result, the formulation contributes to the normalization of an honor-based logic as a self-evident interpretive framework for violence within the court's reasoning (cf. Lazar 2017, p. 374).

6.4.2 Social Pressure and Expectations

Another pattern in the court's assessments is the mitigating constructions of the perpetrator's actions. In cases where sons are the perpetrators, their actions are in some instances tied to social pressure and the family's expectations to uphold honor. This framing situated them within an upbringing shaped by honor norms, as stated by an expert witness:

[The victim] signaled that he shouldn't live his family's life but his own, but that's not easy for boys raised in a culture of honor.

(B 2686-23, p. 34)

This portrays honor culture as a difficulty that affects the perpetrator. Through the wording that it is "not easy" for boys growing up in an honor context, the perpetrator is to some extent constructed as a victim of the norms he has been socialized into. In another case, the Court of Appeal expressed this more explicitly:

Even though [the son] is a co-defendant in the case, the Court of Appeal believes that there is reason to pay attention to this information as it has become apparent from the information that he is keen to protect his father.

(B 1254-20, p. 17)

Here, reference is made to the son's will to protect his father, which leads the Court of Appeal to make the following decision:

For [the sons], the Court of Appeal considers that this circumstance, given their youth, may be put in relation to the influence that their father exerts on them by involving the sons in a conflict they did not have to take part in. Like the District Court, the Court of Appeal considers that this should

be taken into account as mitigating circumstances when assessing the value of the sentence. However, according to the Court of Appeal, it also means that the honor motive as an aggravating circumstance is present to a significantly lesser extent for them.

(B 1254-20, p. 25)

The statements frame the sons' actions in relation to the father's influence, where their young age and honor-related family structures create pressure and a limited scope of action. Although they are perpetrators of lethal violence, the father's influence is attributed as a mitigating circumstance in the assessment of their responsibility. In this manner, a form of dual perpetrator mitigation (Lazar 2017, pp. 381-383) emerges, whereby the son is positioned as both a perpetrator of violence and as a victim of the father's influence. This dual construction reduces his individual responsibility to some extent due to references to honor-based hierarchical family relations. That sons, as perpetrators, receive more lenient sentences due to reduced responsibility for the criminal act is also evident by a District Court:

In the case of [the perpetrator], it should be taken into account that he was strongly influenced by his father as part of the culture and morality that prevailed in the family. This means that the penalty for his act does not reach the equivalent of life imprisonment.

(B 2655-24, p. 435)

Here, the father's influence, related to the culture and morality described as prevailing within the family, is shown to be significant in the assessment of sentencing. A discursive connection emerges in which honor-based family structures are used as perpetrator mitigation (Lazar 2017, pp. 381-383), where responsibility for the act is reduced through references to social and cultural influence within the family. In these cases, the perpetrator's responsibility is framed in mitigating terms through family and social pressure, and upbringing within honor-related normative orders. Through these explanatory frameworks, a discursive shift in responsibility appears, where honor in some instances functions as mitigating circumstances, rather than aggravating. This means that the perpetrator may, to varying degrees, be positioned in a way where the act is understood as explicable rather than fully punishable, highlighting how perpetrator mitigation operates in the court's assessments (cf. Lazar 2017, pp. 381-383). This creates a paradox, where the same honor contexts that aggravates the sentence for the father simultaneously mitigates it for the sons.

6.4.3 Victim Responsibility

Finally, constructions of the victim in relation to HBV also appear. While the woman is often positioned as an ideal victim through descriptions of vulnerability and restrictions, there are also tendencies of victim blaming, where the victim's actions in some cases are assigned significance in relation to the use of violence. As illustrated by statements from the District Court and from an expert witness:

The crime aims to unjustifiably shame children and young people who want to freely shape their lives and decide for themselves who they want to live with.

(B 4189-22, p. 35)

Entering a marriage without the family's approval is a moral crime and a cause of shame and a motive for honor killing. It tarnishes the honor of the family or tribe and gives the right to kill to restore honor.

(B 2655-24, p. 386)

The excerpts highlight a discursive shift in the construction of the victim, where the focus moves from the perpetrator's use of violence to the victim's behavior and actions. Through formulations such as the victims having "wanted to freely shape their lives" or having entered a marriage without family approval, the violence is constructed as a reaction to norm-violating behavior. In this way, the emergence of violence is associated with the victim's actions, where the norm violation is presented as the triggering factor of violence. This means that the victim is, to some extent, assigned responsibility for the violence act, as the murder is made understandable in relation to her actions (cf. Lazar 2017, pp. 378-381). This is also made visible in one of the cases where the District Court directly attributes responsibility to the victim:

In order to be able to prove that an act was committed with honor motives, it must, however, be possible in the individual case to define what the perpetrator and/or family's perception of honor was, and it must also be clear what in the victim's behavior or actions violated that honor.

(B 1951-24, p. 72)

The excerpt illustrates a clear form of victim blaming (Lazar 2017, pp. pp. 378-381), where the District Court explicitly states that it must be clarified what the victim has done to dishonor the family in order for an honor motive to be established. This formulation shifts attention away from the perpetrator's use of violence and toward the victim's behavior, which becomes central to the explanation of the act. The establishment of an honor motive is thereby made dependent on the victim's action being understood as a norm violation, with emphasis placed on what the victim has done to offend the honor. This contributes to stabilizing an interpretive framework in which the violence is, at least in part, tied to the victim's behavior rather than solely to the actions of the perpetrator. This is also a structural finding, as victim blaming becomes embedded in the legal assessment itself, functioning as a criterion for establishing motive rather than only appearing in the court's narrative framing.

7 Discussion

The findings show several recurring discursive patterns, where honor emerges as a gendered, cultural, and migration-related phenomenon, while responsibility and victim positions are negotiated in various ways within the judgments. This suggests that HBV is produced through interacting discursive logics in court reasoning. In the judgments, patriarchal structures and gender norms appear as central, yet they are not isolated or purely gender-based but are instead shaped and legitimized as culturally or religiously situated. This may contribute to a culturalized understanding of gender-based violence, where patriarchal violence is framed as connected to specific cultural or religious contexts rather than broader structural gender inequalities.

This pattern is consistent with previous research conducted prior to the legislative reform of aggravating circumstances (Rosquist 2020, p. 144), which highlights a dominant cultural discourse in court reasoning alongside a more secondary feminist discourse. As a result, HBV risks being positioned as different from other forms of men's violence against women, reinforcing distinctions between 'Swedish' and 'non-Swedish' forms of violence. Such constructions may also contribute to stereotypical understandings of minority groups, for example by reproducing perceptions of foreign men as particularly violent or patriarchal, or by encouraging simplified interpretations of honor motives based on ethnic background (cf. Reddy 2008, pp. 316-317; Ouis 2016, pp. 360-363). Even if these distinctions are not intentionally produced by the courts, the discourse may nevertheless shape how victims and perpetrators are interpreted within legal reasoning. When violence is primarily understood through a cultural lens, broader structural gender inequalities risk being obscured, shifting attention toward punitive measures and aggravating circumstances rather than addressing the underlying patriarchal structures that enable the violence.

Building on this culturalized framing, women subjected to HBV risk being understood primarily through gendered expectations and norms tied to honor, where their behavior becomes central to the construction of violence. This is particularly evident in how the woman is positioned as a victim in relation to deviations from gendered expectations, where her actions are interpreted through overlapping cultural and gendered normative systems. Drawing on Butler (1998, pp. 519, 523-526), this may be understood as a form of gender transgression, where violence becomes an acceptable response to perceived violation of femininity. In this sense, the discourse reproduces normative

assumptions about acceptable female behavior, shaping what counts as understandable and legitimate female behavior within legal reasoning.

In line with FCDA (Lazar 2017, pp. 378-383), this can be understood as a reproduction of underlying gendered power structures, where legal language does not merely describe but actively contributes to maintaining and normalizing these structures within court reasoning on HBV. Although the court does not explicitly justify the violence, the repeated emphasis on women's behavior risks shifting explanatory focus from the perpetrator to the victim. This shapes responsibility in ways that reinforce discursive understandings in which violence becomes explainable through the victim's actions rather than solely through the perpetrator's use of violence. Therefore, the discourse may sustain existing gendered power relations. This raises questions about whether such patterns are the result of stereotypical understandings of honor, where victims are expected to have violated certain norms in order for an honor motive to be established. Alternatively, this may reflect the institutional logic of legal reasoning, where actions need to be categorized in order to establish motive, which is a central part of legal reasoning.

This logic may lead to a simplification of complex phenomena such as HBV in order for law to function in practice. The need to define motive and assign responsibility thereby structures how violence is made understandable within court reasoning. Whether this focus on the victim rather than the perpetrator is shaped by the court's interpretations or by the institutional logic of legal reasoning, it may nevertheless contribute to the reproduction of stereotypical understandings, even in contexts where there are conscious efforts to avoid them. This process is also reflected in the prominent role of expert witness statements in the construction of honor within the judgments. Their statements can be understood as a key site where this process takes place in practice, as they introduce discourses that both align with culturalizing understandings and, at times, offer counter-discursive framings that challenge them. This suggests that expert knowledge contains multiple and sometimes competing understandings of honor. This highlights tensions in how courts engage with and select between these framings, and whether certain interpretations are considered more legitimate in the process of establishing motive and responsibility. While a full examination of this lies outside the scope of this study, it is nevertheless an important consideration in understanding how institutional knowledge is produced and filtered within legal reasoning. This is further

reflected in the paradox identified in sections 6.4.2 and 6.4.3, where the honor context simultaneously aggravates the father's sentence while it mitigates the sons', and where the establishment of honor motive is institutionally dependent on demonstrating the victims' violations. These are not merely discursive patterns but have concrete legal consequences for sentencing, as well as for how victims and perpetrators are positioned in criminal proceedings.

Building on this, the intersectional perspective developed by Walby et al. (2012, pp. 234-235) illustrates how this operates in practice. Rather than legal definitions of honor and cultural understandings of violence functioning as separate explanations, they are brought together when the court categorizes violence, establishes motive, and assigns responsibility. At the same time, this is not only about culture as a single explanation, but about how HBV is shaped at the intersection of gender, culture, religion, and sexuality. It is in the combination of these categories that certain actions are interpreted as honor-based, and where norm violations are associated with both gendered and cultural understandings. These understandings gain their meaning through their use in legal reasoning. This makes it visible how legal definitions of honor and cultural understandings influence each other in practice. This mutual shaping (Walby et al., 2012, pp. 234-235) means that honor is understood through how different normative systems interact within court reasoning. In this process, culture itself is also shaped through the court's construction of honor. These discursive patterns may also have implications beyond court reasoning. As Cinthio et al. (2022, pp. 19-20) found, similar culturalizing interpretations of honor are also experienced by perpetrators, where court assessments are perceived as shaped by stereotypical notions of culture, religion, and tradition.

Additionally, the findings illustrate that HBV remains a contested legal concept, where both its meaning and its enforcement continue to be negotiated in practice. This is evident in relation to the definition introduced in the legislative framework (Government Bill 2019/20:131), which is cited in the judgments but does not appear to eliminate interpretive variation. Instead, a tension persists in how honor is categorized within legal reasoning. The fact that some cases involve different attributions of honor motives between the District Court and the Court of Appeal further highlights an uncertainty in how the definition is applied in practice. Importantly, the findings suggest that the post-2020 legislative framework has not necessarily produced more consistent

legal reasonings across courts. Rather, different courts reach different conclusions when applying the same definition. At the same time, culturalizing interpretations of honor appear to persist within court reasoning despite the introduction of a more formalized legal definition. This suggests that the legislation has formalized a pre-existing interpretation, where legal definitions coexist with, rather than replace, culturalized understandings of honor.

This uncertainty can be understood in relation to the challenges of operationalizing the concept of honor in legal contexts. On the one hand, a more fixed definition and clearer criteria may create legal clarity and provide courts with more consistent guidance in their assessments. On the other hand, such categorization entails potential risks, as fixed frameworks may reproduce simplified understandings of honor, reinforce stereotypical notions of ‘others’, and in some cases risk either overlooking honor motives or incorrectly attributing them. This further raises the question of whether this reflects limitations within the definition itself, or whether the issue lies in how legal actors interpret and apply it in practice. Taken together, this raises a tension in which legal definitions both enable more consistent assessments rather than subjective interpretations, while simultaneously risking the reproduction and reinforcement of simplified gendered and culturalized understandings. This demonstrates how legal discourse does not merely interpret HBV, but actively produces its meaning in practice, defining what counts as violence, motive, and responsibility, thereby shaping how honor becomes understandable in court reasoning.

8 Conclusion

This study set out to examine how honor is constructed by legal actors in Swedish court judgments involving HBV. The findings show that legal actors in Swedish courts construct honor through culturally gendered interpretive frameworks, where patriarchal power relations are consistently situated within culturalized explanatory frameworks. As a result, the honor motive in court reasoning is primarily understood through cultural differentiation rather than as a separate gendered power analysis. The findings show an inconsistency in how the legal definition is interpreted across courts, that honor is constructed through patriarchal family hierarchies, that culturizing discourse dominates over a feminist perspective, and that responsibility is negotiated through victim blaming and perpetrator mitigation. These findings show that HBV does not function as a unified legal category but as a discursive construction shaped by interacting logics of gender, culture, and power. In response to the first sub-question, the analysis showed that gendered norms and power structures are articulated through men's dominance over women, situated in cultural traditions and expressions. As a result, patriarchal power relations are portrayed as inherent to certain cultural groups. In response to the second sub-question, culture and migration are invoked through references to HBV as occurring among groups with non-Swedish ethnic backgrounds. Migration and ethnicity are thereby given an explanatory function in the construction of behaviors that are presented as culturally conditioned.

By focusing on how honor is constructed within court reasoning, this study contributes to existing research that has largely examined HBV through broader societal and conceptual discourses, as well as through the responses of social workers and police, rather than within legal contexts. It further contributes by the examination of the role of legal actors and legal reasoning, thereby extending previous research on court discourse. Consistent with Rosquist's (2020) findings from the pre-2020 period, cultural discourse remains dominant, suggesting that the 2020 legislative reform has not disrupted established discursive patterns in court reasoning. While the study has contributed to addressing this gap in the existing research, it also has broader significance. The findings show that legal language actively produces meaning around honor, gender, and culture. This may have implications for legal education, as it may influence how legal actors understand and interpret HBV through the language used in courtrooms. It may also have implications for the

use of expert witnesses, who play a central role in this process, as certain discourses may become more prominent depending on how expert statements are used within legal reasoning.

On a further note, it should be noted that the study is limited to ten murder cases and may not reflect the broader range of cases involving honor-based motives. Additionally, other forms of HBV, such as assaults, threats, and forced marriages, have not been included due to the study's focus on murder cases. The study is also limited to written court discourse, which means that the analysis is based on interpretations of legal reasoning, rather than direct access to how legal actors themselves formulate or understand their reasoning. Therefore, further research addressing these issues would be valuable, particularly interview-based studies with legal actors exploring how they understand and operationalize the concept of honor in practice. Given the study's focus on cases following the introduction of aggravating circumstances, comparative research is also suggested. While this study includes a limited comparative element, more in-depth research comparing court assessment of honor-related definitions before and after the legislative reform would be of particular relevance. In addition, and considering both the study's limitations and findings, further research examining other forms of HBV in order to explore how honor is constructed across different types of cases would be valuable. This would allow for an exploration of whether the discourse varies depending on the type of crime or if it is more deeply embedded in the concept of honor itself.

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Appendix

District Court	Court of Appeal	Establishment of Honor Motive (District Court / Court of Appeal)
B 3959-24	B 12443-25	Yes / No
B 238-20	B 1028-20	No / No
B 3023-21	B 14190-21	Yes / No
B 2686-23	B 2587-24	Yes / No
B 558-20	B 1254-20	Yes / Yes
B 4189-22	B 2609-23	Yes / Yes
B 1951-24	B 3168-25	No / No
B 8797-20	B 10907-21	No / No
B 2655-24	B 1868-25	Yes / Yes
B 17470-18	B 4917-19	No / Yes