

Intranational, International, and Interpersonal Conflict

The Link between Divorce, Intra-state, and Inter-state Conflict

In December 2006, Augusto Pinochet, the former military leader of Chile passed away, marking the end of an era of Chilean history.¹ This era was one of economic development, but also one of brutal oppression of dissent voices. Pinochet's leadership also influenced other countries as he led the South American push against leftist leaders who were coming into power during the Cold War. But another unique facet of Pinochet's iron-fisted rule was a seemingly unrelated aspect of society: the illegality of divorce. And until November 2004, divorce was still illegal in Chile.² Disallowing or discouraging divorce most often disadvantages women, who are generally oppressed physically, sexually, and otherwise more often than men are. In studying legal and practical access to divorce, there is a connexion between empowerment of women in the family and empowerment of women in society. As women are empowered in society, then there exists a trend away from intra-state and inter-state conflict. Indeed, it may be that the only way to keep the world together is to let warring spouses be apart. Juxtaposing countries with similar cultures but different laws and practices surrounding divorce and different tendencies toward intra- and inter-state conflict will help evaluate the validity of this claim.

Nigeria and Ghana

¹ BBC. (Dec 11, 2006). Chile's Gen Pinochet Dies at 91. *BBC News*. Retrieved Dec 23, 2006, from <http://news.bbc.co.uk/2/hi/americas/6167237.stm>

² NotiSur. (Dec 17, 2004). CHILE: DIVORCE LAW GOES INTO EFFECT, CREATING AVALANCHE OF REQUESTS. *NotiSur*. Retrieved Dec 23, 2006, from WomanStats database.

Nigeria and Ghana both have histories of British colonial rule. Though they are Christian majority, both have large Muslim populations in their northern regions. Both are also developing nations that have struggled with aid dependency and government corruption. Nigeria, however, has had many more armed conflicts between the Christians and the Muslims as well as with neighbouring states, whether on the oil rich southern coast, or tensions due to religious differences to the north.³

Divorce in Nigeria: "In Northern Nigeria, a man married under Islamic law may divorce his wife unilaterally by repeating the phrase "I divorce you" three times (the talaq). Such action is not available to women. However, Islamic law does provide that a woman may divorce her husband with his consent if she returns the dower payment to him. In considering the grounds for divorce, Sharia courts may take into account, inter alia, any failure to pay maintenance, a prolonged absence, or the infliction of harm. Many customary law courts will consider as relevant: adultery; cruelty; desertion; and impotence, sterility or the presence of any reproductive health problem. At the dissolution of a customary law marriage, the parties must refund a portion of the bride price or dower payments that were made" (JKL, CRLP 1998, 15). "Maintenance suits against men are usually subject to the consideration of "all other relevant circumstances" as well as the discretion of the court. Thus, where it is proven that the wife was involved in an adulterous relationship, there is usually no issue that the husband will not pay maintenance. However, where a husband engages in adultery, courts do not regard it as a valid reason for a woman to want to divorce her husband, unless she can prove that he also combined adultery with cruelty" (JKL, CRLP 1998, 16).⁴

³ CIA. (Dec 19, 2006). Ghana. *CIA – The World Factbook*. Retrieved Dec 23, 2006, from <https://www.cia.gov/cia/publications/factbook/geos/gh.html>.

CIA. (Dec 19, 2006). Nigeria. *CIA – The World Factbook*. Retrieved Dec 23, 2006, from <https://www.cia.gov/cia/publications/factbook/geos/ni.html>.

⁴ CRLP. (1998). Nigeria. *Center for Reproductive Law and Policy (CRLP) Shadow Report*. Retrieved Dec 23, 2006, from WomanStats database.

Divorce in Ghana: "Women in Ghana are recognized under law as having equal rights with men in all spheres of life. The 1992 Constitution recognizes equality of all persons before the law and prohibits discrimination on the grounds of sex, religion, etc...the Matrimonial Causes Act supports women seeking divorce under both customary and ordinance marriages...[but] Women continue to live with discrimination in relation to the rights and obligations in marriage and the grounds for divorce. While women can be divorced at customary law on grounds of witchcraft, stealing and adultery, these are not grounds for divorcing a man." (CHB - Women's Manifesto)⁵

Analysis: In Nigeria, both Sharia law and common law discriminate against women, not just in access to divorce, but in maintenance in the case of divorce. This sets up a clear hegemonic power structure in which men are the rulers and women the subjects. Ghana, though it has unequal grounds for divorce in customary law, offers the Matrimonial Causes Act, which offers a legal framework for providing women with equal rights. Women in Ghana, therefore have a better avenue by which to access divorce than women in Nigeria. This difference in law and practice is further reflected by the difference in the number of divorces in the two countries. Two thirds of all Nigerian adult women are married, and a comparable 59% of Ghanaian women are married. Only 3% of women in Nigeria are divorced, whereas over 8% of Ghanaian women are.⁶ This difference reflects a greater *de facto* access to divorce in Ghana for women. In the comparison between Nigeria and Ghana, therefore, there exists a positive correlation between laws and practices that discriminate against women and tendency of a nation (in this case Nigeria) toward intra-state and inter-state conflict. There are several factors, however, that are not constant between the two countries in comparison. Nigeria is a larger nation in area, population,

⁵ WiLDAF/FeDDAF. (Nov 2004). Situation des femmes Ghana. *WiLDAF/FeDDAF - AFRIQUE DE L'OUEST*. Retrieved Dec 23, 2006, from WomanStats database.

⁶ DHS. (2003). Nigeria: DHS, 2003 – Final Report (English). *Demographic and Health Surveys (DHS)*. Retrieved on Dec 23, 2006, from WomanStats database.

Census. (1993). Census of Ghana. *Census Office*. Retrieved on Dec 23, 2006 from WomanStats database.

economy, and military, meaning that it is at least that much more likely than Ghana is to become involved in conflicts with other nations. Furthermore, Nigeria has many offshore oil interests that are disputed by other nations in the region, which is not true of Ghana. Removing those conflicts from the analysis, however, at very least Nigeria is still a more conflict-prone nation than Ghana in its relations between Christians and Muslims, still supporting the possible correlation between treatment of women (a microcosm of which is found in divorce law and practice) and armed conflict.⁷

Mexico and Honduras

Mexico and Honduras both come from traditional Spanish rule and have a majority *mestizo* ethnicity. Both countries are almost entirely Roman Catholic religiously.⁸ Both have a recent history of being ruled by oppressive, nominally democratic regimes. As for intra- and inter-state conflict, however, Honduras seems to be much calmer than Mexico, having its last conflict a short skirmish in the late 1960's with El Salvador.⁹ Mexico has had extensive unrest both in the wake of the recent presidential elections (though the majority of that has been non-violent) and has fought rebels in its southern state of Chiapas.¹⁰ Honduras, on the other hand, has scaled back its militarisation and the conflict that existed between it and El Salvador has decreased significantly over the past few decades.

⁷ BBC. (Sept 10, 2001). Scores die in Nigeria clashes. *BBC News*. Retrieved on Dec 23, 2006 from <http://news.bbc.co.uk/2/hi/africa/1535092.stm>.

⁸ CIA. (Dec 19, 2006). Honduras. *CIA – The World Factbook*. Retrieved Dec 23, 2006, from <https://www.cia.gov/cia/publications/factbook/geos/ho.html>.

CIA. (Dec 19, 2006). Mexico. *CIA – The World Factbook*. Retrieved Dec 23, 2006, from <https://www.cia.gov/cia/publications/factbook/geos/mx.html>.

⁹ Cooper, T. & Coelich, M. (Sep 1, 2003). El Salvador vs Honduras, 1969: The 100-Hour War. *Air Combat Information Group*. Retrieved Dec 23, 2006, from http://www.acig.org/artman/publish/article_156.shtml.

¹⁰ Butler, E. (Jan 4, 1998). Mexico: What's Going On In Chiapas? *BBC News*. Retrieved Dec 23, 2006, from <http://news.bbc.co.uk/2/hi/world/analysis/44512.stm>.

Divorce in Mexico: "According to Judge Alicia Elena Pérez Duarte, in cases of divorce on the grounds of adultery, the law clearly favours men, justifying men's adultery to a certain degree. If the wife does not meet her husbands "conjugal rights," the husband may be seen as justified in seeking satisfaction of his "natural instincts" through extramarital sexual relations. He is not held responsible for the divorce as he is considered to have been "pushed" into adultery. On the other hand, a woman is always condemned for adultery since her extramarital affair can result in an "illegitimate child." Moreover, such conduct is considered a "provocation" for her husband's adultery, which makes her guilty and ultimately responsible for the divorce. The person who is declared responsible loses forever the right to receive alimony from the other." (IWRRAW shadow CEDAW 1997, section "Divorce" paragraph 1 JDP) ¹¹

Divorce in Honduras: "Women are treated equally under the law with respect to property rights in divorce cases." (CHB - State Dept 2004)¹² "Civil marriage is relatively common. Divorce in this case is relatively easy and uncomplicated." (CHB - Lib of Congress 1998)¹³

Analysis: The biased determination of fault in Mexico causes many women to go without alimony or child support, which is a clearly oppressive practice that limits women's access to divorce. Honduras however, does not seem to exhibit bias in the settling of assets after divorce. Among these two countries, then, exists further support for the hypothesis that empowerment of women decreases a nation's tendency toward intra- and inter-state conflict. A confounding variable in this analysis might be (as mentioned in the case of Nigeria above) Mexico's size relative to Honduras's. But given the size of the borders and vulnerability of Honduras, the argument can also be made that Honduras would have to spend

¹¹ IWRRAW. (July 18, 1997). Mexico (Covenant on Economic, Social and Cultural Rights). *International Women's Rights Action Watch (IWRRAW)*. Retrieved Dec 23, 2006, from WomanStats database.

¹² Dept. of State. (Feb 28, 2005). Honduras: Country Reports on Human Rights 2004. *U.S. Department of State: Bureau of Democracy, Human Rights, and Labor*. Retrieved Dec 23, 2006, from WomanStats database.

¹³ Library of Congress. (1998). Honduras: Family and Kin. *Library of Congress Country Studies*. Retrieved Dec 23, 2006, from WomanStats database.

a greater proportion of its GDP on its military and might be forced to take more violent actions toward threats both at home and abroad.

North and South Korea

The culture of Korea has only been split recently (since the Korean War in the 1950's), so most traditional and cultural practices remain very similar. Both regimes were rather totalitarian to begin with, and both nations were highly militarised, but due to a democratic political system, South Korea has changed in those respects over the past fifty years. South Korea is now much less confrontational in its intra- and inter-state relations, focusing more on economic than military power. North Korea on the other hand, retains the highest military spending as percentage of GDP and recently declared itself a nuclear power.¹⁴

Divorce in North Korea: "A Korean-American scholar learned in discussions with North Korean officials in the early 1980s that a wife's inability to bear a son still gives a husband grounds for divorce. If a man desires a divorce, he has to obtain his wife's permission. A woman, however, is able to divorce without her husband's consent. A South Korean source reported the opposite--that it is easier for a husband to obtain a divorce than it is for a wife. Divorce from those branded "reactionaries," or "bad elements," is granted rather easily in the case of either gender and in fact often is strongly encouraged by

¹⁴ CIA. (Dec 19, 2006). Korea, North. *CIA – The World Factbook*. Retrieved Dec 23, 2006, from <https://www.cia.gov/cia/publications/factbook/geos/kn.html>.

CIA. (Dec 19, 2006). Korea, South. *CIA – The World Factbook*. Retrieved Dec 23, 2006, from <https://www.cia.gov/cia/publications/factbook/geos/ks.html>.

BBC. (Oct 16, 2006). US confirms N Korea nuclear test. *BBC News*. Retrieved Dec 23, 2006, from <http://news.bbc.co.uk/2/hi/asia-pacific/6056370.stm>.

the authorities. In general, the authorities seem to discourage divorce with the exceptions noted above." (CHB - Lib of Congress 1998)¹⁵

Divorce in South Korea: "The Family Law permits women to head a household, recognizes a wife's right to a portion of the couple's property, and allows a woman to maintain greater contact with her children after a divorce. Although the law helps abused women who choose to divorce, including victims of domestic violence, the stigma of divorce remains strong, and there is little government or private assistance for divorced women. These factors, plus the fact that divorced women have limited employment opportunities and have difficulty remarrying, lead some women to stay in abusive situations." (CHB - State Dept. 2002)¹⁶

Analysis: North Korea continues the traditional practice of allowing divorce if the wife doesn't bear a son. At the same time, however, the extreme secrecy of the North Korean regime causes some confusion as to the reality of access to divorce as the evidence above shows. The regime, however, does allow divorce in the case that one of the spouses is against the regime. The regime, therefore, changes the culture as much as necessary to ensure the regime's success. With regard to divorce then, it is likely that chauvinist traditions persist, with the only modification in the case that one spouse or another is a "reactionary." South Korea, however, reflects other modern societies much more than its traditional roots. As with other developed countries, divorce is equal legally, but social stigmas still constrain women. In comparison, North Korea is, therefore, both more institutionally oppressive of its people and its women, again supporting the hypothesis of a positive correlation between lack of access to divorce by women and intra- and inter-state conflict.

¹⁵ Library of Congress. (1998). North Korea: Family Life. *Library of Congress Country Studies*. Retrieved Dec 23, 2006, from WomanStats database.

¹⁶ Dept. of State. (Mar 31, 2003). Korea, Republic of: Country Reports on Human Rights 2002. *U.S. Department of State: Bureau of Democracy, Human Rights, and Labor*. Retrieved Dec 23, 2006, from WomanStats database.

Israel and Jordan

Israel and Jordan both have recent histories of being prosperous and international (though economic and political setbacks of the Jordanian civil war are only recently being overcome). They both have large minority populations of Palestinians and Christians. Both countries have rather liberal laws as compared to other nations in the region. Both have fought wars against each other, but recently, Israel's military spending has far outstripped Jordan's, and Israel has been involved in many more armed conflicts over the past decade (most recently with Lebanon in June 2006). This may be said to be because Israel has more enemies in the area, but Jordan's history with other countries in the region (especially Israel) has shown that it does not lack for reasons for intra- and inter-state conflict.¹⁷

Divorce in Israel: “. . . even if it is true that she despises him there is no basis on which to force him to divorce her as it is written in the Shulchran Aruch [Medieval Compilation of Jewish law] section 37 page 2 ‘if the husband wants to divorce her,’ but there is not anything to obligate him and the authorities specified and it appears in the decrees of the rabbis that even to obligate him to divorce, without force, it is not allowed and this is from the language of the Shulchran Aruch which says ‘if he wants,’ that the matter depends only on what he wants, and we should therefore grant his appeal. "Plonit v. Ploni," The High Rabbinic Court, 1995 (EN 2002). Jewish religious law also does not limit a woman's right to choose a spouse freely or to enter into marriage based on free and full consent. The main form of discrimination against Jewish women relative to Jewish men concerns rights during the course of marriage and in the event of its dissolution. A man takes a woman in marriage as a unilateral action; to dissolve the union, the man must consent to give the divorce. The divorce will be completed if the woman agrees to accept it. According to Jewish law, the woman lives her married life in subordination to the

¹⁷ CIA. (Dec 19, 2006). Israel. *CIA – The World Factbook*. Retrieved Dec 23, 2006, from <https://www.cia.gov/cia/publications/factbook/geos/is.html>.

CIA. (Dec 19, 2006). Jordan. *CIA – The World Factbook*. Retrieved Dec 23, 2006, from <https://www.cia.gov/cia/publications/factbook/geos/jo.html>.

man, benefiting from the economic and physical security he provides in exchange for the domestic services that she gives him. Even if this division of labour does not reflect the life style of many women in Israel, this grasp of the roles of the marriage partners has an impact when religious courts adjudicate a dispute between partners during divorce proceedings.” (1997 Shadow Report, JA)¹⁸

Divorce in Jordan: “Men may divorce their spouses more easily than women; however, a 2001 provisional law allows women to divorce their husbands in Shari'a Court. Since 2001, Shari'a courts have granted over 500 divorces brought by women. Some Christians are unable to divorce legally because they are subject to their faith's religious court system, which does not allow divorce. Many of these individuals convert to another Christian denomination or the Muslim faith to divorce legally.” (CRonHR 2003)¹⁹ “A woman may handle her own divorce if the provision was included in the marriage contract.” (CEDAW 1997, 26)²⁰

Analysis: Both Israel and Jordan seem to be biased in favour of men with regard to divorce, but the ruling in Jordan allowing women to divorce in Sharia court has increased their access to divorce markedly whereas Jewish courts in Israeli have decreased women's access to divorce in Israel. This religious court inequality shows that while most Americans regard Israel as more free and equal than neighbouring countries, it still retains some oppressive practices toward women, which might in part explain its violent tendencies toward other nations and the occupied territories of the West Bank and the Gaza Strip. While Jordan's relatively liberal stance on divorce as compared to other nations in the region may also in part explain its less militaristic nature compared to other nations in the region.

¹⁸ IWRAW. (Apr 8, 1997). Israel. *International Women's Rights Action Watch (IWRAW)*. Retrieved Dec 23, 2006, from WomanStats database.

¹⁹ Dept. of State. (Feb 25, 2004). Jordan: Country Reports on Human Rights 2003. *U.S. Department of State: Bureau of Democracy, Human Rights, and Labor*. Retrieved Dec 23, 2006, from WomanStats database.

²⁰ CEDAW. (Nov 10, 1997). Jordan CEDAW Report. *Committee on the Elimination of Discrimination Against Women (CEDAW)*. Retrieved Dec 23, 2006, from WomanStats database.

Burma and Cambodia

Both countries come from highly repressive and violent regimes (though Burma's is much more iron-fisted currently). Both are developing nations. But Burma's military spending dwarfs all other countries in the region, including Cambodia's. Both suffer from widespread human and drug trafficking, which would be a possible reason for military spending (though Burma's military may aid rather than oppose trafficking operations). Burma is currently much more violent. Cambodia has no current intra- or inter-state conflicts, but there is fighting in Burma between the government and several ethnic groups (especially in the eastern mountain region).²¹

Divorce in Burma: "There is little encouragement for women to pursue legal avenues, as those who are responsible for upholding and enforcing the law are often the first to use their positions to abuse women's human rights. Women may find they face further violations at the hands of officials, without necessarily obtaining the redress they seek." "I know one woman who wanted a divorce from her husband. She had to talk to the police, and one policeman made her sleep with him for two nights for the legal papers. CINT 08" All these written laws grant men and women the right to divorce for different reasons and all discriminate against women in affording property settlement. However, according to most of the women we spoke with, common or not, divorce is still perceived to be a relatively infrequent occurrence in most communities. On the whole, very few of the women interviewed said that divorces were easily obtained in Burma. Even those who said there are few legal encumbrances commented that women may face other practical or social strictures. In fact, there is very little evidence that divorce by mutual agreement occurs. Obtaining a legally recognized divorce requires providing grounds recognized as sufficient by authorities such as village and quarter heads and elders, and as such, the decisions are

²¹ CIA. (Dec 19, 2006). Burma. *CIA – The World Factbook*. Retrieved Dec 23, 2006, from <https://www.cia.gov/cia/publications/factbook/geos/bm.html>.

CIA. (Dec 19, 2006). Cambodia. *CIA – The World Factbook*. Retrieved Dec 23, 2006, from <https://www.cia.gov/cia/publications/factbook/geos/cb.html>.

subject to personal rulings as well as legal guidelines. If women's attempts to separate from their partners are not recognized by local authorities, they carry no weight in their communities. According to writer Mi Mi Khaing, A woman is seen as having stronger physiological links to the family.... Adultery on her part would have to mean an involvement of her emotions toward a new base, whereas for the potential 'bachelor' adultery does not necessarily mean the desire to change. These differences not only weaken a woman's chances of obtaining a divorce, they bolster the ideas that women's status generally in the marital relationship is secondary to men's, and that women should naturally assume more responsibility for their families than their husbands. Women's subservience to their husbands is further underlined by another reason that husbands may divorce their wives."²²

Divorce in Cambodia: "Divorce is legal, relatively easy to obtain, but not common. Divorced persons are viewed with some disapproval, and they are not invited to take part in the blessing of a newlywed couple. Some of the grounds for divorce are incompatibility, prolonged absence without good reason, abandonment by either partner, refusal of the husband to provide for the family, adultery, immoral conduct, and refusal, for more than a year, to permit sexual intercourse. A magistrate may legalize the divorce. Each spouse retains whatever property he or she brought into the marriage. Property acquired jointly is divided equally. Divorced persons may remarry, but the woman must wait ten months. Custody of minor children is usually given to the mother. Both parents continue to have an obligation to contribute financially toward the rearing and education of the child." (CHB - Lib of Congress 1998)²³ "The Constitution contains explicit language providing for equal rights for women, equal pay for equal work,

²² WomanStats. (2005). Burma: Access to Divorce. Retrieved Dec 23, 2006, from WomanStats database.

²³ Library of Congress. (1998). Cambodia: Families. *Library of Congress Country Studies*. Retrieved Dec 23, 2006, from WomanStats database.

and equal status in marriage. In practice, women had equal property rights, the same legal status to bring divorce proceedings." (CHB - State Dept 2004)²⁴

Analysis: Burma's absolute oppression of women (a facet of which is their lack of access to divorce) is a sharp contrast to Cambodia's rather equal system of divorce administration. In fact, Cambodia's divorce laws and practices remain among some of the most equal in the world, which correlates with Cambodia's history of being exceptionally peaceful in the last decade (especially as compared to just years prior that saw one of the most violent regimes in the world). Likewise, Burma's oppression of women correlates highly with its violent regime.

Conclusion

These comparative case studies seem to offer some evidence in support of the notion that a state will treat other states and dissidents within its own state as it treats its women (or allows its men to treat its women). This is a qualitative analysis that would be enhanced by a study including quantitative analysis. A possible method for quantitative analysis would be to look at comparisons between these nations and others in the ratio of deaths in armed conflicts over the past 10 years to the total population. An ordinal scale on access of divorce would allow the comparison between divorce and armed conflict. While the evidence may not be entirely causal (indeed the argument cannot be made that anything more than a correlation exists between access to divorce and armed conflict), the correlation that seems to exist merely adds more credence to the more general relationship between security of women and security of nations.

²⁴ Dept. of State. (Feb 28, 2005). Cambodia: Country Reports on Human Rights 2004. *U.S. Department of State: Bureau of Democracy, Human Rights, and Labor*. Retrieved Dec 23, 2006, from WomanStats database.