

## **SENSITIVITY TO CULTURE IN DIVORCE**

Twenty years ago, the majority of people I represented in family law matters were people who had been born in American. There were extremely few cases involving people who had not lived in the United States for at least one or two generations. Times have changed enormously, however, and so has the cultural population of people experiencing divorce in the Detroit area.

The Detroit Metropolitan area is a cultural melting pot. Think about it. We are a United Nations. We have one of the largest Arab populations outside of the Middle East. We have a huge Hispanic population. We also have thousands of people in our city who were born and raised in India, Pakistan, many parts of Africa, Japan, Thailand, Hong Kong, Mainland China, Korea and many other parts of the Far East. We have a large Chaldean population and the Detroit Metropolitan area has become a major immigration point for thousands who have come here from the former Soviet Union and other parts of Eastern Europe.

In recent years in my divorce practice, I have represented people from many religious, ethnic, cultural and racial backgrounds. Lately, I have seen several divorces involving cultures, where divorce, until recently, was extremely rare. I have also been involved in numerous divorces where people come from cultures or societies where arranged marriages are common. Lifestyles and marital relationships that were accepted overseas are frequently unsuccessful here and therefore, a great many arranged marriages break up. As Family Practitioners, it is necessary to address the wide variety of differences in the needs of a diverse religious, ethnic and cultural population.

As an attorney, it is important to examine differences and try to learn from them. When I first meet with a client, I make it a goal to not only discover the facts about the marriage and

it's problems, but also to familiarize myself with that client's ethnic and cultural background. For example, how does the Muslim religion impact a divorce? How does the fact that women, in most Muslim countries, are treated differently from American woman impact a divorce? How does the traditional attitude of the Muslim male play a role in the divorce? All of these issues are relevant. Muslim holidays are also critical to the participants in a Muslim Divorce. During these holidays, parenting time matters a great deal and need to be respected and considered in the Judgment of Divorce. Issues with regard to Green Cards frequently arise. It is common for there to be allegations of misrepresentation where one party married another party simply to obtain a Green Card. Each one of these situations has risen in my practice. These are delicate matters which require sensitivity and attention. The matter of custody has unique considerations, too. If a parent were to disappear with a child into certain countries in the Middle East or other parts of the world, there is no reciprocity and it is impossible to have a child returned if the parent elects to keep that child. All these issues are intricate and must be explored on a case-by-case basis.

I have seen several cases of arranged marriages from India. It is likely that if these couples were still in India, they would not be seeking a divorce, but here, with different lifestyles and attitudes, divorce is an option that is frequently considered. Religious and cultural issues play a significant role in these cases. I have seen many complicated and hard-fought custody battles, where both father and mother feels they are capable of and entitled to, at the very least, joint legal and physical custody. Again, a keen awareness must be evident of cultural nuances and a variety of religions. People from India as well as Pakistan are Muslim and Hindu and Sheik and each religion have its own attributes.

The Detroit area auto and computer industries attract a great many citizens from the Far

East. Once again, it is necessary to consider the cultural and ethnic differences of this population. For example, female roles in the Far East differ greatly from female roles in the United States. This is just one area where attorneys owe it to their clients to be sensitive and aware.

It is common for clients to come to an attorney with successful businesses that have a lot of cash. Discovery issues are critical and often, in these cases, difficult. Language is also problematic. The American vernacular and the connotations of American words are frequently confusing and frightening to people who have not been raised here. It cannot be assumed that American slang and idioms make sense to foreign-born clients. Therefore, it is important to be tuned in, not only to cultural differences, but also to differences in language and comprehension. For example, a great many people who were born in Poland live in the Detroit area. It is common for Polish to be their primary language and English their second language. I have had Hispanic clients who have had to endure the same problem. It is difficult for them and important for their attorney to be empathic. Frequently in these cases, it is a good idea to have an interpreter present. This allows the experience of a court hearing and a divorce to be less confusing and reduces the stress in an already difficult time.

The role of women in different cultures is hugely significant when a couple is considering divorce. In some cultures, women still are expected to remain in the home and defer to their husbands. It is not implicit that women in all cultures are active members of the community, prospering in important positions. When a marriage is dissolving, it is critical to be aware of the role of the woman for that particular culture.

Religion is another critical issue in many divorces in today's world. It is more and more

common for people of different faiths to marry and if the marriage breaks down, the religion of the children is often a hotly contested battle. I have had cases where one spouse has converted to their spouses' religion only to revert back to their original religion once the marriage has disintegrated. These situations often turn ugly, and unfortunately, it is often the children who are caught in the middle. Another scenario where religion is a point of contention in a divorce is when the parents, though members of the same faith, cannot agree on which church, synagogue or Temple the children should attend. To say the least, these cases can be extremely complicated.

As an attorney, it is important to listen to a client and try to understand the client's background. These extremely sensitive issues must be recognized and considered carefully when determining the best strategy for the client. Each case is completely unique and deserves a unique approach. The extra attention I use when a client is foreign born always results in a client who is more satisfied.

It is important for a client from a foreign country to make sure that any attorney they hire is sensitive to the intricacies of a divorce that has cultural considerations. We are all products of our environments and our cultural and ethnic identities mean a great deal to all of use. The exact same set of circumstances can be interpreted in a variety of ways, depending on the heritage of the client. The legal profession needs to not only be knowledgeable but compassionate. Satisfying the specific needs of our clients during the traumatic experience of divorce not only makes us better lawyers but better human beings.

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## **THE IMPACT OF CULTURAL AND ETHNIC BACKGROUNDS ON DIVORCE**

Twenty years ago, the majority of people who I represented in family law matters were American born. There were very few cases involving people who had not lived in the United States for at least one or two generations. They also almost always involved people who were either European in heritage, or Afro American. Times have changed greatly and so has the cultural makeup of those going through a divorce here.

The Detroit Metropolitan area is a cultural melting pot. Think about it. We are literally like a United Nations. We have one of, if not the largest, Arab population, outside of the Middle East. We have a large Hispanic population. We also have many people who were born and raised in India, Pakistan, many parts of Africa, Japan, Thailand, Hong Kong, Mainland China, Korea and many other parts of the Far East. We have a large Chaldean population and the Detroit Metropolitan area has become a major immigration point for thousands who have come here from the former Soviet Union and other parts of Eastern Europe.

In recent years in my divorce practice, I have represented people from many religious, ethnic, cultural and racial backgrounds. Lately, I have seen many divorces involving cultures, where divorce, until recently, was very uncommon. I have also been involved in many divorces where people come from cultures or societies where arranged marriages are common. Lifestyles and marital relationships that were accepted overseas are now not acceptable here, with the result that many arranged marriages are breaking up because the people are very unhappy. As family practitioners, we are dealing with many diverse religious, ethnic and cultural differences that must be looked at.

As an attorney, I believe it is important to look at these differences and try to learn from a

client, not only about the history of his or her marriage and why he or she is getting divorced, but also about some of the ethnic and cultural issues. What about the impact of the Muslim religion on a divorce? What about the fact that women, in many Muslim countries, are treated very differently than women are treated here? The attitude of men can be very different and that must be looked at. Think about the fact that when you are dealing with religious holidays in a divorce settlement with regard to parenting time, Muslim holidays and other religious holidays must be looked at and often these should be included in the Judgment of Divorce. There are also issues with regard to green cards, allegations of misrepresentation where someone married someone else in order to obtain a green card. I have seen many of these situations in my practice. What weight should this have in a divorce? What about the issue of custody and the fact that if someone disappears into certain countries in the Middle East and other parts of the world, there is no reciprocity and it will be impossible to have a child returned if the parent elects to keep that child? These are issues that must be explored on a case by case basis.

I have seen several cases of arranged marriages from India. If these people were still in India, they probably would not be getting a divorce, but here, with different lifestyles and attitudes, there are more and more people seeking divorce. Religious and cultural issues can come into play here. I have seen many complicated and hard fought custody battles, where both father and mother feel capable and entitled to, if not joint legal and physical custody, then sole physical custody. Again, we are dealing with not only cultural differences, but various religions, including Hindu and Sheik, as well as some Muslims who come from India as well as Pakistan.

We have many people who have come here from the Far East. Many of them hold important jobs in the computer and auto related industries as well as becoming successful

entrepreneurs in businesses. Again, we have cultural and ethnic differences that must be looked at. There are attitudes towards women that might be acceptable in the Far East, that are clearly not acceptable here in the United States. How should these issues be treated?

What about the fact that many immigrants have become successful in businesses where there is a lot of cash? Discovery issues can become critical and often difficult. It is also important to realize that words and meanings that seem so simple to us can be totally incomprehensible and frightening to someone who finds English as a new second or third language, or for someone where the meanings of words and slang can be argued over ad infinitum. We are not only dealing with cultural and religious differences, but also problems with language and even comprehension.

We also have a large Greek Orthodox community in the Detroit Metropolitan area. Many immigrants from Poland have settled here with the result that there are certain areas where English is a second language and Polish is the primary language. That is also true with areas where there is a large Hispanic community, both in Detroit and in Pontiac. At times, an interpreter is necessary for people to get through court hearings or to even understand what is going on during the divorce process.

As I mentioned earlier, in some cultures, women are basically relegated to the home, while in others, they are truly equals and often have important positions as doctors, engineers or computer experts, just to name a few occupations. There are many societies where women are treated as second class citizens with few rights. All of these issues come into play when a marriage is dissolving through a divorce, especially when we have people who were raised in a society where women's rights are far different than they are here in the United States.

Another issue in our multi-ethnic, religious, racial and cultural society is the fact that people from different ethnic or religious backgrounds often say “I do,” and mean it at the time of the marriage. When the marriage breaks down where there are children, battles can center over what religion the child or children will be raised in. I have had cases where one spouse has converted from one religion to another and then reverted back once the marriage has disintegrated. Many of these situations turn ugly with the children in the middle if two angry, unhappy parents, who cannot agree on a religion or upbringing, or in some cases where they are members of the same religion, what church or synagogue or Temple the children should attend. To say the least, these cases can be extremely complicated.

As an attorney, I feel that it is important to listen to a client and try to understand where the client comes from and what his or her background is. Some questions to think about are the impact of the religious, ethnic or racial heritage on the divorce. How are these issues to be handled? These are very sensitive issues that must be recognized and somehow dealt with. We cannot generalize, but we must look at these situations on a case by case basis. I strongly believe that these divorces often require more attention than the typical run of the mill divorce.

If a client is seeking an attorney and that client is from a minority or different racial or ethnic background, it can be important to ask that attorney about his or her experiences in handling divorces or custody matters involving people with similar backgrounds and experiences. These are all valid issues and questions that must be looked at by an attorney. Remember that as human beings, we all bring our backgrounds, personal biases, and experience to the table. We must be compassionate and realize that people from different backgrounds often look at the same scenario very differently than we do. We must bear this in mind and be



sensitive to the many religious, cultural and ethnic differences of our clients.

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