Easy married, hard divorced in China (international marriage with Chinese women)

Description

The world is flat, as depicted by the book so entitled. Cross-border marriages mushroom everywhere in the globe, including China, esp in big metropolis cities like Beijing, Shanghai, Shenzhen and Guangzhou.

There are many reasons why a foreigner will get married to a Chinese spouse (most often Chinese wives), and sometimes, they get married quickly or “flash marriage”. It is easy to get married in China. However, when it comes to divorce in China, foreigner spouse may find their better half difficult and unreasonable, but they will also find Chinese courts difficult and unreasonable when they end up in court room for a divorce.

Here is an example: In 2007, an American guy met a Shanghai girl in a party and hit it off with her instantly (vice versus) and they started to live together next day. After a three-month glued life, they decided that they cannot part with each other. Marriage was the right choice for both. They registered their marriage in China. Immediately after marriage, the guy had to travel between USA and China for work and unfortunately he didn’t work in the city where his wife lived. They still managed to live together sometimes when the guy was in China, stealing some time out of his busy schedule for his wife. Life started to lose luster. The American guy found himself tired of this not normal marriage life. What’s more, he now had an affair with his ex girlfriend in USA. In 2009, he opted to tell his wife that they cannot live this way and he wanted a divorce. After multiple requests for divorce in 2009, the wife realized that she cannot keep him, and counter claimed an amount of compensation for the years she had spent for him. She gave him a figure of RMB half a million, which was beyond his means as he had not recovered from American financial crisis then. Since then, they never slept together and lived separate life apart. They did meet to discuss their problem but their talk spun around how much money the guy should pay to his wife.

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Then early 2013, the man didn’t want to wait indefinitely. He hired a Shanghai lawyer to sue to divorce, believing his situation would well warrant a divorce under Chinese Marriage Law which prescribes that divorce may be granted if the two parties have lived apart for consecutive two years due to incompatibility. He had lived separately from his wife for more than three years, and they just needed to figure out an amount of compensation.

At the court hearing, the facts described above are proved and admitted by both parties. But when the judge asked the woman whether she would divorce her husband. She made a surprise show by saying she still loved him and she didn’t want to divorce, while previously admitting that she had requested half a million for divorce. The tactic was that she wanted to delay divorce against the man’s will.

With the facts said above, what would be the likely decision of a western court?

Here in Shanghai, the judge later delivered a judgment of denying the man’s claim to divorce his wife saying that their relationship was affected by the husband’s work, and was salvable as their marriage

was based on love initially and if both parties can talk and communicate with each other, they will work out their problem. Bla.. bla… nonsense.

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Chinese courts as part of Chinese society somehow uphold traditional Chinese values and cultures such as family value. They tend to give an ailing marriage a chance for them to try to solve their problems and return to normal marriage life. So you will find that in many cases (if not majority) courts will not grant divorce in the first lawsuit, and will be more willing to give OK to the couple when they sue again after six months (six months is the minimum waiting period for a couple to sue to divorce again).

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