

**Filial Piety Laws in the Asia Pacific Region**  
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### **Origins of Filial Piety**

Filial piety traces its origins to Chinese culture in Confucianism which holds a set of moral norms, values, and practices of respect and caring for one's parents.<sup>1</sup>

Expressed in the Chinese character 'Xiao' which is the virtue of exhibiting the proper love and respect for one's parents. Japanese equivalent is 'Ko' in Korean 'Hyo'.

The character is comprised of two parts, the upper part represents age or elder and a lower part that represents youth or child. This indicates that the child carries or supports the elderly and succeeds the parent.<sup>2</sup> It is interpreted as the older generation should be supported by the younger generation.<sup>3</sup>

The study of filial piety has been spurred by an aging society, and its psychological investigation provides a solid structure for research targeting intergenerational relations (in other cultures).<sup>4</sup>

Filial piety or responsibility laws have been enacted in some countries to ensure that children perform duties for children to support their parents in old age. Filial piety laws have been passed with the objective of ensuring parents who are in need of financial

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<sup>1</sup>Bedford, Olwen and Huang Hui-yeh, The History and the Future of the Psychology of Filial Piety: Chinese Norms to Contextualized Personality Construct. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6363941/#B2>

<sup>2</sup> *Ibid.*

<sup>3</sup> Also elaborated in Ikels, C. (2004), *Filial piety: Practice and Discourse in Contemporary East Asia*, Stanford University Press, ISBN 978-0-8047-4791-2 describing the character as a combination of the character *lao* (old) above the character *zi* (son), that is, an elder being carried by a son" and in Yee, B.W.K. (2006), "Filial Piety", in Jackson, Y. (ed.), *Encyclopedia of Multicultural Psychology*, SAGE Publications, p. 214, ISBN 978-1-4522-6556-8

<sup>4</sup>*Supra* note 1

support, basic necessities including medical care are provided for by their adult children. They are designed to ensure responsibility based on reciprocity of relations. Rights should not be based on reciprocity but inherent dignity, freedoms and entitlements.

Filial-support laws create “a statutory duty for adult children to financially support their parents who are unable to provide for themselves.”<sup>5</sup> The laws assign filial responsibilities and establish the extent to which adult children must provide for their ageing parents. The laws are predicated on two conditions. First, governments must have a systematic mechanism for determining need. Many filial-support laws stem from social-welfare laws and identify a person in need as an individual who is “so poor that they must be supported at public expense.”<sup>1</sup> Second, the statutes themselves must assign responsibilities based on the traditional concepts of intergenerational fairness and reciprocity. For example, the common belief that, in adulthood, children should compensate their parents for the sacrifices that their parents made in supporting them to adulthood. Adult children could be relieved of their filial responsibilities if their parents were known to have abandoned their parental obligations at some point during their children’s upbringing. In such cases, family courts or special tribunals can act as adjudicators and or arbitrators.<sup>6</sup>

## **Some Examples of Filial Piety Laws in Asia-Pacific**

Table 1 is lifted from the article, Laws on filial support in four Asian

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<sup>5</sup> Quoted from Pearson, KC. Re-thinking filial support laws in a time of Medicaid cutbacks—effect of Pennsylvania’s recodification of colonial-era poor laws. *PA Bar Assoc Q.* 2005;76:162–70. *Infra.*

<sup>6</sup> Serrano R, Saltman R, Yeh MJ. Laws on filial support in four Asian countries. *Bull World Health Organ.* 2017 Nov 1;95(11):788-790. doi: 10.2471/BLT.17.200428. Epub 2017 Oct 2. PMID: 29147061; PMCID: PMC5677618. Available online at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5677618/>

## countries<sup>7</sup>:

Table 1

Filial-support laws, Bangladesh, China, India and Singapore, 1995–2013

Country	Name of law	Year enacted	Main requirements	Can third-parties file under the act?	Penalties	No. of cases
Bangladesh	Parents Maintenance Act	2013	If adult children do not provide their parents' maintenance without any "logical reason", the parents may get remedy by complaint. All adult children must provide their parents with a "logical amount of money" for maintenance, from their earnings, if the parents do not live with the children. In the absence of one or both parents, the grandparents may be entitled to "maintenance" allowances.	NS	Fines of up to US\$ 1200. If fines are unpaid, violators may face imprisonment for up to 3 months.	NA <sup>a</sup>
China	Law for the Protection of the Rights and Interests of the Elderly	2013	"Family members should care for the spiritual needs of the elderly and must not ignore or neglect them. The supporters who live separately from the elderly should frequently visit or send a greeting" <sup>1</sup>	Article 43 notes: "When the lawful rights and interest of the elderly are infringed upon, they or their agents shall have the right to refer the matter to the department concerned or bring a lawsuit to a people's court according to law" <sup>2</sup>	NS	In Beijing, 63 tribunals in 2016 and 290 between 2013 and 2017. Corresponding numbers for China were 2754 and 8647, respectively. <sup>3,b</sup>
India	Maintenance and Welfare of Parents and Senior Citizens Act	2007	Adult children and or grandchildren are under obligation to maintain at least one parent or grandparent. An adult relative of a senior citizen is bound to look after the senior citizen.	Yes, but only a tribunal may file complaints on behalf of old people	Fines of US\$ 75 and or imprisonment for up to 3 months	In the National Capital Territory of Delhi, 571 tribunals in 2017 and 1651 between 2009 and 2017 <sup>5,c</sup>
Singapore	Maintenance of Parents Act	1995	Adult children must pay each Singaporean parent who is aged at least 60 years, either a monthly allowance, or a lump sum, for maintenance	The act does not specify if third parties can file complaints on behalf of old people	NS	There were 70 new applicants for maintenance in 2016 and 2283 between 1996 and 2016 <sup>6</sup>

NA: not available; NS: not specified; US\$: United States dollars.

<sup>a</sup> Data on the numbers of cases do not appear on the web sites of the Bureau of Statistics or the Ministry of Social Welfare.

<sup>b</sup> China's national government does not publicly post data on the numbers of cases. The numbers shown here are crude estimates (probably underestimates) based on the results of a search of the online databases of the supreme people's court for which "Law for the Protection of the Rights and Interests of the Elderly" and "maintenance" were used as search terms.<sup>4</sup>

<sup>c</sup> In India, the decentralized enforcement of the act means that no national statistics on the numbers of cases are available.<sup>5</sup>

In addition to the 4 countries mentioned, some other Asia Pacific Countries that have passed similar legislation are as follows:

**Korea** passed a law in 2007 in an attempt to preserve the traditional filial practices. They do not obligate adult children to support their parents in explicit and detailed ways; the main goal is to emphasize the importance of family and an aging population. It does not punish their citizens when violating filial piety laws, instead they indirectly enforce the law by implementing policies and programs to help encourage it.<sup>8</sup>

<sup>7</sup> *Ibid.*

<sup>8</sup> Walker, Ruth posting the article of Jessica Saunnaucie, Putting Filial Piety into Legislation for Older Adults: A Tale of Two Countries. Available at online at:

<https://blogs.missouristate.edu/gerontology/2019/01/11/putting-filial-piety-into-legislation-for-older-adults-a-tale-of-two-countries/>. In this article, Saunnaucie cites that some US States have enacted Filial Responsibility laws but with the introduction of welfare assistance, have abolished the same. This is documented in another work, Katherine C. Pearson, Filial Support Laws in the Modern Era: Domestic and International Comparison of Enforcement Practices for

The Maintenance of Parents Act allows **Singapore** residents aged 60 and above who are unable to provide for themselves to claim maintenance from their adult children who have the capacity to support in the form of monthly allowances. This is determined by the Commission of the Maintenance of Parents which resolve maintenance disputes and ensuring conciliation is prioritized over court processes.<sup>9</sup>

This law is not meant to be looked at in isolation. There is a program that encourages filial piety in Singapore — the Proximity Housing Grant (PHG) to encourage married couples, singles, and their parents to live closer together, in the same flat or nearby, for stronger family support.<sup>10</sup>

**Legislative proposals** on maintenance of parents in some Asia Pacific Countries have been forthcoming with a view to ensuring support of older persons' basic needs in view of their respective aging populations.

In **Malaysia**, "there is no legislation to protect the older persons right to filial support . . . . As a result, elder parents in Malaysia may have difficulty obtaining judicial assistance to safeguard their rights and to uphold the right of poor older parents to be supported by their adult offspring through substantive and enforcement legislation." To prepare the Malaysian society for an ageing world, the government must look into the needs of the older people including formulating relevant laws that are in support for their care and financial needs.<sup>11</sup>

While in the **Philippines**, the Constitution provides that "it is the duty of the family to take care of its elderly members while the State *may* design programs of social security for them." This provision, from a rights perspective has always been a bothersome provision because government has the option to design programs and not mandated to ensure care for older persons in the country. Nevertheless, a recent legislative

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Laws Requiring Adult Children to Support Indigent Parents, 20 Elder L.J. 269 (2013). Available online at

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2079753](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2079753)

<sup>9</sup> Singapore Ministry of Social Welfare and Development website available at: <https://www.msf.gov.sg/what-we-do/maintenance-of-parents/about/about-maintenance-of-parents-act>. Available online at <https://sso.agc.gov.sg/Act/MPA1995> and

<sup>10</sup> Singapore Ministry of National Development website, available at <https://www.mnd.gov.sg/newsroom/press-releases/view/closer-families-stronger-ties-enhanced-proximity-housing-grant-to-help-more-families-live-closer-together>. Insights into this program can be also found in this cite: <https://www.redbrick.sg/blog/truths-about-proximity-housing-grant/>

<sup>11</sup> <https://www.nst.com.my/opinion/letters/2021/11/749550/case-filial-piety-law#:~:text=Implementing filial piety law in,to live a moral life. And also in> <https://www.thestar.com.my/lifestyle/family/2023/06/26/balancing-filial-piety-and-senior-care>

proposal entitled, Criminalizing Deprivation of Support to Elderly and Indigent Parents Act, seeks to mandate “children to support their elderly parents or risk going to prison”.<sup>12</sup>

If filial piety or responsibility can be visualized as a spectrum then support and care would be on the one end, in the middle could be neglect, further down could be abandonment, and on the other end would be deliberate acts of abuse. This recent proposal in the Philippines actually addresses the other end of the spectrum in support and care for older persons — elder abuse — the opposite of filial piety. It could also be examined from the perspective of older persons, given their capacities and their participation in decision making that involves their own well being.

## **The Pitfalls of Filial Piety Laws**

Forcing filiality in law can be problematic. While filial piety can be viewed as an expression of intergenerational solidarity, filial piety laws that penalize not only by a fine but also imprisonment may not have a positive impact on the objective of intergenerational solidarity. In some cases, Filial piety laws have been used to collect debts by “elder care facilities” or other third parties and have been reduced to financial transactions, altering or damaging relations within the family.<sup>13</sup>

If filial piety laws can give some insight into how we want to reach intergenerational solidarity, it should have clear provisions to ensure that the State will have the primary obligation to creating an enabling environment for the support, care, and protection of older persons, especially the most marginalized and disadvantaged among this sector. Filial piety laws must be accompanied by other laws and policies that may range from guidance, encouragement, incentivization, penalization of acts that undermine the dignity of persons in old age. This will help ensure that intergenerational solidarity in families can be fostered, nurtured in communities and localities, and implemented at the national level.

If filial piety or responsibility can be visualized as a spectrum then support and care would be on the one end, in the middle could be exploitation, neglect, further down could be abandonment, and on the other end would be deliberate acts of abuse. There is a recent legislative proposal in the Philippines actually addresses the other end of the spectrum in support and care for older persons — elder abuse — the opposite of filial piety. It could also be examined from the perspective of older persons, given their capacities and their participation in decision-making that involves their own well being.

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<sup>12</sup> <https://opinion.inquirer.net/158344/filial-duty>

<sup>13</sup> This is true in some areas in the United States of America, and to a certain extent has been seen in a case in Taiwan that filial piety has become a financial transaction:  
<https://www.nytimes.com/2018/01/02/world/asia/taiwan-dentist-court-mother-filial-son.html>

## Human Rights-Based Approach

A Convention (on the Human Rights of Older Persons) is the best anchor to guide States on minimum standards of respect, promotion, protection, and fulfillment of older persons human rights. This instrument will address the most disadvantaged, marginalized, and vulnerable and provide a protection regime and guide the access to public services. It will ascertain the role and relationship between Duty-Bearers and Rights-holders with primary duty bearer being the State: regulator, mediator, promoter, protector, provider. Intergenerational Solidarity should be a key foundational principle akin to other human rights principles found in other conventions: best Interest of the child in the Convention on the Rights of the Child, affirmative action in the Convention on the Elimination of Discrimination Against Women, and reasonable accommodation in the Convention on the Rights of Persons with Disabilities.

If filial piety/responsibility is a norm there should also be a case for balance in respecting and enabling the autonomy and independence of older persons. Filial piety can be considered a basic or fundamental form of intergenerational solidarity expressed in the smallest unit of society — the family.

How filial responsibility or support is communicated matters. Social Behavior Change Communication may provide some guidance.<sup>14</sup> Where is Intergenerational Solidarity placed in language and culture? Does solidarity mean charity, welfare, sense of community?<sup>15</sup> Who do we assign this duty to care for older persons? There are gender dimensions to consider, discrimination (prejudice, stereotypes) to be addressed, is it based on reciprocity or rights (entitlements)? What are the Components of Intergenerational Solidarity in terms of the concepts of equality, equity, capacities, contribution/. In the cost or burden critique — who shares in or contributes to the cost? Where do we locate intergenerational solidarity at the family, community, local, national, international levels?

The human rights based-approach to addressing support, care, and protection of older persons must be anchored on rights that ideally should be crystallized in a binding convention on the rights of older persons. This instrument will lay out the scope and norms that must be performed by duty bearers led by the State as part of their core legal obligations. This convention should contain the concept of intergenerational solidarity, perhaps treated as a main objective and principle that does not only provide guidance on filial piety as one of its expressions at the family level but also ensure to address the

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<sup>14</sup> For instance, will filial piety laws be a better way to address or prevent elder abuse? Could this be just a euphemism, or denial of the phenomenon/

<sup>15</sup> For example, the concept of Bayanihan in the Philippines, or is it the act of giving back or paying forward?

requirements of preserving the autonomy of older persons (to include those who fall behind, the most disadvantaged, vulnerable, marginalized older persons) and those tasked to help ensure their wellbeing.