

Filial Piety by Contract? The Emergence, Implementation, and Implications of the “Family Support Agreement” in China

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China has the largest aging population in the world today. Despite the Chinese tradition of filial piety, economic, social, cultural, and familial changes have made it increasingly difficult for older Chinese to receive support from adult children. To ensure parental support, the Family Support Agreement (FSA) emerged from a local community in the mid-1980s. Since then, the FSA has been promoted and monitored by the government. By the end of 2005, FSAs had been signed by more than 13 million rural families across China and is now finding its way into cities. A voluntary contract between older parents and adult children concerning parental provisions, the FSA represents an innovation to help meet the challenge of providing elder support. Although the FSA's moral persuasion is based on filial piety, violations of the FSA are subject to penalties by law. As the first systematic and comprehensive exploratory study on the FSA, this article examines (a) the FSA's emergence, content, legal foundation, and implementation; (b) the role of the government and the legal system in promoting or monitoring FSAs; (c) the FSA's strengths, limitations, and challenges; (d) the FSA's implications in light of Chinese history, intergenerational contract,

filial piety, and intergenerational relations; and (e) the future of the FSA as a social policy.

Key Words: Parental support, Intergenerational contract, Law, Old-age security policy, Family disputes

Emerging in the mid-1980s from a rural community in China, the *jiating shanyang xieyi* (Family Support Agreement [FSA]) is a voluntary contract between older parents and adult children on providing support to parents. By the end of 2005, more than 13 million rural families in China had signed FSAs (State Council of the People's Republic of China, 2006). For a society noted for filial piety, the FSA's emergence seems perplexing. And surprisingly, there has been little comprehensive discussion on the FSA in the Chinese literature; only one article in the English literature briefly mentions the FSA. As the first systematic and comprehensive exploratory study on the FSA, this article intends to describe the emergence and implementation of the FSA and discuss its implications. More specifically, this article aims to (a) document the emergence and development of the FSA;

(b) analyze the FSA's demographic, cultural, social, familial, and historical background; (c) describe the FSA's content and implementation process; (d) examine the role of the government and the legal system in promoting and monitoring FSAs; (e) examine the FSA's strengths, limitations, and challenges; (f) explore the implications of the FSA in light of Chinese history, intergenerational contract, filial piety, and intergenerational relations; (g) discuss the future of the FSA as a social policy; and (h) provide recommendations for future research.

The Emergence of the FSA

Mr. and Mrs. Wu, both 80 years old, live in a small village in Shandong Province. Despite the hardships of peasant lives, they raised five sons and four daughters and helped them get married and settle down. Recently Mr. and Mrs. Wu both became ill and could no longer till their land to support themselves, facing increasing difficulty in their livelihood. Their four daughters, married into families in other villages, are not around to offer help. Their five sons, living nearby with their wives and children, offered no support, despite repeated requests from Mr. and Mrs. Wu. Out of desperation, the elderly couple took their nine children to court (Zhao & Zhang, 2005, p. 37).

The Wus were not alone. In 1984, the Committee for Seniors of Dafeng County, Jiangsu Province, noticed that 30% of aged parents received inadequate support and 10% received no support from adult children, and that 384 lawsuits concerned family support in 1983–1984 in the county. In response to the situation, 14 local cadres in 1985 designed the FSA, in which details of parental support were negotiated, agreed upon, and signed by elderly parents and adult children, and notarized by local officials (Li, 2007).

A few years later, the use of FSAs was extended to all 29 villages and towns in Dafeng, covering 460,000 families. Of these families, 95% carried out the agreement, and 90% were satisfied with the agreement (Li, 2007). Based on the Dafeng demonstration, the Jiangsu government began to implement FSAs throughout the province in 1989. In national meetings on senior citizen affairs in 1987 and 1989, the China National Committee on Ageing strongly recommended that communities follow Dafeng's example (Wei & Tao, 2002), leading to the adoption of the FSA by many more rural communities. Two decades later, the use of FSAs has spread throughout rural China (Wei & Tao), although its distribution has been uneven across

the country (Chou, 2009; Editorial Board of Population Research, 2001). By the end of 2005, an estimate of 13 million rural families have signed FSAs (State Council of the People's Republic of China, 2006), and FSAs can now be found in some cities as well (Zhang, 2005).

The emergence and development of the FSA is tied to the rapid aging of China's population, the public provision of old-age support, socioeconomic development, and changes in Chinese culture and families. The FSA's growing prevalence in China can also be attributed to the support it received from the central and local governments and the legal system.

Population Aging and Old-Age Support in China

After becoming an aging nation at the turn of this century (National Bureau of Statistics of China, 2001), China currently has 160 million people (11.9% of the total population) aged 60 or older and 109 million (8.1%) aged 65 or older (U.S. Census Bureau, 2009). By 2030, China is projected to have 347.1 million (23.8%) people aged 60 or older and 236.3 million (16.2%) aged 65 or older (United Nations Secretariat, Population Division of the Department of Economic and Social Affairs, 2008). Supporting an enormous and growing elderly population is daunting for China especially with its economy still under development and its old-age support system operating with fragmented infrastructure and incomplete coverage (Wang, 2006).

Two major forms of old-age support exist in China today. The informal support is mainly provided by adult children and their spouses. The formal support is offered by public social welfare programs and public or enterprise-based pension systems (Pei & Pillai, 1999). The social welfare programs provide for individuals of the "Three Nos" (*san wu*; i.e., having no children or other dependable legal guardians, no work ability, and no means of livelihood) with "Five Guarantees" (*wu bao*; i.e., food, shelter, clothing, health care, and burial expenses; Hao, 1997). The pension systems cover employees in governmental and industrial sectors (Sun & Suo, 2007). Since 1949, Chinese urban-oriented socioeconomic development policies have resulted in a large urban–rural gap in pension systems (Xu & Ji, 1999). Although 74% of urban adults 60 years or older receive pension benefits, only 5% of their rural counterparts do (China Research Center on Ageing,

2009). And although the majority of older urban adults are eligible for public or enterprise-based pensions, these pension systems have become less reliable: since the early 1990s, many state-owned enterprises have been unable to fulfill their pension responsibilities due to restructuring or bankruptcy (Cai, Giles, & Meng, 2006). Older adults without pensions must work, rely on family for support, or do both; consequently, 5.2% of older adults in urban areas and 36.4% of older adults in rural areas continue to work (China Research Center on Ageing). Family support has become crucial for many older adults with limited resources and serves as the safety net especially for older adults in rural areas (Xu, 2001; Xu, Xie, Liu, Xia, & Liu, 2007).

Historically, the family has been the source of support and care for their elders, and filial piety (*xiao*) has been a fundamental tenet in Chinese culture. Filial piety entails respecting, obeying, pleasing, and offering material and nonmaterial support to parents (Ng, 2002). Although material support is essential, nonmaterial support such as respect and affection is even more important (Ikels, 2004; Lin, 1992). Moreover, filial behaviors “should be willingly and freely practiced, not as a result of authoritarian commands or coercion” (Cheung & Kwan, 2009, p. 181). For thousands of years, the Chinese have expected adult children to fulfill their filial responsibilities and regarded caring for older adults as paramount among the functions of the family (Xu, 2001).

The founding of the People’s Republic of China in 1949 brought drastic changes. Initially, the communist government not only denounced patriarchy and the feudal family system (Wang, 2004) but also condemned the culture of filial piety (An, 2009). Collectivization reduced the family’s welfare function by shifting the responsibility of provision for older adults from the family to the collective organizations (Editorial Board of Population Research, 2001). By framing the notion of filial piety as a symbol of an antiquated culture in need of elimination (Guo & Cai, 2009), the Cultural Revolution (1966–1976) mobilized the young to rebel against their elders (Whyte, 2003). The post-Mao economic reforms since the late 1970s brought another wave of changes. As the commune system was replaced with the “household responsibility system” in 1978, the family once again became the production unit, returning the responsibilities of elder support from the commune to the family (Xu, 2001). To ensure parental sup-

port, the Chinese Constitution (National People’s Congress of the People’s Republic of China, 1982), the Marriage Law of 1981 (National People’s Congress of the People’s Republic of China, 2001), and Law on Protection of the Rights and Interests of Older Persons (National People’s Congress of the People’s Republic of China, 1996) all clearly mandate supporting parents as a legal responsibility. The Chinese government further promotes the traditional culture of filial piety through education and mass media (Cheung & Kwan, 2009; Shiwowang, 2008). In the end, despite previous attempts from the Communist regime to eradicate Confucian ideology from Chinese culture, filial responsibility—a key tenet of Confucianism—remains the foundation of old-age support policy.

Despite the mandate of the law, providing parental support proves to be challenging in some circumstances. In recent years, China has witnessed a host of social and cultural changes accompanying its economic development, including the decline of extended families and proliferation of nuclear households (Palmer & Deng, 2008), the advent of child-centered resource flows (Croll, 2006), the younger generation’s mass migration to cities for employment (Quach & Anderson, 2008), a growing generation gap in attitudes and behaviors (Croll), and the erosion of filial piety as the norm and practice (Cheung & Kwan, 2009; Guo & Cai, 2009). These changes have made it increasingly difficult for parents to receive family support (Croll; Quach & Anderson; Zavoretti, 2006). Lacking pensions, the majority of older Chinese must rely on adult children for support, and the difficulties in receiving such support have instigated numerous family disputes (e.g., Feng, 2005; Qu, 2007; Xu & Ji, 1999).

Disputes on Parental Support: Prevalence and Predictors

Although national and provincial statistics specifically on parental support disputes are unavailable, national data do show that an average of 40,000 legal aid cases for older adults were established each year between 2001 and 2005, and an average of 400,000 cases of dispute mediation involving older adults were brought forth each year during the same period (State Council of the People’s Republic of China, 2006). Since the majority of intergenerational grievances concern economic support for parents (Yang & Chhandler, 1992;

Zhang & Zhau, 2007), these figures may serve as proxies for family disputes on parental support. These figures also likely represent a substantial underreport, given that older Chinese are usually reluctant to publicize family discord, or seek legal aid or mediation assistance (Mao & Chen, 2007), and that rural and remote areas are inadequately covered by legal aid services (Feng, 2009; Xu, 2009). Scholarly discussions (e.g., Editorial Board of Population Research, 2001; F. Zhang, 2007) and local court reports (e.g., Hu, 2009; Wang & Yang, 2009; Yunnan Court Net, 2007) indicate that family support disputes have risen substantially, especially in rural areas, since 1978 when economic reforms began (Editorial Board of Population Research). For example, the courts in Mianyang City, Sichuan Province, handled 112 family support cases in 2005, an 8% increase from the previous year (Mianyang Court, 2005); Binghai County Court in Jiangsu Province handled 50 cases in 2008, a 50% increase from the previous year (Hu).

Several factors can lead to parental support disputes. At the societal level, these disputes occur more frequently in areas of lower economic development (Wang & Zhao, 2007), such as remote rural areas (Qu, 2007). Individual and family level factors also contribute to such disputes. First, some adult children are not fully aware of their ethical and legal obligations and regard older parents as a burden (F. Zhang, 2007). Second, adult children with multiple siblings may also evade their responsibilities of parental support, expecting their siblings to assume the responsibilities—as many as 90% of parental support disputes occur in families with more than three adult children (Wang & Zhao). Third, conflicts over the apportioning of household assets as inheritance often lead to sibling rivalry and refusal to support parents; some adult children also wrongfully assume that if they give up their inheritance, they have no parental support obligations (Wang, Yang, & Zhao, 2005). Fourth, daughters-in-law, whose social status has been rising in the household, sometimes refuse to provide parental support (Wang & Zhao; F. Zhang, 2007). Fifth, due to negligence or economic hardships, migrant workers may not consistently send remittance to support their parents (Qu, 2007; Yang & Wu, 2007). Sixth, some older parents remarry and thus are considered a disgrace by their adult children, leading the latter to refuse to provide support (Wang & Zhao; F. Zhang, 2007). Seventh, adult

children with low income often have little money left from supporting their own families or may be impoverished older adults themselves (F. Zhang, 2007). Eighth, some adult children refuse to support parents because of previous parental negligence or desertion (Yian, 2009). Finally, despite adult children proffering some support, disputes can arise from the unfulfilled requests of parents to increase the support in order to meet rising needs (Wang & Zhao).

Content, Process, and Distribution of the FSA

How an FSA is used has evolved over time and varies among families. Initially, FSAs mostly focused on providing material support, such as food and clothing. As living standards improved in China, FSAs have been extended to cover emotional support, health care, and funeral and burial expenses (Li, 2007; Xuzhou Senior Citizen Committee, 2005). The types and actual amount of support are negotiated between parents and adult children on the basis of the living standard and parental health and financial status (Wang & Zhao, 2007). Some communities offer guidelines for minimum provisions based on household or local standard of living (Yao, 2001). An FSA typically includes provisions of food, housing, clothing, allowance, general and medical care, long-term care, labor for cultivating older adults' farmland, nonmaterial support (e.g., leisure resources and opportunities and emotional care), and burial expenses. (See Appendix; Xuzhou Senior Citizen Committee).

Who are encouraged to sign FSAs? An FSA is typically signed after children have moved out of the household and is usually motivated by the desire to resolve existing support disputes or to prevent future ones (Li, 2007). Hence, except those coresiding with adult children, parents aged 60 and older—or younger than 60 years but have lost their ability to work—are encouraged to take advantage of FSAs. Adult children who live apart from their older parents are particularly encouraged to sign FSAs, and typically, all adult children, especially sons, are expected to share parental support responsibilities (Wei & Tao, 2002). However, adult children who are impoverished and cannot support their aged parents are not expected to sign an FSA (Wei & Tao). Individuals whose parents have died leaving behind unsupported grandparents have the legal obligation to support their grandparents, thus are also encouraged to sign FSAs (Wei & Tao).

The process of creating an FSA varies. Although some communities consider the decision to sign the FSA to be an individual family matter, others view it as a collective effort. In areas where the use of FSAs is prevalent, youths have been reported to sign and certify their FSAs when registering for marriage (Sun, 2005). In areas just starting to implement FSAs, however, the process entails more community involvement (Li, 2007; Song, 2008; Xuzhou Senior Citizen Committee, 2005; Yao, 2001). First, local authorities, composed of cadres, neighborhood committees, and elder associations, conduct home visits to gather information on older parents' health and physical functional capacities, living arrangements, sources of income, family economic status, number of children, family relations, older parents' request for support, and the adult children's attitudes toward parental support. Next, older parents and adult children are encouraged to negotiate an FSA draft among themselves (in some communities, following the guidelines on minimum provisions, as noted previously). Some local governments provide FSA templates into which families fill the details based on negotiations among its members (see Appendix). Next, based on the information gathered during the home visits, local authorities and representatives of older parents review the agreement drafts to evaluate its provisions' adequacy. Drafts with inappropriate provisions are returned to families for revisions, after which local authorities gather all involved parties to sign the FSA. Finally, the signed agreement is notarized or certified by a public office (e.g., the county or city government or legal agencies), and each involved family member and the neighborhood committee retains a copy. The schedule for renewing FSAs varies. Although some communities renew FSAs annually, others do so every 5 years or at various intervals.

To the best of the author's knowledge—and as confirmed by the China National Committee on Ageing (Z. H. Li, personal communication, October 30, 2009)—there are no official statistics on FSA participation other than the estimation from the State Council of the People's Republic of China that 13 million rural families have signed FSAs. Although the use of FSAs have been a predominantly rural phenomenon, their distribution has been uneven (Chou, 2009; Editorial Board of Population Research, 2001): participation rates in some communities have been as high as 90–100%, whereas the rates in other communities have been low or zero (Chou, 2009).

This uneven distribution is partially due to cultural and social factors (Chou, 2009). Despite the central government's promotion of FSAs, the adoption of FSAs is at the discretion of the local government. Some local officials regard the use of a contract to enforce filial piety as contradictory to traditional Chinese values and the spirit of filial piety, thus are reluctant to adopt it. Even within a single community, different families and individuals may have varied opinions about the appropriateness of an FSA in light of Chinese culture (Chou, 2009). Moreover, although families with parental support conflicts may deem the FSA as a necessity, families who are living in harmony may regard it as not only unnecessary but also awkward or even harmful to the parent–child relationship and thus shy away from it (X.M. Zhang, 2007).

The Role of the Government: Promotion and Monitoring

Both the central and local governments play crucial roles in the dissemination of FSAs. The State Council has promoted the FSA by issuing the “Resolution of the State Council on Strengthening Senior Services,” which explicitly describes the central government's policy advocating the use of the FSA and clearly grants local governments the authority to promote, supervise, and monitor FSAs (State Council of the People's Republic of China, 2000). Local governments are encouraged to disseminate information about the FSA and to mobilize members of their community to sign it. These responsibilities are usually met via mass media, group meetings, home visits, and even postings on government websites (Song, 2008; Wei & Tao, 2002; Xuzhou Senior Citizen Committee, 2005). Local Communist Party organizations, neighborhood committees, and senior affairs associations are also active in the promotion and implementation of FSAs (Song).

To monitor the implementation of FSAs, the government has adopted a three-pronged approach: “carrot and stick” (*jiang cheng bing xing*), supplemented by education. Exemplarily, filial children who have fulfilled their FSA responsibilities with dedication are often publicly praised as “Filial Stars” (*xiao xing*) (Shiwowang, 2008); some may even receive small monetary awards (Song, 2008). Adult children who have failed to fulfill their FSAs are often publicly denounced and may be denied promotion if they work for the government (Beijing Review Forum, 2006). In addition, legal

actions may be taken against serious offenders (Song). The government also recognizes the importance of education for enhancing the success of the FSA. Local governments often mandate that those who failed to fulfill their FSAs must participate in “educational and counseling sessions” (*jiedui bangjiao*) for “thought transformation” (*sixiang zhuan hua*) (Li, 2007). At the societal level, the formal educational system now emphasizes the practice of filial piety through the “cultivation of spiritual civilization” (*jianshe jingsheng wenming*) (Cheung & Kwan, 2009), and the media frequently reports models of filial piety (Shiwowang).

The FSA and the Legal System

Although the FSA is a voluntary contract, supporting one’s parents is mandated by law. Therefore, an FSA is in effect backed by laws regarding parental support (Li, 2007). According to Article 49 of the Chinese Constitution, “Parents have the duty to rear and educate their children who are minors; and children who have come of age have the duty to support and assist their parents” (National People’s Congress of the People’s Republic of China, 1982). Articles 20, 21, and 22 of the Marriage Law further extend the duty of mutual support from between parents and children to between adoptive, foster, or stepparents and children and between grandparents and grandchildren (National People’s Congress of the People’s Republic of China, 2001). Chapter 2 of the People’s Republic of China Law on Protection of the Rights and Interests of Older Persons provides additional guidelines on the legal responsibilities of family members in providing economic support, housing, care in daily living, medical care and expenses, and emotional support for adults aged 60 or older (National People’s Congress of the People’s Republic of China, 1996). Although these articles and chapters pertain to elder support in general and do not specifically focus on the FSA, they do provide the legal foundation for the FSA.

Despite the legal backings, many still have reservations toward the FSA. Raising filial children is considered a parental success in Chinese societies; conversely, “unfilial” children are often perceived as parental failure. Thus, taking an offspring to court is regarded as a disgrace to the family (Mao & Chen, 2007). In addition, even if the parents win the lawsuit, they will still be in a potentially awkward and stressful situation—needing to be in contact with their adult children and rely on them

for support while possibly having damaged the parent–child relationship during the lawsuit (Fu, Xie, & Zhang, 2005). Moreover, few aged parents are willing to sue unsupportive married daughters because many parents still believe that married daughters belong to their husbands’ families, thus have no obligation to support their own parents (Qu, 2007). Other factors that prevent parents from suing their children include parents’ lack of awareness that parental support is a legal responsibility, lack of “know-how” in taking legal actions, and concerns about retribution and abuse by children (Sun & Zhang, 2007). As a result, parents usually favor mediation—often presided or arbitrated by the local neighborhood committees or senior citizen affairs committees—over lawsuits for solving family support disputes (Qu).

The Chinese court system has been accommodating to parents wanting to sue their children. In accepting cases, trying, and implementing court decisions, the court system prioritizes cases related to elder support. Other special provisions include (a) mobile courts (“courts on wheels”), which travel from one village or town to another, and (b) in mountainous areas, accepting cases filed via telephone (Qu, 2007). Furthermore, aware of parents’ concerns about suing their children, the courts provide mediation and arbitration before trial (Fu et al., 2005).

Most elder-support lawsuits concern material support; fewer relate to emotional support (Sun & Zhang, 2007). Although, under the law, an adult child may be sued for lack of emotional support, little information is available on such cases. In addition, attorneys and judges have voiced concerns about how effective court orders can be in enforcing emotional support and whether such orders worsen intergenerational relations, potentially further jeopardizing emotional support (Tan, 2004).

Implications of the FSA from Multiple Perspectives

The FSA is a microcosm in itself. As discussed previously, it is the product of multiple demographic, economic, cultural, social, and political forces. It also provides a window to the intricacy behind parental support in China. The significance and implications of the FSA should be examined from multiple angles.

The FSA in Chinese Historical Context

The FSA has its predecessors in governmental intervention on elder welfare and in family

agreements. In laws from the Northern Chi Dynasty (550–577 c.e.) to the Ching Dynasty (1644–1911 c.e.), filial impiety was listed as one of the 10 unpardonable abominations and was subject to severe punishment, such as flogging or banishment. In certain cases, a pardon or a postponement of punishment was extended to criminals who had to support elderly parents or grandparents. The law even addressed older adults who were impoverished and childless, placing the onus to support them on their close relatives. In addition, governmental relief for the unsupported aged adults was offered in as early as the Chou dynasty (1050–256 b.c.e.). Starting from the Tang dynasty (618–907 c.e.), the Chinese government has used social welfare institutions, such as *Pei-tien Yuan* and *Fu-tien Yuan*, for impoverished older adults who lacked kin support (Chou, 1993). Thus, the FSA is one contemporary example from a long line of interventions aimed at enhancing elder welfare. The FSA also shares core elements with some of the previous interventions, notably the emphasis on filial piety. In fact, the current Chinese government has been consciously promoting “utilitarian familism” as one of the building blocks of China’s welfare system. The unspoken assumption of this approach is that family support reduces the need for governmental welfare—or even eliminates the need entirely (Wong, 1998).

As a family agreement, the FSA also has a precedent in the *fenjia xieyi* (household division agreement; [HDA]), which has long history in China (Cohen, 1976; Wakefield, 1998), and is still used today. Although the main purpose of the HDA was to divide family property (e.g., the family house, assets, furniture, utensils, farm animals) among children (mostly sons), it often stipulates the division of filial responsibilities. For example, research in the late 1990s found that HDAs also contain parental care provisions, including supplying parents with coal, grains, oil, clothes, and living and medical expenses (Miller, 2004). However, HDAs and FSAs differ in several aspects. First, an HDA is established upon household division; an FSA is independent of family division and can be signed even when parents and adult children are living in the same household (see Appendix). Second, an HDA serves dual purposes, whereas an FSA focuses on parental support alone. Third, if there are no siblings to divide family properties, single children do not need an HDA (Miller); such exclusion does not apply to an FSA. Fourth, an FSA is more comprehensive in parental support coverage, including not

only substantive and medical provisions but also emotional care. Finally, although the HDA remains predominantly a matter internal to the family (Cohen; Wakefield), an FSA has been promoted by the central and local governments. In short, compared with the HDA, the FSA is a much more specialized and advanced agreement and has received far more promotion and monitoring from the government.

The FSA in Light of Intergenerational Contract: A Cross-National Perspective

The contract across generations, or “intergenerational contract,” revolves around an implicit understanding of the reciprocal expectations and obligations (i.e., norms) between generations or age groups (Bengtson, 1993). The family-based intergenerational contract, found in many societies, has conventionally accentuated that parents raise children and in return receive support in old age (Treas & Wang, 1993). A key characteristic of such contract lies in its being “implicit,” instead of arriving through direct negotiations (Malhotra & Kabeer, 2002; Treas & Wang; United Nations, 2004). Although in many Western countries, old-age welfare has become primarily a societal rather than familial issue, the family-based intergenerational contract remains robust in other regions, especially in developing countries (Malhotra & Kabeer; United Nations). Research on precapitalist and contemporary agrarian societies in Asia and Africa demonstrates the importance of family networks to old-age security, where, without alternative institutional arrangements, support from children has been the major form of old-age insurance (Malhotra & Kabeer). The traditional implicit expectations between parents and children in China—as succinctly summarized by the classic adage “Raise children to ensure old-age support” (*yang er fang lao*)—certainly serve as an example of intergenerational contract. Such implicit contract provided the cornerstone of old-age security in traditional China for thousands of years (Treas & Wang).

Recent years have ushered in major transformations for intergenerational contract in many societies, including South Africa, Bangladesh, and Confucian countries in Asia, such as Singapore and Taiwan (Croll, 2006; Goransson, 2009; Malhotra & Kabeer, 2002). Rapid population aging, increased social mobility, proliferation of nuclear households, increasingly child-centered resource flows, and widening generation gap (Croll; Goransson) have all weakened family-based intergenerational

contract and made parental support less secure (Malhotra & Kabeer). Consequently, states around the world have used various methods to enhance parental support, ranging from provisions of incentives to outright coercion (Walker, 1993). For example, the United States offers tax deductions and credits to adult children caring for aged parents (Wise, 2002). Taiwan likewise offers tax deductions to adult children supporting elderly parents (Congress of the Republic of China (Taiwan), 2009), having already codified filial responsibility as a legal obligation (Congress of the Republic of China, 1930). Similarly, Singapore gives tax incentives to families who share their residences with elderly parents (Lee, 1999). And according to the Maintenance of Parents Act of 1995, supporting parents is also a legal obligation in Singapore, thus allowing parents to sue children who failed to fulfill this duty (Goransson).

An examination of the FSA and its development against this cross-national backdrop yield several observations. First, as a predecessor of the FSA, the traditional implicit intergenerational contract of “raising children to ensure old-age support” strongly resembles the intergenerational contracts in other societies described previously. Second, the weakening of traditional intergenerational contract in China is part of the large global trend. Third, the FSA is essentially a reaction or adaptation to the erosion of the traditional intergenerational contract under the influence of social change. Fourth, the FSA is a special type of intergenerational contract and differs from the intergenerational contract in traditional China and in other societies in multiple aspects: it is outright explicit with negotiated provision details, it is often certified by the local government agencies, and it is backed up by the legal authority. Finally, compared with the solutions implemented in other societies, the adoption of the FSA is both more radical and conservative. It is more radical in making the implicit intergenerational contract utterly explicit, devoid of its original tacitness, a characteristic highly valued in Chinese culture; therefore, it has the potential of changing the concept of filial piety (as discussed subsequently). The use of official certification and legal authority to ensure the execution of the FSA also blurs the boundaries of the private and public domains and intrudes upon the private sphere where the family-based intergenerational contract is supposed to be. On the other hand, the FSA is also more conservative, having been based on the traditional notion of relying heavily on filial responsibility to solve the

problem of old-age support, although the reality may not always be conducive for using the FSA as a solution.

The FSA as an Elder Support Scheme: Strengths, Limitations, and Challenges

The current social security system in China, although under reform, still harbors serious problems. In addition to being plagued by limited coverage and inadequate relief, the system is also deeply troubled by precarious financing due to the reduced birth rates, the rapidly aging population, the reduced contribution by the financially deteriorated state-owned enterprises, the absence of an adequate government tax base, and the dearth of government contributions (Dong & Ye, 2003). To overcome these financial difficulties, a combination of family-based elder support and public pension has been proposed as the starting point for comprehensive social security (Zhen & Xun, 2002). Some researchers also proclaimed that family-based elder support will most likely remain a part of social security in the future (Yang & Wu, 2007; Zhen & Xun) and recommended further promotion of the FSA (Jiang, 2002; Xie & Li, 2006).

As an unofficial elder support scheme, the FSA has several strengths. First, because an FSA is fully funded by the adult children, there are no costs to the government, except for the expenses incurred promoting and monitoring it. Given the large aging population, the fiscal value of the FSA to the Chinese government cannot be overestimated, although no specific data have been produced on the government's actual savings. Second, in terms of parental support, filial piety is pertinent only to the degree that an adult child follows this cultural norm (Chow, 2001). With legal backing, however, an FSA can be effectively implemented regardless of the degree of the adult children's adherence to cultural norms. Third, although filial responsibility is prescribed in Chinese ethics and stipulated by law, neither ethics nor the law specifies what should be included in parental support. An FSA, on the other hand, provides detailed guidelines to concretize filial responsibilities. Fourth, as a contract based on family negotiations, an FSA can in principle accommodate both older adults' needs and children's resources. There is little available information on the effectiveness of the FSA as an elder support scheme, although anecdotal parental responses indicate that many parents were satisfied

with the FSA provisions and that having an FSA relieved them from worries about financial security (Li, 2007; Xin, 2005). Systematic empirical studies are needed to investigate the effectiveness of FSAs in meeting the physical, medical, and psychosocial needs of older adults.

The FSA also has several limitations. First, an FSA may place a heavy financial burden on low-income families who have to support three generations (i.e., aged parents, themselves, and their children). Second, an FSA requires parental support that is at least on par with the minimum standard of living of the family or community in order to ensure intrafamily or intracommunity equality. However, interfamily, intercommunity, or interregional disparities present a challenge as living standards diverge across social classes and geographical regions. Third, the fact that an FSA is formally negotiated and signed by multiple parties also makes the provisions more rigid and less responsive to changes in needs. It has been reported that when additional support is needed, some adult children are unwilling to provide assistance before going through a multiparty renegotiation and resettlement among siblings to divide the increased responsibilities (Xu, 2001). Moreover, an FSA does not address the quality of support or the manner in which the support should be delivered. As discussed previously, filial piety entails not only substantive support but also respect and affection. For older parents, receiving low-quality support or only material support without respect is both condescending and demoralizing. Nevertheless, the quality of support is sometimes overlooked in implementing FSAs, and genuine respect and affection do not naturally arise out of a contract. Finally, due to its origin as a remedial device to resolve parental support disputes, FSAs have been somewhat stigmatized. Many people reject the FSA because they believe only families in disharmony or those with “unfilial” children would use it (Li, 2007). However, this stigma may diminish as more communities are using the FSA as a preventive device and encouraging universal adoption.

Effects of the FSA on the Concept of Filial Piety and Intergenerational Relations

To the best of my knowledge and as confirmed by multiple scholars and researchers in national research centers, including the China Research Center on Ageing (P. Gou, personal communica-

tion, October 29, 2009), no study has evaluated the effects of FSAs, including its cost benefit. However, the effects of the FSA on the concept of filial piety and intergenerational relations can be seen on two different levels. At a basic level, an FSA emphasizes substantive provisions as the core of filial piety and reduced conflicts as the optimum for intergenerational relations. In detailing the provisions, FSAs appear to help define filial piety in pragmatic substantive terms and may be useful in clarifying the concept of filial piety at the surface. Regarding intergenerational relations, the limited information available indicates that the use of FSAs has helped to reduce family conflicts in elder support (Li, 2007). Therefore, future research may find that FSAs have positive effects on the concept of filial piety and on intergenerational relations at a superficial level through articulating a pragmatic definition for filial piety and reducing family disputes on parental provisions.

It is less certain what future research may find concerning the effects of FSAs on the concept of filial piety beyond subsistence provisions or on intergenerational relations beyond the lessening of family conflict. Intergenerational relationships in China have been based on interdependence between generations. Parents give life to and raise children, and in the process, parents and children establish mutual trust and emotional bonds (Li, 2007). Children take care of their parents in old age out of gratitude, affection, and moral obligation. The intergenerational give-and-take is not defined in legal terms but by affection, morality, unspoken expectations, and mutual trust. If this exchange is at all conceptualized as a contract, then it is an implicit one as understood in intergenerational contract (Croll, 2006; Zhang, 2004). The implicitness embedded in such intergenerational contract not only allows for spontaneity and flexibility but also conforms to the concept of filial piety as a “virtue” and to the idea of *han-xu*, the notion of indirectness and tacitness much preferred in interpersonal relations in Chinese societies. As noted previously, filial piety serves as the moral and ethical foundation for the FSA. However, paradoxically, because it is overtly explicit and narrowly focused and is backed by the threat of legal sanctions, the FSA may limit the spontaneity and flexibility originally embedded in filial piety; it may also erode the affection, tacitness, and mutual trust in intergenerational relations. These potential effects of the FSA not only merit future investigations

but should be carefully considered in making social policies.

The Future of the FSA as a Social Policy

Is the FSA only a drastic measure for drastic times? Or will it become a fixture in the Chinese old-age security system? FSAs have appeared in many parts of rural China and can now also be found in some urban areas. Although the unreliability of pension systems has forced many older urban parents to depend on financial support from their children (Wang, Xiao, & Zhan, 2003; Zavoretti, 2006), modernization has also resulted in the erosion of filial piety in Chinese cities (Cheung & Kwan, 2009), on top of other social changes such as the rapid growth of the elderly population, changes in family structures, and the child-centered resource flows. It is likely that some urban children will fail to fulfill their filial obligations and that family support disputes will rise, making the FSA a convenient avenue to ensure parental support in urban areas as well. Already, FSA templates have been posted on the websites of city law firms, suggesting growing demands from clients and rising interest of law firms in providing legal services for FSAs.

There are two fundamental ideologies of the old-age security policy in contemporary China (Wong, 1998). One view holds that the family, which is the “cell of the society” (*shehui xibao*), should be the primary source of elder support, whereas public support should be supplementary, residual, or remedial, as exemplified in the “Five Guarantees” for the “Three Nos.” The second view maintains that societal changes such as modernization and urbanization have weakened family functions; hence, society should bear the responsibility of providing old-age security. Although the former view has dominated China for centuries (Wong), the latter has been gaining grounds in recent years (Liu, 2004; Yian, 2005). The future of the FSA may depend on the wax and wane of these views or the amalgamation of both. For example, reflecting both views, Wang and Dong (2008) recommended that government offers subsidies, tax incentives, or awards for families who have signed and fulfilled their FSAs. If such recommendations are adopted, it is possible that FSAs will become more popular.

The progress of rural social security reform constitutes another source of influence on the prospect of the FSA. Since the mid-1980s, there have been multiple reforms on social security in China (Yang,

Williamson, & Shen, 2010). Despite improvements, the scope of the system is still confined, covering only 5% of rural older adults (China Research Center on Ageing, 2009). To achieve a full rural coverage, the government initiated in 2009 “the New Rural Social Pension Insurance” (*Xinxing Nongcun Shehui Yanglao Baoxian*), paid for by individual contributions and collective and government subsidies. The program is currently piloted in 10% of the counties nationwide (General Office of the State Council, 2009). Although the official plan is to cover the entire rural elderly population by 2020, it may actually take several decades before the program is fully developed (Li, 2009). The benefit from the program (100 yuan per month) is also low compared with living expenses (Li, 2009). Under these circumstances, the majority of the rural population will likely remain dependent on family support for years to come and thus FSAs may still be needed in the future.

The potential of the FSA as a social policy may also depend on the extent to which it is culturally acceptable to the Chinese. Although some officials and scholars have showed support for this social policy (e.g., Wei & Tao, 2002; Yang & Wu, 2007), others have voiced concerns over the FSA’s violation of the principle of filial piety in Chinese culture and potential harm to intergenerational relationships (Chou, 2009; Li, 2007). It is perhaps not accidental that the geographical distribution of the FSA has been uneven nationwide. The cultural acceptance of the FSA by the locals may have played a key role.

For the many older adults not covered by public or private pension plans and ineligible for the “Five-Guarantees” benefits, an FSA may serve a safety net. However, a potential threat looms: the “4-2-1” families. The one-child policy implemented in 1979 has created a type of family in which couples, who are single children themselves, have two sets of parents (four adults) and their own child (Guo, 2007). These families may not lack a filial attitude (Deutsch, 2006) but may be short on resources for FSAs.

Conclusions

China has the largest aging population in the world today. Due to economic, social, cultural, and familial changes, it has become increasingly difficult for older Chinese to receive old-age support, including support from their adult children. To reduce family disputes and to ensure parental

support, the FSA was developed in Dafeng, Jiangsu Province, in the mid-1980s. Government promotion has helped spread the use of the FSA in rural areas, although the usage has been unevenly distributed. FSAs are now appearing in cities, albeit to a much lesser extent.

As a voluntary contract between aged parents and adult children concerning parental provisions, the FSA represents a major innovation and concerted effort by central and local governments to meet the challenge of providing support to a massive elderly population. The FSA is unique in its combination of (a) an explicit definition of filial responsibilities in detailed and pragmatic terms, (b) promotion and monitoring from the central and local governments, and (c) a legal foundation. As a government policy, the FSA relies on filial piety as its moral persuasion. With the law on its side to enforce the fulfillment of this itemized contract, the FSA has contractualized filial piety and institutionalized filial responsibility for those who have signed the contract.

The FSA has its predecessor in Chinese governmental intervention on elder welfare and in family agreements. Compared with intergenerational contracts in traditional China and in other societies, the FSA shows both similarities and uniqueness. As an elder support scheme, the FSA has specific strengths, limitations, and challenges. The effects of the FSA are little known due to lack of studies and merit future investigation. In particular, how the FSA affects the concept of filial piety and intergenerational relations needs to be closely examined. The future of the FSA most likely lies with the need it fulfills in elder support, the extent it matches the dominant ideologies on old-age support policy, the progress of the social security reforms, the cultural acceptance by the Chinese, and the availability of the human and material resources it requires.

What is unknown about the FSA far exceeds what is known. Research is needed on practically every aspect of the FSA, from promotion to implementation and monitoring, from costs and savings to effects, and from its influence on the concept of filial piety to its impact on intergenerational relations. As societies around the world face the challenge of providing for a growing elderly population, what can be learned from this recent Chinese innovation will have important implications for old-age security policies.

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Appendix. Sample of Family Support Agreement

Support Recipient (citizen aged 60 and older):

Male (Female), age, address:

Male (Female), age, address:

Support Provider (Children or other individuals who are required by law to provide support):

Male (Female), age, address:

Male (Female), age, address:

Male (Female), age, address:

Male (Female), age, address:

Male (Female), age, address:

To protect the legal rights of older adults, promote values of filial piety, make use of the family as source of support for the older adults, enhance familial harmony, ensure the well-being of the older adults, and based on the Constitution, the People's Republic of China Law on Protection of the Rights and Interests of Older Persons, the Marriage Law, the Resolution of the State Council on Strengthening Senior Services, and other relevant regulations support providers and recipients consent to the following FSA:

I. Terms of Support

1. In cases in which the provider and recipient live in the same household, the living standard

of the recipient must not be lower than that of the other household members. For the recipient who does not have an income, the provider must offer a monthly allowance, based on practical needs and the financial ability of the provider, of _____ yuan. The yearly total of this sum can be paid in full.

2. When the recipient lives alone and does not have income, the provider must offer an annual allowance of _____ yuan in cash, staple grains _____ kg(s), cooking oil _____ kg(s), and other household items. The annual allowance can be paid in monthly installments. The living standard of the recipient must not be lower than the living standard of the household of the provider. Staple grains provision should be monthly after harvest. As the living standard of the provider's household improves, the provider should increase the amount of support given.
3. When the recipient is ill, the provider must secure timely medical treatment and make care available. The provider is responsible for medical and care expenses that are beyond the means of the recipient.
4. When the recipient is unable to perform daily living tasks, the provider must take care of the recipient. If the provider cannot personally take care of the recipient, arrangements can be made for home health care or institutional care, at the consent of the recipient, and paid for by the provider.
5. In locales where paid medical insurance is available and if the recipient does not have income, the provider should pay for medical insurance and old-age insurance for the recipient.
6. The provider should make available to the recipient a living environment that is safe, comfortable, and convenient and household items, such as clothing and bedding. If the domicile of the recipient is damaged, the provider must supply timely repairs and ensure that the living environment is not damaged, leaky, or unsanitary.
7. The provider is obligated, with consent of the recipient, to supply labor for the cultivation of the recipient's farmland. Yields of cultivation belong to the recipient.
8. As the provider makes available material support of an acceptable standard, the provider must satisfy the nonmaterial needs of the recipient, making available cultural and leisurely resources and opportunities. The provider

- should supply pragmatic material assistance and emotional care.
9. The provider cannot refuse to comply with the obligations of offering support for reasons of forfeiting inheritance or changes in the marital status of the recipient. The provider cannot ask the recipient to live apart from his/her spouse while receiving support.
 10. After the death of the recipient, the provider must comply with regulations and manage the burial. Funerary expenses are borne by the provider.
 11. Without the consent of the recipient, the provider cannot occupy or appropriate the property and income of the recipient.
 12. The spouse of the provider should assist with the duties related to providing support. Expenses and material provisions are to be determined based on the financial ability of the provider.
 13. If the recipient is able and willing and has adequate health and material well-being, the recipient may provide assistance to the household of the provider, to lessen the burden of the provider.
 14. Other (additional or special agreements consented to by the provider and recipient)

- (1)
- (2)
- (3)

II. Addendum

1. This agreement is a permanent contract to be complied with by the provider. This contract terminates when the support relationship no longer exists.
2. Providers who do not comply with the agreement will be subject to legal penalty.
3. Compliance with this agreement is monitored by the village (neighborhood) committee.
4. This agreement can be notarized.
5. Matters not specified in this agreement are subject to the regulations of the People's Republic of China Law on Protection of the Rights and Interests of Older Persons.
6. This agreement is to be made into at least three copies, for the provider, recipient, and village (neighborhood) committee. Additional copies can also be made for multiple providers.

Provider: (signature or stamp)

Recipient: (signature or stamp)

Village (Neighborhood) committee: (signature or stamp)

Date

(Source: Xuzhou Senior Citizen Committee, 2005. Translated by the author.)