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Elder Rights in China:

Care for Your Parents or Suffer Public Shaming and Desecrate Your Credit Scores

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The demographics of China are changing rapidly, straining long-standing values about aging, family, and caregiving. By 2025, it is likely that Chinese people will represent one-quarter of the world's population over age 60 years. At present, the Chinese government lacks the structure and capacity to care for the elderly.¹ The rapid expansion of China's cities and the nation's focus on economic prosperity has also made it more difficult for younger people to care for their aging parents.¹ Exacerbated by the One Child Policy, which was active from 1980 to 2015 and restricted family size to 1 child per couple, issues of aging have become seemingly insurmountable. As a delegate for the Chicago Sister Cities International's Chicago-Shanghai Social Services Exchange Program in 2015, I witnessed firsthand the unintended consequences of the One Child policy and the 4:2:1 paradigm that has become shorthand for 1 child providing care for 4 grandparents and 2 parents. The unintended consequences include caregiver burden and elder abuse and neglect. According to XinHua, the Chinese State's new agency, approximately 185 million people over the age of 60 years do not live with their children because many children move away to pursue economic opportunities.¹

In a historical context, Chinese families have viewed filial piety (Xiào) as the first and foremost virtue in Chinese culture. As outlined by Confucius in *Classic of Filial Piety* more than 2500 years ago, a filial child reveres his parents in daily life; makes them happy while nourishing them; takes care of them in sickness; shows great sorrow over their death; and makes sacrifices to them with solemnity.² In return, older adults are expected to contribute to the harmony of the family and society with their guidance and wisdom.

Elder abuse and elder justice are growing concerns for the Chinese people and government.³ In Chinese communities, disrespect and isolation, or nonadherence to filial behaviors, can be considered a form of abuse. The decline of filial piety in contemporary Chinese society and among Chinese populations⁴ could contribute to more abusive behaviors against the elderly. Caregiver neglect and psychological abuse are often seen as the most common and most serious forms of elder abuse, respectively, among Chinese older adults. Current social and public media in China often highlight elder abuse, neglect and financial exploitation, and even frank abandonment, which may illustrate the diminishing cultural values of filial piety

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and intergenerational solidarity. In a particularly infamous case, an 80-year-old senior was found dead from starvation after his children confined him to a cattle corral for 2 months.⁵

In July 2013, the National People's Congress passed an unprecedented and controversial law: the Protection of the Rights and Interests of Elderly People (also known as the Filial Piety Law). The law mandates that adult children provide culturally expected support to their parents 60 years or older.¹ Per the law, duties include frequent visits and sending greetings to attend to the spiritual needs of the elderly.¹ The reporting mechanism relies on parents filing lawsuits against their children for neglect.⁶ Enforcement, however, has been difficult, because punishments were not outlined in the national law.

In regions where a large proportion of the population consists of older adults, governments have started to initiate punitive policies owing to an urgent need to address elder care and justice. Shanghai, the largest city in China, was the first major city to reach a population where nearly 1 in 3 residents is an adult older than 60 years. As a result, in May 2016, the Shanghai Ministry of Civil Affairs mandated a new policy to protect the rights of older adults and punish children whose devotion to their parents is considered insufficient; violators will find their names publically and shamefully called out and their credit standing negatively affected by the government.⁶ The so-called "credit blacklist" is a tool of market control used by the Chinese government to punish many kinds of illegal activity and can prevent individuals from opening a bank account, purchasing a house, starting a business, or even getting a library card.⁶

As the national law and Shanghai's regulations are recent, it is too soon to know if the threat of punishment or government encouragement of filial piety will change behaviors among adult children. Further, the reliance on parental reporting, along with the relevance of saving face in the multigenerational family unit, may indicate that in practice the law and related regulatory measures will be more aspirational than punitive.

At the core of this debate is the question of who should be responsible for elder care in China. According to the norms of filial piety, adult children should be the key providers of elder care in all aspects. However, when asked recently in the multinational Center for Strategic & International Studies East Asia Retirement Survey, "Who should be responsible for providing support to older adults?" 9% of adult children in China answered that it should be older adults, and only 4% responded that it should be children or family members—the lowest percentages among 6 Asian countries surveyed.⁷ Although the Chinese public believes the government is primarily responsible for elder care, it is also argued by advocates of the Filial Piety Law that a social welfare system cannot address emotional or spiritual needs and therefore necessitates legal action through such laws.¹

Commentators have speculated that the push to instill Confucian principles and values into contemporary Chinese society through legislation is a case of policy gone too far or a desperate policy to confront a desperate issue.⁸ The policy also attempts to enforce a one-size-fits-all approach to intergenerational relationships without acknowledging that these relationships and the needs of aging parents who perceive themselves as physically and emotionally neglected may be more complex than frequent visits and phone calls. By

making filial piety behaviors mandatory and creating a legal structure for punishment, familial care for the elderly and neglect of the elderly in China have become issues of elder abuse and justice.

Though the cultural and legal changes in China may not seem apart from other nations, they do illustrate the importance of paying greater attention to elder care and how intergenerational relationships relate to the health, social, and psychological need of older adults. The Chinese government is shining a spotlight on the holistic well-being of older adults and taking initial steps toward addressing elder abuse in a culturally appropriate manner. Elder abuse and the link to increased death rates are global problems.⁹ All nations could benefit from institutional, legal, and social structures and cultures that aim to protect elder justice and nurture the physical and psychosocial well-being of older adults.¹⁰

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