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FOCUS

AGING POPULATION AND THE LAW: A COMPARATIVE APPROACH

FILIAL PIETY IN ISRAEL: BETWEEN THE LAW IN THE BOOKS AND THE LAW IN ACTION

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Abstract This paper explores the main legal aspects of filial piety in Israel. Based on a socio-legal study, it traces a significant gap between the law in the books, which mandates that children support their parents financially if the latter cannot support themselves, and the law in action, which narrows this obligation to cases in which the parents must be cared for in a State nursing home. The study also highlights the relevance of religious and cultural norms in shaping filial piety in multicultural countries and thus points to the urgent need to tailor filial piety legal policies according to socially constructed, actual, and diverse filial piety perceptions and practices.

Keywords filial piety, Israel, Jewish law, Sharia (Islamic law), multiculturalism, the Family Law (Maintenance) Amendment Law of 1959, Welfare Services Law of 1958

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INTRODUCTION

Israel is a relatively young and small country. Established just over seventy years ago, in 1948, its population size of 8,780,000 inhabitants[1] is comparable to that of a major city

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[1] Israeli Central Bureau of Statistics, *Year Book*, at 19, (2019), available at https://www.cbs.gov.il/he/publications/DocLib/2018/shnaton69/shnaton69.pdf (last visited Jul. 4, 2019).

in China, such as Wuhan or Dongguan.[2] Israel is also among the smallest countries in the world geographically, at just 20,770 km^3 (compared to the municipality of Beijing, for example, at about 16,800 km^2).[4]

Yet, despite its small scale, Israel is fascinating in its extraordinary social diversity and hybrid identity. Among the population, 75% are Jewish, but 18% are Arab-Muslims, and the rest are Christians or have no religious affiliation.[5] 45% of Israeli Jews define themselves as secular, while the rest are traditional (25%), religious (16%), or ultra-religious (14%). Among the Arabs, rates of religiosity are even higher, with only 11% defining themselves as secular.[6] While most Israelis are native-born, there are two large ethnic groups among the Jewish majority, which are based on the country of origin of the many Jews who emigrated to Israel before and since its establishment. "Eastern Jews" originate from Asia (especially Iraq and Iran) and Africa (especially Morocco and Tunis); and "Western Jews" originate from North America and Europe (in both cases, including later generations of the first immigrants). The "Eastern Jews," who are, by and large, more traditional than the "Western Jews,"[7] suffer ongoing marginalization, especially in higher education, and from overrepresentation in the economic and geographic periphery.[8] In the 1990s, about one million immigrants from the Soviet Union joined the Israeli mosaic. While they might be seen as "Western Jews," as they emigrated from Europe, studies show that they are a distinct social and cultural group.[9]

As a whole, Israel is a hybrid society, which means that some of its most fundamental cultural and national markers combine modernism and traditionalism, democracy and anti-liberalism. For example, it combines economic and technological characteristics that

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[2] See *Population of Cities in China (2019)*, available at http://worldpopulationreview.com/countries/china-population/cities/ (last visited Jul. 4, 2019).

[3] See Israeli Central Bureau of Statistics, fn. 1 at 7.

[4] See *Beijing: Population & Density by District and County*, available at http://demographia.com/db-beijing-ward.htm (last visited Jul. 4, 2019).

[5] Israeli Central Bureau of Statistics, *Media Release*, (2019), available at http://www.cbs.gov.il/he/mediarelease/DocLib/2018/195/32_18_195b.pdf (last visited Feb. 10, 2019).

[6] Id.

[7] "Traditional" is a unique Israeli–Jewish social category that includes people who respect religious traditions and most likely believe in God, yet neither observe all religious commandments nor shape their life choices according to Rabbinical guidance. Yaacov Yadgar, *Secularism and Religion in Jewish–Israeli Politics: Traditionists and Modernity*, Routledge (London & New York), (2011).

[8] Tamar Lerenthal & Moshe Semyonov, *Country of Origin, Gender, and the Attainment of Socioeconomic Status: A Study of Stratification in the Jewish Population of Israel*, 34(4) Megamot, 582 (1993); Yinon Cohen, Noah Lewin-Epstein & Amit Lazarus, *Mizrahi-Ashkenazi Educational Gaps in the Third Generation*, 59 Research in Social Stratification and Mobility, 25 (2019).

[9] Elazar Leshem, *FSU Immigrants in Israel between "Integration" and "Segregation,"* in Avi Bareli, Tuvia Friling & Dani Gutwein eds. *The Economy and Sociology in Israel: Historical and Contemporary Aspects*, Ben Gurion University Press (Beer Sheva), at 542–543 (2005).

place it among the more developed nations, with familial characteristics of high marriage and fertility rates, which are more common within developing countries.[10] Likewise, it is a declared and established democracy, yet its democratic values do not extend to the millions of Palestinians living under differing degrees of Israeli control in the West Bank and Gaza.[11] In addition, Israeli authorities define the situation in the country as an ongoing "emergency," due to conflicts with the Palestinians and most Arab countries, weakening the power of the judiciary and increasing the power of the government and the military.[12] Finally, in defining itself as a Jewish State, Israel discriminates against its Arab citizens. Hence, a few critical scholars go as far as arguing that Israel is an ethnocracy,[13] heading toward apartheid[14] and authoritarianism.[15]

A further striking example of Israel's hybridity is its Family Law, which blends religious and secular elements. Marriage and divorce can be performed in Israel only according to religious law, and within State religious tribunals. However, all matters related to divorce, such as matrimonial property division and child custody, can be brought before a religious tribunal or a civil Family Court. In both of these areas, the religious tribunal and the Family Court must rule according to Civil Law. In other matters, such as alimony and child support, both kinds of tribunals must take into consideration Religious Law.[16] Hence, unlike other countries that subordinate Family Law to civil or religious law, Israel created an anomaly, in which the same area of law is governed by two State court systems and by an amalgam of civil and religious laws, established according to very different rationales, yet both adopted by the State.[17]

One interesting feature of this amalgam is the Israeli law governing filial piety, which is a civil law, yet one based on Jewish religious origins. This law mandates that adult children support their parents, if the children can provide for themselves and their nuclear family (spouse and minor children) and the parents cannot provide for themselves. After

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[10] Sammy Smooha, *Israeli Sociological Society Presidential Address in 2009: Israeli Society: Like Other Societies or an Exceptional Case?*, 11 Israeli Sociology, 297 (2010).

[11] Sammy Smooha, *The Model of Ethnic Democracy: Israel as a Jewish and Democratic State*, 8 Nations & Nationalism, 475 (2002).

[12] Oren Barak & Gabi Sheffer, *A New Approach to the Study of the Relations between the Security System and the Civil Society in Israel*, in Gabi Sheffer ed. *An Army That Has a State? A New View on Israel's Security and the Security Sector*, Van Leer (Jerusalem), at 12–20 (2007).

[13] Oren Yiftachel, *Ethnocracy: Land and Identity Politics in Israel/Palestine*, University of Pennsylvania Press (Philadelphia), (2006).

[14] Oren Yiftachel, *Neither Two States Nor One: The Disengagement and "Creeping Apartheid" in Israel/Palestine*, 8 The Arab World Geographer/Le Géographe du monde arabe, 125 (2005).

[15] Menachem Mautner, *Liberalism in Israel: Its Past, Problems, and Future*, (forthcoming 2019).

[16] Daphna Hacker, *Religious Tribunals in Democratic States: Lessons from the Israeli Rabbinical Courts*, 27 Journal of Law and Religion, 59 (2012).

[17] Ruth Halperin-Kaddari, *Women in Israel: A State of Their Own*, University of Pennsylvania Press (Philadelphia), at Ch. 11 (2004).

introducing the methodology on which this paper is based, Part II of the paper will explore this law and its religious origins. Part III will show that Israeli parents do not use the law to sue their children for financial support and will offer several explanations for the gap between the law in the books and law in action, including the role of the State in enforcing economic filial piety.[18] Part IV will introduce the new governmental initiative to further weaken the Israeli filial piety legal duty, which corresponds with the findings of the study reported here.

I. METHODOLOGY

The socio-legal findings and analysis presented in the next two parts of the paper are a segment of the outcomes of a four-year research project,[19] which included two main strands, (1) doctrinal and comparative study; and (2) qualitative study. These are described below.

The doctrinal and comparative study included the study of Israeli filial piety legislation — The Family Law (Maintenance) Amendment Law of 1959 and its history based on parliamentary records; and the Welfare Services Law of 1958 — as well as court decisions referring to these two laws up until 2015, published in public databases.

This strand also included a comparative law component, based on primary and secondary sources of Jewish and Islamic religious law, and primary and secondary sources on modern filial law in different countries, including the United States, France,

[18] Some may argue that enforcing filial piety is paradoxical, as traditionally it is a voluntary virtue. However, States are often involved in shaping the scope and content of adult children's duties toward their parents: See YU Lüxue, *Filial Support Obligations under Singapore, United States, and Chinese Law: A Comparative Study*, in this volume; Usha Narayanan, *The Government's Role in Fostering the Relationship between Adult Children and Their Elder Parents: From Filial Responsibility Laws to...What?, A Cross-Cultural Perspective*, 4 Elder Law Journal, 369 (1996); Joann Blair, *"Honor thy Father and thy Mother" — But for How Long?: Adult Children's Duty to Care for and Protect Elderly Parents*, 35 Journal of Family Law, 765 (1996–1997); Christa Bracci, *Ties That Bind: Ontario's Filial Responsibility Law*, 17 Canadian Journal of Family Law, 445 (2000); Ariela Lowenstein & Ruth Katz, *Taking Care of the Elderly: What Is the Desirable Balance between the Family and the State?*, in Yitzhak Brick & Ariela Lowenstein eds. *The Elderly and the Family: Major Issues in Intergenerational Relations*, Eshel (Jerusalem), at 40–51 (2010); Seymour Moskowitz, *Filial Responsibility Statutes: Legal and Policy Considerations*, 9 Journal of Law & Policy, 709 (2001); Katherine C. Pearson, *Filial Support Laws in the Modern Era: Domestic and International Comparison of Enforcement Practices for Laws Requiring Adult Children to Support Indigent Parents*, 20 Elder Law Journal, 269 (2013); Lara Queen Plaisance, *Will You Still…When I'm Sixty-Four: Adult Children's Legal Obligations to Aging Parents*, 21 Journal of American Academy of Matrimonial Lawyers, 245 (2008); Allison E. Ross, *Taking Care of Our Caretakers: Using Filial Responsibility Laws to Support the Elderly beyond the Government's Assistance*, 16 Elder Law Journal, 167 (2008).

[19] The study yielded two additional papers. One focused on filial piety in the global context and the assistance provided to the elderly, in some countries, by care migrant workers: Daphna Hacker, *Legalized Families in the Era of Bordered Globalization*, Cambridge University Press (Cambridge), at Ch. 8 (2017); the other paper examined the different kinds of care provided to parents by their children and the insights that can be drawn from that in relation to the need for a special field of Elder Law: Daphna Hacker, *Elder Law and Its Justifications: A Hybrid Vision Inspired by Family Law*, 21 Theoretical Inquires in Law, (forthcoming 2020).

and China.[20] This paper will focus on Israeli law and Jewish law, with a brief reference to filial piety duties according to Sharia (Islamic law).

The qualitative part of the study comprised 37 interviews with adult children with a widowed parent who required ongoing assistance. In some cases, the parent needed assistance because of dementia, accompanied or not by a physical disability or an economic dependency. In other cases, the parent had one or more physical disabilities, at times coupled with a relatively minor emotional or economic dependency. In total, 20 daughters, 17 sons, and 7 of their parents formed this sample. The interviewees were selected from the four main ethnic groups in Israel presented in the Introduction: Western Jews; Eastern Jews; immigrants or their offspring from the former USSR; and Arabs.

All interviews were conducted in the native language of the interviewees,[21] recorded, transcribed, and translated to Hebrew as needed. The transcriptions were analyzed for this paper around the theme of the interviewees' perceptions of legal enforcement of filial piety, with the assistance of Atlas software. The findings are reported here with the anonymization needed to secure the privacy of the interviewees and their families.

II. CURRENT ISRAELI LAW IN THE BOOKS AND ITS RELIGIOUS ORIGIN

The civil Israeli Family Law (Maintenance) Amendment Law of 1959 mandates that citizens must support their parents and the parents of their spouses — provided they can adequately satisfy their own needs and those of their spouses and their minor children, and only in cases in which the parents cannot support themselves despite all efforts, through work, property ownership, or any other source.[22] The amount of maintenance the parents need can be decided by the Family Court if the parties cannot reach their own agreement.[23] Likewise, the court can decide how to split the obligation among siblings if the parents have more than one child.[24] Unlike in China and many other countries, Israel has not experienced a decline in childbirth in recent years but rather has seen a steady birthrate of three children per woman.[25] Hence, the question of how to split the economic

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[20] I was aided in this part of the study by a research assistant whose mother tongue is Arabic, another whose mother tongue is Mandarin, and a third who is fluent in French, who helped me with materials not published in Hebrew or English. I thank Roni Liberson, Orel Shriki Ben Zvi, Michal Mizrahi, Neli Frost, Kathleen Abu Rush, and Yue (Grace) Gao for their invaluable assistance.

[21] I thank Lena Sultan Bishara for conducting the interviews in Arabic, and Lena Russovsky and Elena Tartakovsky for conducting the interviews in Russian. I conducted all the Hebrew interviews.

[22] The Family Law (Maintenance) Amendment Law of 1959 (hereinafter referred to as "Maintenance Law"), Arts. 4 & 5. The Maintenance Law is written in the masculine form, but equally applies to daughters, daughters-in-law, and mothers. All references to Israeli laws, governmental decisions, court decisions, and parliamentary discussions are in Hebrew.

[23] Id. Art. 6.

[24] Id. Art. 7.

[25] Israeli Central Bureau of Statistics, *Family Day: Families and Households in Israel*, (2017), available at http://www.cbs.gov.il/he/mediarelease/DocLib/2019/036/11_19_036b.pdf (last visited Feb. 10, 2019).

burden of filial piety among siblings might be relevant to most Israeli families with a parent in dire economic circumstances. The court can also release sons or daughters from their obligation to support their parents if that parent treated them "disgracefully" in the past.[26] Parents can relinquish their right to maintenance,[27] but cannot transfer it to anyone else, except to a person or entity who meets their everyday living needs through services or products.[28]

When the Israeli Minister of Justice first presented his proposal for the law before Parliament, in 1956, he argued that it "[did] not extend the familial circle in which there is still a sense of mutual obligation according to the common perceptions of most parts of the population."[29] Indeed, no Member of Parliament (MP) objected to the new legal duty of adult children to support their parents under the law's conditions;[30] nor has any amendment to this obligation been proposed since 1959.

During the discussion over the proposed law, one MP, from a Jewish religious party,[31] made the observation that this civil legislation was based on Jewish religious law. In particular, he argued, the familial circle and hierarchy between the different parentela sketched by the law were based on Jewish religious law.[32] While this MP was not entirely accurate in his observation, as there are some differences between the civil law that was enacted and Jewish religious law with respect to the duty to support relatives, he was right that both set the duty to support the parents as preceding all other obligations toward other family members, except the spouse and minor children.[33]

The duty to honor one's father and mother, which apparently inspired the filial piety civil law, features in the Hebrew Bible or Tanakh (which later became the basis of the Christian Old Testament), as one of the Ten Commandments given to the Jewish people

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[26] See Maintenance Law, fn. 22 Art. 9.

[27] Id. Art. 12.

[28] Id. Art. 14.

[29] Parliamentary discussions, Jun. 4, 1956, Israeli Parliament, at 1929, available at http://fs.knesset.gov.il//3/Plenum/3_ptm_251032.pdf (last visited Feb. 10, 2019). The law also sets a support obligation under the same conditions toward adult children and their spouses; grandchildren; grandparents and spouse's grandparents; and siblings and spouse's siblings. See Maintenance Law, fn. 22 Art. 4.

[30] A few MPs argued that the law was too vague and that some kind of calculating measure should be introduced concerning the minimum standard of living of the eligible family member and the income of the adult children expected to make a financial contribution. These reservations did not affect the final version of the law.

[31] In Israel, political parties can be, and are, at times, formed according to a religious ideology.

[32] Parliamentary discussions, Feb. 23, 1959, Israeli Parliament, at 1147, available at http://fs.knesset.gov.il//3/Plenum/3_ptm_251181.pdf (last visited Feb. 10, 2019).

[33] Moshe Drori, *The Relation between Personal Law and Israeli Law Governing Relatives' Maintenance*, 4 Dine Israel, 219 (1972). Some argue that the duty to support parents precedes the duty to support minor children: Israel Zvi Gilat, *Honor Your Father and Your Mother: Between Sacred and Ordinary*, Parasht Hashvoa, 124 (2003).

by God: "Honor your father and your mother, so that you may live long in the land the Lord your God is giving you." [34] Many discussions have arisen around this Commandment during the intervening two thousand years of the Jewish religious interpretative corpus. A distinction developed between the duty to "fear" one's parents, appearing later in the Old Testament,[35] and the duty to honor them, with the former including not contradicting or interrupting the parent, and the latter centering on material care, including feeding, clothing, and accompanying.[36] While some religious scholars argue that the duty to honor the parent must be fulfilled by the economic resources of the parent and not the child's, most religious scholars agree that if the parent does not have such resources, then the child must cover the costs of the material care.[37]

However, there is disagreement among interpreters of the Jewish religious corpus as to the amount the adult children must provide and the effort they must put into securing the required material care. For example, while some argue that grown children should beg for charity if they do not have sufficient personal economic resources to provide for their parents, others argue that such an extreme measure is not mandatory and must not be enforced.[38] Moreover, some contend that, as the Commandment to honor one's parents is one of the very few duties the Bible accompanies with a reward — "so that you may live long" — it should not be enforced by a court[39]; rather, it should be approached as a moral duty and one for which a person must answer to God. Others claim that the duty to materially care for a parent should be enforceable by a court, especially if the refusal of a child to honor the parents becomes public, as is the case, for example, when parents sue their children for financial support.[40]

Returning to the parliamentary discussions over the parental maintenance legislation that took place between 1956 and 1959, the Arab MPs chose not to take part, and Sharia (religious Muslim law) was not mentioned. Yet, it is worth noting in the Israeli context that, like observant Jews, observant Muslims have a religious duty to obey and respect their parents, including by supporting and caring for them on a daily basis.[41] For example, in Surah 2: 215 of the Quran, an order to give charity places parents foremost:

They ask you, [O Muhammad], what they should spend. Say, "Whatever you spend of

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[34] *Exodus 20:12.*

[35] Leviticus 19:3: "Ye shall fear every man his mother, and his father."

[36] Safra, Kdoshim, A:10.

[37] Yaacov Shapira, *On the Question of the Duty of the Son to Maintain His Parents*, Parashat Hashavua, at 360 (2010).

[38] Rabbi Razon Arossi, *The Duty of Sons to Care for Their Parents and Maintain Them*, Netzach Israel, (2007), available at https://net-sah.org/blog/17603 (last visited Feb. 10, 2019).

[39] Yore Dea, 240, 60, 1.

[40] See Gilat, fn. 33.

[41] Nour Al-Jandali, *He Also Raised Me When I Was Young*, (2010), available at https://www.alukah.net/social/0/27977 (last visited May 10, 2019).

good is [to be] for parents and relatives and orphans and the needy and the traveler. And whatever you do of good — indeed, Allah is Knowing of it."

Likewise, Surah 17:23–24, states the following:

And your Lord hath decreed that ye worship none but Him, and that ye be kind to parents. Whether one or both of them attain old age in your lifetime, Say not to them [so much as] "uff," but address them in terms of honor. And out of kindness, lower to them the wing of humility, and say: "My Lord! Bestow upon them thy Mercy even as they Cherished me in childhood."

The Quran places special importance on filial piety toward mothers, probably in light of their special role in childbirth and child-rearing.[42] Moreover, the religious duty of filial piety continues even after the parents' death, and children must go on fulfilling promises they made their parents, pray for them, honor their friends, and more.[43] According to Sharia, the punishment for not taking care of one's parents is banishment to hell, as it is considered a grave sin.[44] Sharia is the basis for many contemporary jurisdictions of Arab countries, which includes a duty to support elderly parents if they are poor.[45]

Yaacov Shapira argues that the current Israeli filial piety law is a compromise between the different aforementioned views of the Jewish sages: on the one hand, it acknowledges the duty of adult children to materially support their parents if the parents cannot do so themselves, and on the other hand it enforces this duty only if the children have enough to support themselves and their nuclear family, without the need to resort to begging for charity.[46] However, unlike the Law of the People's Republic of China on the Protection of the Rights and Interests of the Elderly, which includes a duty to visit the parents if the adult child does not live with them,[47] current Israeli law does not oblige the child to provide the actual care, and settles for maintenance that will buy the products and services that will satisfy the parents' needs, through the market. Like Jewish religious law, modern Israeli civil law is ambiguous as to the exact sum that this entails and how to calculate it.

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[42] M. Ikhsan Tanggok, *Filial Piety in Islam and Confucianism: A Comparative Study between Ahadith and the Analects*, 137 Advances in Social Science, Education and Humanities Research (ASSEHR), 94–95 (2017).

[43] Available at https://sunnah.com/riyadussaliheen/1/343 (last visited Feb. 10, 2019).

[44] Osman bin Abdullah (Chuah Hock Leng), Abdul Salam Muhamad Shukri & Normala Othman, *Filial Piety in a Comparative Literary Analysis of Quran, Hadīth, and Four Chinese Classics*, 3 Islam and Civilizational Renewal (special issue, The Family Institution in the Twenty-First Century: Ideals and Realities), 133 (2011).

[45] For example, Law No. 22 of 2006 Promulgating "The Family Law" 22/2006, Art. 83, available at http://gulfmigration.org/database/legal_module/Qatar/National%20Legal%20Framework/Rights%20and%20Obligations/3.1%20Family%20Law%2022%202006_EN.pdf (last visited Feb. 10, 2019).

[46] See Shapira, fn. 37.

[47] See YU, fn. 18.

Notwithstanding, a very precisely calculated filial piety duty was framed within Israeli law under the Welfare Services Law of 1958. This Act allows the State to sue a person for maintenance if they owe payment to an eligible person (and were not sued by that person), and to use it to serve the latter's needs.[48] This means that if parents choose not to enforce their right to sue their adult children for maintenance, but nevertheless need assistance to fulfill their basic needs, the State can sue the children in their place. The situation in which the State uses this power most frequently is when the parents (a) have lost their independence (usually due to old age but sometimes also due to long-term disability unrelated to age) and thus need to be placed in the care of a nursing home; (b) have exhausted all their assets and savings; and (c) does not have enough income to cover the living costs of the care institution. In these cases, the State will recognize the parents as eligible for publicly funded long-term nursing care and will turn to all the children and their spouses to means-test their incomes and ensure that they contribute to the costs of this care under the conditions of the law.[49] The higher the income of the children and their spouses, the larger the sums they will be required to contribute.[50] As a result, adult children might owe hundreds of dollars a month to pay for their parents' institutionalization.[51] About 2% of Israeli citizens above the age of 65 are institutionalized,[52] at the cost of about 0.5% of the GDP.[53] In 2010, it was estimated that 50.5% of this cost was covered by private funds — paid for by the person institutionalized and his or her family.[54]

III. CURRENT ISRAELI LAW IN ACTION

While Israeli law grants parents the right to sue their adult children for maintenance,

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[48] See Welfare Services Law of 1958, Art. 6.

[49] In 2011, about 26,000 elderly Israeli citizens were institutionalized in nursing homes, with 70% of these being assisted by the State to cover the costs. Israel Doron & Lital Bar, *Public Long-Term Care Insurance: The Need for Legislative Reform*, issued by the association of civil rights in Israel and Haifa university, at 7–8 (2016), available at https://law.acri.org.il/he/wp-content/uploads/2016/06/reform.pdf (last visited Feb. 10, 2019).

[50] Children and their spouses may agree to a different way to split the burden among them, *Placement of Elderly People in Nursing Homes*, issued by The Israeli Ministry of Welfare and Social Services (2013), Article 7.2, available at https://tinyurl.com/zxs7ku4 (last visited Feb. 10, 2019).

[51] See, for example, the stories reported in this article: Omri Efraim, Blumenthal Etai & Gilad Morag, *The Parents Are in a Nursing Home and the Children Are Collapsing: "We Took Out Loans Because We Won't Abandon Mom,"* Ynet, (Dec. 21 2014), available at http://www.ynet.co.il/articles/0,7340,L-4605777,00.html (last visited Feb. 10, 2019).

[52] Jenny Brodsky, Yitschak Shnoor & Shmuel Be'er, *The Elderly in Israel 2017*, Myers-JDC-Brookdale (2017), available at https://brookdale.jdc.org.il/wp-content/uploads/2018/01/MJB-Facts-and-Figures-on-Elderly-in-Israel-2017_Hebrew.pdf (last visited Feb. 10, 2019).

[53] Tuvia Horev, Nir Keidar & Idan Hershkovitz, *Public Insurance for Institutionalization — An Outline for Reform*, Israeli Ministry of Health, at 91, (2011), available at https://www.health.gov.il/PublicationsFiles/aa040811.pdf (last visited Feb. 10, 2019).

[54] Id.

they hardly ever do so. We managed to trace from legal databases only seven such examples. While we might have missed several cases, as Family Law cases are conducted behind closed doors in Israel[55] and are not published systematically,[56] we can nevertheless conclude from this poor harvest spanning almost six decades (1958–2015) that there is no significant phenomenon of Israeli parents suing their children for maintenance.[57] This finding echoes those of YU Lüxue as to the relatively small number of parental claims made in Singapore and China.[58] I would argue that these correlations, regardless of the very different cultures and welfare regimes involved, suggest that parents, in general, view the option of suing their children for maintenance as a last resort — as something to be avoided if at all possible, even at the risk of severe hardship and poverty.[59] While the State of Israel pays its elders an old age allowance, that allowance is very modest, and 22% of this collective remain below the poverty level.[60]

The interviews we conducted shed light on the question of legally enforcing filial piety, from the point of view of family members facing a situation in which a parent is in need. The study showed that there was no single perspective, but rather multiple and contrasting points of view, affected by cultural norms and religious perspectives. The interviewees differed in their level of acquaintance with Jewish and Islamic religious obligations to "honor your father and your mother" and its civil law manifestation in adult children's enforceable maintenance obligations. They also differed in their opinions regarding the religious and secular content they ascribed to filial piety and in their moral standing regarding the option of making filial piety an enforceable legal duty.

While all the Arab and most of the Jewish interviewees were aware of the religious duty to honor one's parents, one group stood as an exception: the immigrants from the Soviet Union and their offspring. Their hesitant and vague responses to a direct question on the meaning of this duty suggested they had probably never heard of it before or had no solid understanding of its origin or meaning. Their responses included, for example: "I am not strong on religious commands"; "It means to age with honor"; and "[It means] to

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[55] The Courts Act (1984), Art. 68(5).

[56] Bryna Boguch, Ruth Halperin-Kaddari & Eyal Katvan, *Exposing Family Secrets: The Implications of Computerized Databases for the Creation of Knowledge in Family Law in Israel*, 34 Tel Aviv University Law Review, 603 (2011).

[57] Yitzhak Brick & Israel Doron, *Constructing the Relation between Family and the State: The Israeli Social Policy*, in Yitzhak Brick & Ariela Lowenstein eds. *The Elderly and the Family: Major Issues in Intergenerational Relations*, Eshel (Jerusalem), at 23 (2010).

[58] See YU, fn. 18.

[59] For similar conclusions in relation to China, see YU, fn. 18.

[60] The percentage would have been 49% if the State had not supported the elders. See Brodsky, Shnoor & Be'er, fn. 52. The percentage of elderly people in poverty after State support is similar to the overall percentage within Israeli society, according to a report by the Israel Social Security Institute: Miri Endeweld, Daniel Gottlieb & Oren Heller et al., *Poverty and Social Gaps: Annual Report*, (2018), available at http://www.btl.gov.il/ Publications/oni_report/Documents/oni2017.pdf (last visited Feb. 10, 2019).

feel belonging." This relative ignorance might be attributed to the fairly weak attachment to the Jewish religion and minor exposure to religious Jewish studies in this social group.[61]

The Arab interviewees were the most knowledgeable about, and committed to, the religious obligation to honor their parents, which is not surprising given the relatively high degree of religiosity among this social group. A few of them referred to this particular religious duty even before a direct question was asked about it by the interviewer, and some even quoted by heart phrases from the Quran regarding the duty. Manar, who, together with her sister, devotes herself to the care of their disabled mother, said about her motives: "First of all religion. There is a duty to do so." Likewise, Rawia, described how she answers her mother when the latter says she hates to be a burden: "I always tell her 'mother, the fact that you are here leads us to Heaven; what we do for you is our way to Heaven, do you want to close it? Allow Allah to leave this door open for us.'"

In between these two social groups are the Western Jews and Eastern Jews, who all were aware of the religious duty, but explained their sense of filial obligation as being rooted in additional (if they were religious) or alternative (if they were secular) moral grounds. This is evident, for example, in the answers of Joy, who is from a mixed Western–Eastern ethnic background:

> *Q: Does the religious commandment to honor the father and mother mean anything to you?*
>
> *A: I am truly very distant from religious obligations, you know, at least in their immediate sense. I guess that as someone who was born into the Jewish religion and was raised in Israel, I have no way to escape it, and definitely when it comes to my parents, who play such a significant role in my life…As part of my self-definition as a human being I must take care of my parents. And it should not be conditional upon the nature of our relationship. It is not a matter of will but of the right thing to do…The right thing to do as a human being is to take care of my parents.*
>
> *Q: Why?*
>
> *A: Because they cared for me all my life and raised me, and they are…they are my parents. I mean, it is something that I try now, you know, to put into words. Any description will miss in some way that this thing must be. It is a kind of…far beyond some religious commandment, it is a social commandment of what must be, how things must be…These are the parents, this is the hierarchy, the intergenerational hierarchy. And part of the structure simply demands nursing the parents, caring for them.*

This deeply intuitive moral sentiment can also be found in other interviewees'

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[61] Orli Ilani, *Religion, Society and State in Israel*, Matah (Jerusalem), at 60–61 (2006).

responses, but even more so in their actions. As I have detailed elsewhere,[62] the interviews with adult children from all four social groups revealed the many ways they cared for their parents in need: representing the parents when dealing with authorities, commercial entities, and civil society organizations; providing parents with stimulating activities such as conversation, walks outdoors, and entertainment; providing physical care, both directly and indirectly via the supervision of paid carers; and providing financial assistance as needed.

Indeed, without ignoring evidence of elderly neglect and abuse by family members,[63] recent studies from different countries that examined both adult children and aging parents' normative perceptions regarding filial care, as well as actual practices of such care,[64] provide strong evidence countering the myth that children are neglecting their parents because of individualism, geographical distance, and weakening of family ties in the current era.[65] Research has established that, in developing countries as well as in some developed Asian countries such as Japan, the vast majority of older people continue to live with their kin, and the families remain individuals' primary source of support in their old age.[66] In most developed countries, though the majority of aging parents do not live with their children, the latter are still highly involved in filial caregiving and, together with other family members, "form the backbone of the support system" needed for the elders.[67]

What was striking from the interviews conducted for the study reported here, as well as from countless informal conversations I conducted with many people during the research period, is that while most Israelis were aware of the religious filial commandment, the vast majority of them were completely unaware of the civil law duty

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[62] See Hacker, *Elder Law and Its Justifications*, fn. 19.

[63] Tova Band-Winterstein, Ariela Lowenstein & Zvi Izikowitz, *Abuse and Neglect of the Elderly among His Family*, in Yitzhak Brick & Ariela Lowenstein eds. *The Elderly and the Family: Major Issues in Intergenerational Relations*, Eshel (Jerusalem), at 175–192 (2010).

[64] Martina Brandt, Klaus Haberkern & Marc Szydlik, *Intergenerational Help and Care in Europe*, 25 European Sociological Review, 585 (2009); Merril Silverstein, Daphna Gans & Frances M. Yang, *Intergenerational Support to Aging Parents: The Role of Norms and Needs*, 27 Journal of Family Issues, 1068 (2009); Ariela Lowenstein & Svein Olav Daatland, *Filial Norms and Family Support in a Comparative Cross-National Context: Evidence from the OASIS Study*, 26 Ageing & Society, 203 (2006); Laura M. Funk, "*Returning the Love," Not "Balancing the Books": Talk about Delayed Reciprocity in Supporting Ageing Parents*, 32 Ageing & Society, 634 (2012); Maria C. Stuifbergen, Johannes J. M. Van Delden & Pearl A. Dykstra, *The Implications of Today's Family Structures for Support Giving to Older Parent*s, 28 Ageing & Society, 413 (2008).

[65] Ruth Katz, Ariela Lowenstein & Yitzhak Brick, *Intergenerational Relations and Old-Age in the Modern Era: Cross-Country Comparisons*, in Yitzhak Brick & Ariela Lowenstein eds. *The Elderly and the Family: Major Issues in Intergenerational Relations*, Eshel (Jerusalem), at 53–71 (2010).

[66] See Narayanan, fn. 18; Isabella Aboderin, *Modernisation and Ageing Theory Revisited: Current Explanations of Recent Developing World and Historical Western Shifts in Material Family Support for Older People*, 24 Ageing & Society, 29 (2004); see Plaisance, fn. 18.

[67] See Silverstein, Gans & Yang, fn. 64.

to support parents when they could not support themselves. It seems that Israelis from all social groups become aware of this legal duty, if at all, only when the State sends them a bill for the costs of a parent's placement in a nursing home. As Israeli parents do not tend to use the law to sue their children for economic support, and as the vast majority of disabled elderly Israelis are cared for at home (in many cases with the assistance of a migrant care worker[68]), most Israelis are not exposed to circumstances in which the law is activated. Moreover, it seems that since the rules according to which the State can demand the participation of the children in covering the cost of institutionalization are so clear, hardly any cases in which the State sues the children reach the courts,[69] so even lawyers are often unaware of the laws discussed in Part II. I only became aware of the law myself and grew interested in studying the legalization of filial piety in Israel when a student of mine revealed to me his shock at receiving a bill demanding that he covers part of the cost related to his disabled mother's institutionalization.

One of the interviewees provided an example of this point when she told of the division of the financial costs relating to her father's institutionalization, which she was finding burdensome, as she and her sister were struggling to provide for their own nuclear families:

> *A: Those who cover the costs are the Ministry of Health, me, my mother, and my sister. Yes, it is split between the children. You have to provide [the State] with your pay slip, and the number of household members, etc., and they [the Welfare Services] make the calculations. I can tell you that the Social Security benefits my father receives all go to cover the cost [of institutionalization], and the split between me and my sister is according to the decision of the Ministry of Health…*
>
> *Q: And how much do you pay?*
>
> *A: I think I pay 375 NS (690 CNY; 100 USD) and my sister 100 NS (184 CNY; 27 USD) [per moth]…These are the regulations. If my father had savings, it would have also gone to fund the costs…*
>
> *Q: Did you know that the State can oblige you to make a financial contribution?*
>
> *A: No. I did not know this was possible…you know, we just came [to the nursing home], and it was important for us to find him a good place…I remember that at one point I told my husband "Wow, listen, I hope they will not charge me tons of money," as my sister has three children and I have only two. And all these considerations — these are not costs you plan daily. In the end, when I received [the bill], I was scared, but I was less concerned because what was really important to me was that [my father] will be in a good place and assisted and cared for. This is what truly guided us. And when you hear the sums they*

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[68] See Hacker, *Legalized Families*, fn. 19 at 8.

[69] In one case only, a son challenged the State authority to force the children to financially support their institutionalized parent. See, also, Israel Doron, *Old Age in Courts of Justice: Older Persons and Ageism in Israel's Supreme Court of Justice*, Resling (Tel Aviv), at Ch. 6 (2013).

charge [in nursing homes not subsidized by the State], 12,000–15,000 NS [22,067–27,583 CNY; 3,263–4,079 USD], if not more, you take comfort. We just prayed he will receive the Code [official recognition of eligibility for placement in a State nursing home].[70]

Other interviewees, whose parents were not in a publicly funded nursing home, were not aware of the law at all. For example, when I told Avi, who has a disabled mother living at home, about the law that obliges adult children to support their parents if the parent is in a financial need, he said: "Truly there is such a law? I did not know." Likewise, Liat, who has a disabled mother who lives in a private nursing home, said, after I told her of the law: "Really? I did not know this." Dror, who also has a disabled mother who lives in a private nursing home, was also unaware of the law, although he is a law professor. However, when I told him about it, he accepted it as "obvious":

Q: Do you know what the law says about children's duties toward their parent?

A: I have no clue. What does it say?

Q: That if the parent cannot support herself, and the child can support himself, his spouse and his children, then he should support his parent.

A: That is obvious.

Q: Is it obvious to you? In many legal systems this is not the case.

A: Really? It is obvious to me.

Q: Please explain.

A: How can children let their mother or father be without economic means? It does not make sense to me. I mean, emotionally, it looks completely unlikely to me.

However, not all interviewees agreed that the legal duty to support one's parent is self-evident, and after they were introduced to the law by the interviewer, they differed in their moral standing and justifications. For example, Dani, like Dror, approved of the law, but based his justification not on emotional grounds, but on reciprocity:

It [the law that allows the State to sue children for their parents' institutionalization] is excellent, because the parents invest so much in their children, children cost so much money. It is money, but not only [money but] also energies and investment. But even if you think only of money…it depends on the [social] class; in the upper middle class, a child must cost above a million NS [1,820,000 CNY; 272,000 USD] for sure, if not more…A child that was invested-in so much must give back. I see nothing wrong in that.

By contrast, some interviewees opposed the law. Noa, for example, who has two elderly parents who need her assistance, as well as a son who is just entering adulthood,

[70] For additional familial reactions to the need to contribute to the costs of a parent's institutionalization, see Aya Ben Eliezer, *The Meaning That Older Persons and Their Adult Children Assign to State-Mandated Financing for Institutional Long-Term Care*, (2015) (unpublished Ph.D. dissertation, University of Haifa) (on file with author).

said this:

> *I think that the [adult] children should not be included in the calculations [of how to fund their parents' economic needs]. Especially when they still have children they support. It is impossible; it is a generation squeezed from both sides. It is impossible to be squeezed from both sides. Certainly, with the high costs of living in this country, it is unrealistic.*[71]

Sara brings another justification against the law that obliges grown children to economically support their parents:

> *A: I think that the State should take part in assisting the elderly. It cannot be. And I am talking generally, not from my personal position.*
>
> *Q: Do you think that the law should oblige the children in any sense? For example, like in the most unusual example of Chinese law that actually obliges children to visit?*
>
> *A: I am against anything that is coerced. I am an anticoercion person in my character. I never coerced anything on anyone, and you certainly cannot coerce love. There is no such thing as coerced love.*

David, who was among the few interviewees who already knew about the law thanks to his work as a public aid lawyer, emphasized the duty he believed the State should have to cover the costs of institutionalization:

> *In principle, I am against [the legal obligation to support a parent]. If the parent sues, it is one thing, but the State as a State should make sure that nursing services are at such a level that people would have absolute accessibility. I remember when I went with my mother to visit my grandfather, that it was a miserable situation there. I mean, just unfit conditions… A situation in which the State cannot provide nursing or institutional services at a reasonable level, and the children must contribute according to their economic position. And then there are quarrels among the siblings [about] how much each contributes and why, this is certainly not a condition…I mean, among parents and children, assuming there is a reasonable relationship, it seems morally right to me that I should support my parents like my parents supported me…But living in an institution is such a basic thing and also so expensive, that even for regular families it is a huge economic burden. It hurts their standard of living.*

Indeed, many interviewees expressed their expectation that the State would take responsibility for the costs of assisted living for the elderly. Rachel, the elderly mother of Dani, reflected on the experience of her now-deceased parents who were not recognized by the State as being eligible for public-assisted living, although, she claimed, they

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[71] On the demanding burden carried by the "sandwich" generation, see Shira Hantman, *The Sandwich Generation: Dual Roles, the Intergenerational Conflict and Its Effect on the Relations within the Adult Family*, in Yitzhak Brick & Ariela Lowenstein eds. *The Elderly and the Family: Major Issues in Intergenerational Relations*, Eshel (Jerusalem), at 90–109 (2010).

needed it. She commented:

> *Even in the sense of economic assistance, I am not sure you need to turn it over to the children. I think that a person should age with dignity with the assistance of the State. The State has responsibility…There should be a law that the State takes care of [the elderly]. [We] pay so much [in taxes].*

Likewise, Yael, who has a disabled father, said:

> *My father was shocked [to learn about the economic filial piety law]. He was shocked because he belongs to the generation that believed in the State, in the possibility that the State would take responsibility and would take care. I think that, from his moral perspective, the State should take care. His reaction is important from my perspective, you know, because through it I can also take a look at my reaction, and I [do not share my father's confidence in the State's benevolence]. I know that the State does not take care. It abandons, it is cynical, it neglects, it abuses in all kind of ways.*

Hence, we can conclude that not only is the law not used by parents to sue their children, but also many of the interviewees objected to the primary manifestation of the law — the cases in which adult children are obliged by the State to cover part of the costs of a parent's institutionalization. While some identified with the law, arguing that supporting a parent in need is the morally correct thing to do, or that children owe their parents because of the parental care they received as minors, most interviewees objected to this legal obligation. As we saw from the sample of quotes above, they argued that it constitutes a harsh economic burden on the children, that it leads to conflicts among siblings, that the law cannot enforce filial devotion, and that it is the State's role to protect the basic human right to an adequate standard of living among its fragile elders. In a 2012 survey conducted at the request of the Israeli Ministry of Health, among 302 Jewish and 304 Arab citizens, 85.5% of the former and 83.5% of the latter responded that the law should be changed to relieve adult children of the obligation to contribute to the costs of their parents' residential nursing care.[72] The government was not indifferent to these results, as will be discussed in the next part of this paper.

IV. FUTURE ISRAELI LAW IN THE BOOKS

On January 11, 2018, the Israeli government launched "A National Nursing Program," aimed at improving the services available for elderly people with disabilities. The program had several components, including an instruction to the Ministry of Health and the Ministry of Finance to act toward achieving "a gradual reduction, up to a complete abolition, of the participation of children [in the funding] of those institutionalized in long-term nursing care…in accordance with budgetary resources."[73] While this was not

[72] The Reform in Nursing Hospitalization Survey, May 2012, Survey Report (on file with author).

[73] Israeli Governmental Decision 3379, (Jan. 11, 2018), Art. 11, available at http://www.gov.il/he/Departments/policies/dec_3379_2018 (last visited Feb. 10, 2019).

an absolute abolition accompanied by a change within the law in the books but rather one dependent on the State budget allocated to old-age nursing institutions,[74] it nevertheless might constitutes a significant move toward the *de facto* abolition of the legal economic filial piety duty. Indeed, in February 2019, the Ministry of Health announced the reduction of up to 500 NS (920 CNY; 130 USD) in children's payment for parent's institutionalization, as a first step towards a complete abolition of such payments.[75] Since, as this study demonstrated, children's legal duty to support their parents is hardly ever executed by elderly parents in private suits against their children, if the State were to stop requiring children to participate in bearing the costs of their parents' institutionalization, the law would become nothing more than a dead letter.

The governmental decision of gradual reduction of children's payments, also seems to be a worthy solution in light of the study's additional findings reported in this paper. Not only do parents not wish to sue their children, but most Israelis are not aware of adult children's legal duty to support their parents in their old age, nor are they financially prepared for such a scenario. While many Israelis identify with the virtue of filial piety and practice it in many different ways, they do not do so due to a legal obligation but rather due to religious beliefs or secular morality based on virtue or a sense of gratitude. As this duty is enforced in cases where elderly parents cannot support themselves, and as the children of poor elders are often poor themselves,[76] this duty seemed unfair in the eyes of many interviewees, who claimed it would represent a heavy burden on adult children who may already be struggling to support themselves and their nuclear families. By and large, the interviewees expected the State to take care of the elders' basic material needs, should they not be able do so themselves. Indeed, the government's recent decision cannot be understood detached from the pressure exerted by civil society against the economic burden imposed on families when an elderly family member needs publicly

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[74] This governmental decision has allocated 50 million NS for 2018 (*ex post*), 200 million NS for 2019, 300 million NS for 2020, and 400 million NS for 2021 and beyond. See Id. In 2010, the sum of overall familial payments to Israeli State nursing institutions was about 250 million NS, available at https://law.acri.org.il//he/wp-content/uploads/2016/06/Long-Term-Care-Insurance2016.pdf (last visited Feb. 10, 2019), at 18. While 400 million NS might currently be enough in 2019 to replace children's payments toward their parents' placement in State nursing homes, it might not be enough in the future, given that the number of people aged 55 and older in Israel will double in the next three decades, according to a Israeli Bureau of Statistics report: Muriel Shafir & Amit Ynor-caroll, *Adults Over 55 Years of Age, 2014–2015*, at 3 (2017), available at http://www.cbs.gov.il/he/Statistical/age55_160h.pdf (last visited Feb. 10, 2019).

[75] The Ministry of Health, *A Reduction in the Level of Patient's Children Participation in Nursing Care Institutionalization Code*, (Feb. 7, 2019), available at https://www.health.gov.il/NewsAndEvents/SpokemanMesseges/Pages/07022019_2.aspx (last visited in Jul. 7, 2019).

[76] Bank of Israel Annual Report 2013 (2014), Ch. 8, at 205, available at https://tinyurl.com/ycde9w7a (last visited Feb. 10, 2019).

funded nursing institutionalization.[77]

Notwithstanding, the study also demonstrates the significance of culture and religion when it comes to filial piety. A multicultural State cannot assume a homogenous perception of filial piety and must realize that cultural differences remain significant, even if it decides to fund long-term nursing care. In the Israeli Arab population, for example, institutionalization is the exception to the rule, as part of this collective's perception of filial piety includes the duty to care for the elderly at home. The recourse to institutional care is therefore perceived as a filial piety failure.[78] Hence, State support for the institutional option alone might discriminate against the Arab population and might create an economic incentive to institutionalize the parent, against the parent's best interest and against their cultural and religious beliefs (and those of his or her children). Such a perception of filial piety calls for legal mechanisms that reward children who provide physical care for the parent at home. While Israeli law provides a State allowance to adult children who devote their time to caring for a sick parent,[79] it has been reluctant to adopt other legal measures that could encourage filial dedication, which do exist in some legal systems, such as housing regulations that assist children who care for elderly parents at home,[80] *ex ante* bequeathal via a contract with a child in return for guaranteed care in old age,[81] and compensations from an elderly person's estate for a caregiving child.[82] As things currently stand, many grown children who significantly contribute to the daily care of their parent are not assisted by the State in any significant sense while the parent is alive, nor can they be certain of being recompensed in the future with an enlarged share of the parental estate compared to their siblings — in recognition of the extra care provided to the parent — after the parent is gone. This might discourage children from providing such extra care, which is necessary in many cases. Hence, Israeli law has much more to contemplate when it comes to legalizing filial piety than merely

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[77] See, in particular, the campaign of the Association for Civil Rights in Israel (ACRI) for full State funding of nursing institutionalization. The campaign included a report arguing that the burden on children is an infringement on family life that might lead to familial tensions and conflicts, an infringement on the right to privacy (as children must disclose their income), and discriminatory against poor family members since, in the case of the rich, elderly persons can afford private care homes without the assistance of children. See Doron & Bar, fn. 49 at 12–13, 17.

[78] Faisal Azaiza & Tal Kroitoro, *A Change in the Status of the Elderly in Arab Society*, in Yitzhak Brick & Ariela Lowenstein eds. *The Elderly and the Family: Major Issues in Intergenerational Relations*, Eshel (Jerusalem), at 75–89 (2010).

[79] National Insurance Institute of Israel, available at http://www.btl.gov.il/benefits/Income_support/tnaeeZakaut/Pages/ptorim.aspx (last visited Feb. 10, 2019).

[80] Seymour Moskowitz, *Adult Children and Indigent Parents: Intergenerational Responsibilities in International Perspective*, 86 Marquette Law Review, 401, 440–441 (2002).

[81] Shelly Kreiczer Levy, *The Intergenerational Bond: Rethinking Inheritance*, at 163 (2008) (unpublished Ph.D. dissertation, Tel Aviv University) (on file with author).

[82] Id. at 337.

eroding the obligation of grown children to participate in the costs of their parent's institutionalization.

CONCLUSION

The Jewish religious obligation to "honor the father and the mother" is not as strong as in the Confucian tradition and was accompanied by many controversies among the sages regarding its scope and content. While Israeli civil law in the books echoes the Jewish religious filial piety duty and could have theoretically assisted elderly parents to escape poverty, its action is currently minimal and is expected to diminish even further in the near future, because of the willingness of the government to take greater responsibility for elder care. The findings reported here point to the conclusion that the challenges facing Israeli society in caring for its growing fragile elderly population will have to be answered by other means than forcing children to support their parents financially.

Moreover, the multicultural lesson that can be drawn from the Israeli case study is relevant to other multicultural societies facing similar growth in the financial and other needs of the elderly population. Worldwide, family members provide each other with the bulk of the needed physical and emotional care, and will likely continue to do so. However, in many countries, the proportion of elderly people is growing; their needs are becoming more demanding and complex as life expectancy rises, with the accompanying illnesses and malaises of old age; the rate of childbirth is falling, so parents have fewer offspring to provide the care and support they need; and the increasing demands of the labor market are clashing with the ethic and practice of care. Hence, in general terms, families are facing ever-growing difficulties in answering the needs of an elderly family member. Filial piety should be encouraged and supported by the State, but with a legal sensitivity to cultural context. The findings reported here point to the conclusion that it is probably unwise to attempt to secure it by applying the punitive force of the law. Rather, the law should provide positive incentives and rewards for those who perform filial piety, as well as secure, with public funding, the basic needs of those elders who need more than their children can or wish to provide.