

EDITORS' INTRODUCTION: HONORING OUR PARENTS¹

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What role does the honor commandment play in contemporary law and culture? Answering this question is especially pertinent in the early twenty-first century. With advances in longevity and declining birth rates, a growing percentage of the population is graying. In 2015, there were 901 million people aged sixty or over worldwide; a number projected to rise to 1.4 billion in 2030.² By 2050, there will be more persons over the age of sixty than children under the age of fifteen.³ As the number of our global elders grows, so too will the number of those needing and providing physical and financial care.

At present, almost two-thirds of older people depend on family and friends for caregiving.⁴ In the panoply of family possibilities, not everyone undertakes marriage or parenting. But unless one is an orphan, predeceases one's parents, is estranged irrevocably from one's parents (and maybe not even then), assumption of elder-care responsibilities is a rite of passage for adult children, with demand spilling over into society at large.

This symposium volume of the *Journal of Law and Religion* brings together a diverse cohort of scholars to begin a multifaceted conversation concerning how the expectations, demands, and even ideals, of filial piety are being interpreted and lived in the twenty-first century. The impetus for the journal's issue on filial piety and its worldwide expression develops from a focus on how laws reflect the religious command to honor one's parents. The honor commandment is expressed in the Hebrew Bible, "Honor your father and mother, that your days may be long."⁵ It plays a central role in the Jewish and Christian traditions, and comparable duties of elder care and filial piety are found in the normative frameworks of many other of the world's religious and legal systems,⁶ such

1 Amy Zietlow and Naomi Cahn guest edited this symposium for the *Journal of Law and Religion*. They are the coauthors of *HOMEWARD BOUND* (forthcoming 2017), and *The Honor Commandment: Law, Religion, and the Challenge of Elder Care*, 30 *JOURNAL OF LAW & RELIGION* 229 (2015).

2 *World Population Ageing 2015*, UNITED NATIONS, http://www.un.org/en/development/desa/population/publications/pdf/ageing/WorldPopulationAgeing2015_InfoChart.pdf.

3 *Id.*

4 Ann Bookman & Delia Kimbrel, *Families and Elder Care in the Twenty-First Century*, 21 *THE FUTURE OF CHILDREN* 117, 124 (Fall 2011); *Who Are the Caregivers?*, FAMILY CAREGIVER ALLIANCE, http://www.caregiver.org/jsp/content_node.jsp?nodeid=892 (last visited Mar. 3, 2014). The Prophet Mohammed listed one's mother as the first person to whom one should be good. Roaa M. Al-Heeti, *Why Nursing Homes Will Not Work: Caring for the Needs of the Aging Muslim American Population*, 15 *ELDER LAW JOURNAL* 205, 209 (2007).

5 *Exodus* 20:12 (New Revised Standard Version).

6 E.g., Charlotte K. Goldberg, *The Normative Influence of the Fifth Commandment on Filial Responsibility*, 10 *MARQUETTE ELDER'S ADVISOR* 221, 244 (2009); Al-Heeti, *supra* note 4, at 209; Radwa S. Elsaman & Mohamed Arafa, *The Rights of the Elderly in the Arab Middle East: Islamic Theory versus Arabic Practice*, 14 *MARQUETTE ELDER'S ADVISOR* 1, 47 (2012). The *Analects* of Confucius, the Qur'an, and *The Laws of Manu* all contain commandments related to filial piety. Comparative religious traditions and the honor commandment is the organizing principle for this symposium.

as Islam, the Asian religions of Hinduism, Buddhism, and especially Confucianism.⁷ Asian societies, particularly Japan and China, are world leaders in confronting the dilemmas of aging societies and encouraging the efforts of individuals and families to honor their elders even as the duties of elder care grow increasingly onerous. For example, China has made major changes in order to help alleviate the burdens of an aging population; when the country ended its decades-old “one-child policy,” it explained that the move was prompted by this demographic change.⁸

All societies are confronting the dilemmas posed by the increasing size of the aging population and the attempts of individuals and families to honor their elders.⁹ While the honor commandment and comparable religious expressions are directed at honoring parents, modern interpretations have broadened its scope to include care for the world’s aging population. Where religion expresses a moral obligation to honor our elders, the law frequently imposes duties of care. With the complexity of modern advanced societies and ongoing deliberations in many of them about who bears the responsibility for elder care and particularly what role the state should have in demanding or facilitating it, there is a sense that these laws are undergoing transformation worldwide.¹⁰ The lesser financial resources in the developing world, coupled with longer lives in many cases due to medical advances, are bringing elder-care questions increasingly to the fore, as forces of modernization and development threaten family ties and communal systems of care that characterize many of these societies.

Many of the authors who contributed articles for this symposium issue of *JLR* are reacting to our earlier article in this journal describing our research on US caregivers.¹¹ We explored how the honor commandment informed or challenged grown children’s lived practice of elder care, regardless of whether their childhoods were characterized by familial harmony, estrangement, or abandonment. Their family narratives expressed a lived understanding of the theological complexity within this commandment, including aspects of covenant, blessing and curse, and *chesed* (acts of grace or loving kindness). As the contributions to this symposium show, the elder-care exhortation defined as filial piety finds powerful variations in world religions and laws. This issue of *JLR* brings together an international, interdisciplinary, and interfaith group of scholars and practitioners to explore the key issues, texts, interpretations, and questions at the intersection of religious and secular law concerning elder care, filial piety, and lived practice. The essays are intended to be a descriptive and analytical introduction to the complex world of elder care while highlighting the distinct entry points into thinking about the goals and expressions of filial piety. Each author, drawing upon his

7 See Daniel Qin, *Confucian Filial Piety and the Fifth Commandment: A Fulfillment Approach*, 16 *ASIAN JOURNAL OF PENTECOSTAL STUDIES* 139 (2013); *Adult Children Ignoring Confucius Risk Lawsuits in China*, *BLOOMBERG* (Mar. 17, 2013), <http://www.bloomberg.com/news/2013-03-17/chinese-kids-who-ignore-confucius-face-state-backlash.html>.

8 Chris Buckley, *China Approves Two Child Policy to Help Economy*, *NEW YORK TIMES*, Oct. 30, 2015, at A1.

9 *Family Support in Graying Societies: How Americans, Germans and Italians Are Coping with an Aging Population*, *PEW RESEARCH CENTER* (May 21, 2015), <http://www.pewsocialtrends.org/2015/05/21/family-support-in-graying-societies/>.

10 Katherine C. Pearson, *Filial Friday: Court Finds Less Than “Ideal” Childhood Not Enough to Release Duty to Support Indigent Parent*, *ELDER LAW PROF BLOG* (Nov. 20, 2015), http://lawprofessors.typepad.com/elder_law/2015/11/filial-friday-court-finds-less-than-ideal-childhood-not-enough-to-release-duty-to-support-indigent-p.html. The article discusses *Eori v. Eori*, 2015 WL 6736193 (Aug. 7, 2015), which notes, “This ruling obligates one son, the defendant, to contribute financially towards the care of his 90-year old mother, being provided in the home of another brother. The incorporated findings of fact, from the lower court, track a sad family story. One point in dispute was whether the mother’s alleged actions during the son’s childhood constituted the defense of ‘abandonment.’”

11 Zietlow & Cahn, *The Honor Commandment*, *supra* note 1.

or her unique context and expertise, analyzes the intersection between theory and practice. The articles in this symposium issue focus on such topics and approaches as the normative and lived practices of elder care in Islamic theory; questions about the duty to respect historical faith expression in caring for persons with dementia; feminist and ethical questions about women on the “daughter track”; the high level of non-relative caregiving that happens in the elderly lesbian, gay, bisexual, and transgender population; the historical and contemporary homiletic interpretations of the honor commandment; clinical case studies and the role that palliative care clinicians can play in facilitating honor; and filial piety in early Buddhism.

Each essay is intended to be an introduction and to be read in conversation with the others. They provide a framing of the issues confronted by contemporary religions seeking to respond to the needs of care recipients and caregivers. But these contributions are only a start, and there are many other angles to explore.¹² For example, how does the changing role of religion in today's societies affect interpretations of the honor commandment? Will changing conceptions of marriage affect care in the LGBT community? How can religious leaders provide further support to elder care, and how should the law respond to the religious and ethical precepts of providing care to elders? The graying of worldwide populations will require further responses to these issues.

We offer our thanks to Silas Allard and the editorial staff of the *JLR* in sponsoring this symposium that brings together this stellar group of scholars. We also thank M. Christian Green, who has been an enthusiastic supporter of this project from the beginning and then joined us as a co-editor of and contributor to the symposium.

12 Confucian practices of filial piety have been written about extensively but merit further research as demographic changes take place in East Asia. Likewise, Indian society is experiencing rapid development and changes in social roles informed by Hinduism. African traditional religions, the religions of Latin America, and elder-care duties and practices in indigenous religions around the world all deserve further scholarly exploration, especially as they are reflected in legal systems.