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The Legal Basis and Procedural Pathways for a Spouse's Claim to Have the Other Spouse's Renunciation of Inheritance Declared Invalid

-- A Commentary on Article 11 of the Supreme People's Court's Interpretation (II) on the Application of the Civil Code of the People's Republic of China on Marriage and Family Relations

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Abstract: Article 11 of the Interpretation (II) on the Marriage and Family Book of the Civil Code establishes a mechanism combining a claim grounded in personal-status law with an assessment under property law, thereby providing a legal basis for a spouse to ask a court to invalidate the other spouse's renunciation of inheritance. Taking the tension between the personal-status character of inheritance rights and statutory family-support obligations as its point of departure, this article argues that the provision effectively creates a new right for the spouse, whose legal basis is distinctive. The claim derives from the need to enforce the statutory support obligation under Article 1059 of the Civil Code. Two situations must be distinguished: objective inability to pay and malicious collusion. The proviso to Article 11 should apply to the former, while Article 154 of the Civil Code should govern the latter. The current narrow understanding of "statutory support obligations" presents a structural deficiency. This article therefore proposes a purposive, expansive interpretation that also encompasses obligations to raise and support children and to provide for elderly parents, together with improvements to standing, the allocation of the burden of proof, and procedures for preserving estate assets. These measures would help achieve a dynamic balance between freedom of inheritance and family responsibility.

Keywords: Renunciation of inheritance; spousal claim; statutory family-support obligations; abuse of civil rights; civil procedure.

1. Analysis of the Legal Basis for a Spouse's Claim to Invalidate a Renunciation of Inheritance

The question of the legal basis for a spouse's claim to invalidate the other spouse's renunciation of inheritance must address the normative tension raised by Article 11 of the Interpretation (II) on the Marriage and Family Book of the Civil Code: how should the legitimate limits of a spouse's intervention in the other spouse's renunciation be defined given, on the one hand, the personal and non-transferable character of inheritance rights and, on the other, the mandatory nature of statutory support obligations between spouses? Under Article 1124 of the Civil Code and Article 37 of the Supreme People's Court's Interpretation (I) on the Succession Book of the Civil Code, an heir may renounce inheritance before the estate is disposed of, and the renunciation takes effect retroactively from the commencement of succession.[1] Article 1062 of the Civil Code and Article 81 of the Interpretation (I) on the Marriage and Family Book make clear that inherited property becomes marital community property only upon actual acquisition.[2] Accordingly, before the succession process has concluded, the other spouse has no co-ownership basis in the expectancy of inheritance and, in principle, may not interfere with the renunciation. The proviso to Article 11, however, provides that where renunciation makes it impossible to perform a statutory family-support obligation, the spouse may ask the people's court to declare the renunciation invalid. Through a legal fiction, it brings the expectancy of inheritance within the pool of assets relevant to performance of the support obligation under Article 1059 of the Civil Code, thus balancing freedom of inheritance against family ethics.[3] The rule respects the heir's autonomy while limiting abuse of rights to protect the basic living interests of the more vulnerable spouse.

An examination of the provision's structure shows that the

1 Article 1124 of the Civil Code provides: "After succession commences, an heir who renounces the inheritance shall make a written declaration of renunciation before the estate is disposed of. In the absence of such a declaration, the heir is deemed to have accepted the inheritance."

2 Article 1062(4) of the Civil Code generally includes property acquired by inheritance or gift in the marital community property. Article 81 of the Supreme People's Court's Interpretation (I) on the Marriage and Family Book of the Civil Code provides: "Where, during the marriage, one spouse is legally entitled to inherit an estate but the estate has not yet been actually divided among the heirs, and the other spouse requests its division in divorce proceedings, the people's court shall inform the parties to bring a separate action after the estate has been actually divided among the heirs."

3 Article 1059 of the Civil Code provides: "Spouses have a mutual obligation to support each other. Where one spouse needs support and the other fails to perform that obligation, the spouse in need has the right to demand payment of support."

first part of Article 11—under which a spouse may not claim invalidity merely because the renunciation was made without that spouse's consent—strictly follows the personal-status character of inheritance rights. Renunciation does not dispose of an existing marital co-ownership interest. Rather, it prevents the heir from acquiring rights in the estate, with effect from the commencement of succession, without altering the heir's status as a person eligible to inherit. The other spouse therefore cannot rely on the rules governing marital property to claim a joint power of disposition. The proviso, by contrast, links the expectancy of inheritance to the ability to perform support obligations by introducing the criterion of inability to perform a statutory family-support obligation. If renunciation leaves the renouncing spouse unable to perform that obligation, the proviso to Article 11 provides the specific basis for seeking a declaration of invalidity. Article 132's prohibition of abuse of civil rights may inform the broader normative analysis, but it should not be treated as independently making every such renunciation invalid. Notably, the rule does not adopt an inflexible all-or-nothing approach. Guided by proportionality, it gives priority to the stability of marriage and family only where freedom of inheritance and family protection come into irreconcilable conflict, consistent with the values expressed in Article 1043 of the Civil Code. For example, a court may invalidate a renunciation where the renounced estate was the family's principal source of livelihood and the renouncing spouse's remaining assets cannot meet the other spouse's basic needs. But where sufficient resources remain—such as stable high income or returns from other investments—the renunciation should not be interfered with.4

The fundamental difference between renouncing an inheritance and relinquishing an interest in marital community property is a logical premise for applying Article 11. The former concerns an expectancy that has not yet become jointly owned property and is characterized by its personal-status nature and retroactive effect. The latter concerns an existing co-ownership right and is subject to the rules governing joint disposition of marital property. For example, one spouse generally cannot dispose of that spouse's share in a home purchased jointly during marriage without the other spouse's consent, whereas the other spouse's consent is not required to renounce an inheritance consisting of an as-yet-undivided house, unless the renunciation makes performance of a support obligation impossible. The distinctive nature of the spousal claim is that it does not arise from co-ownership of the expectancy of inheritance. Rather, it arises from an expansive interpretation, in the judicial interpretation, of the support obligation under Article 1059 of the Civil Code: by treating the expectancy as assets relevant to the performance of obligations, the rule gives the spouse a remedy resembling the creditor's right to avoid a disposition under Article 538. The two remedies nevertheless differ fundamentally. A creditor's right of revocation under Article 538 is designed to protect a creditor's claim against a debtor where the debtor's disposition prejudices enforcement of that claim. The statutory requirements and effects of that remedy differ from the spouse's claim under Article 11, which turns on whether renunciation makes performance of a statutory family-support obligation impossible. The spousal claim rests on a statutory family-support obligation; it requires proof that renunciation makes performance of that obligation impossible and permits a direct claim that the renunciation is invalid. More significantly, the proviso prescribes invalidity rather than voidability, strengthening legal protection for family interests and reflecting the influence of the public-order and good-morals principle in Article 8 of the Civil Code in the family context. On the author's account, Article 11 creates a distinctive remedial claim through judicial interpretation. Without formally displacing the personal-status character of inheritance rights, it treats the expectancy of inheritance as relevant to assessing the ability to perform support obligations, thereby drawing a boundary between individual autonomy and the interests of the family as a community. It may be seen as an institutional innovation at the intersection of succession law and family law, particularly in the context of support challenges in an aging society.5

In sum, the legal basis for the claim conferred on a spouse by the proviso to Article 11 is neither co-ownership of the expectancy of inheritance nor a traditional claim under the law of obligations. It is rooted in the need to enforce the statutory family-support obligation under Article 1059 of the Civil Code, while the prohibition of abuse of rights in Article 132 imposes a necessary limit on freedom to renounce inheritance. Its normative core has two dimensions. Under personal-status law, the ethical nature of marriage gives a spouse a claim to require the other spouse to perform support obligations. Under property law, where an heir improperly diminishes the assets available to meet obligations by renouncing inheritance and thereby jeopardizes performance, the act loses its legitimacy because it contravenes Article 132. By treating the expectancy of inheritance as quasi-liability assets, the judicial interpretation creates a combined normative basis: a personal-status claim arising from support obligations plus a property-law assessment under the prohibition of abuse of rights. This structure neither oversteps the personal-status nature of inheritance rights nor leaves the interests of the family without residual protection. It marks a shift in Chinese civil adjudication from formal equality toward substantive justice and offers an institutional model for reconciling personal freedom with family responsibility.

2. Defining Statutory Family-Support Obligations and Their Judicial Application

The proviso to Article 11 narrows the earlier phrase "unable to perform statutory obligations" to "unable to perform statutory family-support obligations." This revision effectively addresses the confusion in judicial practice caused by the overly broad concept of "statutory obligations" in Article 32 of the Supreme People's Court's Interpretation (I) on the Application of the Succession Book of the Civil Code (hereinafter, the "Succession Interpretation (I)"). Under Article 32 of that interpretation, where an heir's renunciation makes the heir unable to perform statutory obligations, the

4 Article 1043 of the Civil Code provides: "Families shall cultivate good family traditions, promote family virtues, and value the development of family civilization. Spouses shall be faithful, respect, and care for each other; family members shall respect the elderly, care for the young, help one another, and maintain equal, harmonious, and civilized marital and family relationships."

5 Yang Lixin, "On the Creditor's Right of Revocation and Its Application," Faxue Yanjiu [Studies in Law], vol. 14, no. 3 (1992), pp. 87–90.

relevant right-holder may claim that the renunciation is invalid.6 Judicial practice, however, has long differed over the meaning of "statutory obligations." Some decisions confine it to personal-status obligations, including the mutual support obligation between spouses under Article 1059 of the Civil Code and parental and filial support obligations under Article 1067.7 Other decisions interpret it more broadly to include contractual debts, tort liabilities, and even moral duties—for example, an obligation to pay the deceased's funeral expenses. 8 This uncertainty blurs the boundary between freedom of inheritance and protection of creditors, undermining predictability. By specifying "statutory family-support obligations," Article 11 focuses the rule on core ethical obligations within the family and, on a narrow reading, confines its scope to the mutual support obligation between spouses under Article 1059.

From the perspective of purposive interpretation, however, Article 11 is intended to safeguard the basic living conditions of the family as a community. If the phrase "statutory family-support obligations" is strictly confined to the relationship between spouses, remedies may be unavailable for core family obligations such as parents' duty to raise minor children and adult children's duty to support their parents. If one spouse renounces an inheritance and is consequently unable to pay a child's compulsory-education expenses or a parent's medical costs, a strictly literal reading would prevent the other spouse from obtaining relief under Article 11, contrary to the provision's purpose of maintaining family harmony and stability. For example, after Party A renounces an inheritance consisting of a property worth one million yuan, A refuses to pay for a minor child's autism rehabilitation on the ground of insufficient income. A's spouse cannot directly invoke Article 11 and instead must sue as the child's legal representative for child-support payments. This is procedurally cumbersome and may make it difficult to recover the dissipated estate share. Whether "statutory family-support obligations" should therefore be interpreted to include obligations to raise children and support elderly parents presents a conflict between the ethics of personal-status law and the constraints of statutory wording, which should be reconciled through purposive interpretation.

For determining whether a person is "unable to perform statutory family-support obligations," two situations should be strictly distinguished in light of their different normative purposes. The first is inability to perform caused by an objectively insufficient asset base, to which Article 11 applies and whose purpose is to protect the family's basic living interests. The second is malicious collusion intended to harm the spouse's interests, to which Article 154 of the Civil Code applies directly in order to deny legal effect to an abusive act.9

Where performance has become impossible because of objective lack of means, the key requirements for applying Article 11 are that the renunciation substantially reduces the renouncing spouse's assets available to meet obligations, that this reduction results in an inability to perform a statutory family-support obligation, and that there is a direct causal link between the renunciation and the inability to perform. For example, a husband renounces an inheritance that includes his parents' home and savings. He earns only RMB 3,000 per month, while his spouse suffers from a serious illness requiring prolonged and costly treatment. The renunciation may deprive the family of basic financial security. A court would need to assess the renouncing spouse's financial circumstances, the support obligation at issue, and whether the renunciation caused the inability to perform that obligation. Article 1059 establishes the mutual support obligation between spouses, but it does not expressly set out a general "capacity to provide support" test; that assessment should therefore be presented as an analytical approach proposed by the author, rather than as the wording of Article 1059.10

If a spouse renounces inheritance with the malicious purpose of evading support obligations or preventing the other spouse from obtaining a share of the estate as marital community property, the act may constitute malicious collusion harming another person's lawful rights and interests under Article 154 of the Civil Code. In that situation, a separate analysis under Article 154 may be warranted if its requirements are met; the existence of alleged bad faith does not, by itself, make Article 11 irrelevant. For example, during divorce proceedings, a husband might renounce an inheritance and subsequently receive a share of the same property from his brother under the guise of a "gift." Such facts may support an inference of collusion, but they would not, without more, automatically establish the requirements of Article 154. Its application requires evidence of malicious collusion between an actor and a counterparty that harms another person's lawful rights or interests; the court would need to identify the relevant transaction or transactions and assess the evidence accordingly. Article 11 addresses relief for objective inability to perform, whereas this example involves affirmative conduct maliciously harming the spouse's interests and should be governed by the general provisions of the Civil Code's General Part.

As to the boundaries and concurrence of the applicable rules, Article 11 addresses the situation specified in its proviso: renunciation that leaves the heir unable to perform a statutory family-support obligation. Article 154 addresses civil juristic acts carried out through malicious collusion between an actor and a counterparty that harm another person's lawful rights or interests. A single case may involve both objective lack of means and malicious intent—for example, a renunciation followed by the transfer of other assets—creating concurrence between the rules. The appropriate legal basis should then be selected in light of the relief sought. If the spouse's primary aim is to protect support interests, Article 11 may be given priority. If the spouse also seeks relief directed

6 Article 32 of the Supreme People's Court's Interpretation (I) on the Succession Book of the Civil Code provides: "Where an heir's renunciation of inheritance renders the heir unable to perform statutory obligations, the act of renunciation is invalid."

7 First Civil Division of the Supreme People's Court, Understanding and Application of the Supreme People's Court's Interpretation (I) on the Succession Book of the Civil Code (Beijing: People's Court Press, 2022).

8 See Civil Judgment No. (2021) Jing 04 Min Chu 109, Beijing Fourth Intermediate People's Court.

9 Article 154 of the Civil Code provides: "A civil juristic act carried out through malicious collusion between the actor and a counterparty, thereby harming the lawful rights and interests of another person, is invalid."

10 See Civil Judgment No. (2022) Gui 06 Min Zhong 276, Fangchenggang Intermediate People's Court, Guangxi Zhuang Autonomous Region.

at the malicious conduct, Article 154 may be invoked alongside it. This approach can provide comprehensive protection for support interests while also expressing a negative legal assessment of malicious conduct.

It follows that "inability to perform" under Article 11 refers essentially to an objectively existing state of non-performance: the renunciation substantially diminishes the assets available to meet obligations, leaves the renouncing spouse objectively without sufficient means, and prevents performance of statutory family-support obligations under the Marriage and Family Book of the Civil Code. The central purpose is to protect the family's basic living interests. The assessment follows an objective path—review of the person's financial circumstances followed by analysis of causation—and does not require investigation of the person's subjective state of mind. If the renunciation has in fact caused an inability to perform a statutory family-support obligation, the spouse may ask the court to declare it invalid under Article 11. Conduct involving transfers of assets or evasion of support obligations may also raise issues under Article 154, but that provision requires proof of malicious collusion between an actor and a counterparty; the mere existence of a transfer or a renunciation is not sufficient by itself. Typical examples include collusion with close relatives during divorce proceedings to renounce an inheritance and then obtain the property indirectly through a gift or nominee arrangement, or transferring one's own assets to a third party immediately after renunciation. Such conduct goes beyond the exercise of freedom of inheritance and affirmatively infringes the spouse's property interests; its validity should be assessed under the general provisions rather than by reference to the state of performance of support obligations. Objective inability and malicious intent may also coexist—for instance, where renunciation leaves a spouse unable to pay child support and the spouse also conspires with other heirs to conceal the estate. In such cases, Article 11 and Article 154 may both be relevant. If the spouse chiefly seeks to restore the ability to provide support, Article 11 may simplify the evidentiary task; if the spouse also seeks to address malicious conduct and claim damages, Article 154 may be invoked concurrently. This method aligns the judicial interpretation with the Civil Code and preserves procedural choice for litigants, avoiding substantive unfairness caused by rigid application of a single rule.11

In short, Article 11 and Article 154 may serve complementary functions. Article 11 provides relief where renunciation results in an inability to perform a statutory family-support obligation. Article 154 may apply where its requirements for invalidity based on malicious collusion are established. Their interaction should be assessed on the facts and the precise relief sought; neither provision should be treated as automatically applicable merely because a renunciation has occurred. Together, they form a dual safeguard that balances freedom of inheritance with family ethics and demonstrate the practical value of the Civil Code's prohibition of abuse of rights in the family context.

At the procedural level, a spouse's action to invalidate the other spouse's renunciation of inheritance should be structured differently according to the legal status of the estate and the stage of administration. The aim is to balance procedural fairness with substantive protection, ensure the participation of all interested parties, and avoid conflicting judgments. If succession has not concluded and no other heir has sued for division of the estate, the spouse should sue the renouncing spouse as plaintiff and join the other heirs as third parties without independent claims, because their shares may change depending on whether the renunciation is valid. For example, if A renounces an inheritance from A's father and A's spouse B sues to invalidate the renunciation, A's siblings C and D, who are heirs of the same rank, should participate as third parties so the court can establish the estate's scope and assess the renunciation's effect on assets available to meet obligations. If the estate has already been divided without litigation, invalidating the renunciation would disturb existing legal relationships because renunciation takes effect retroactively from the commencement of succession under Article 37 of the Supreme People's Court's Interpretation (I) on the Succession Book of the Civil Code. The spouse should then name the renouncing spouse and all recipients of the estate as co-defendants, including other heirs, devisees, or entities to which the estate has escheated in the absence of heirs, and seek a declaration of invalidity and a new division, by reference to the rules on joint litigation in Article 55 of the Civil Procedure Law.12 For example, if the estate was divided between C and D after B renounced the inheritance, the plaintiff should name B, C, and D as co-defendants so that redistribution can be resolved in one action. If other heirs have already brought an action for division of the estate, the spouse may join as a third party with an independent claim under Article 59 of the Civil Procedure Law, asserting invalidity of the renunciation and participating in the distribution.13 This can avoid inconsistent judgments and allow support interests and inheritance rights to be considered in one proceeding. If a final judgment on estate division has already been rendered and the spouse did not participate through no fault of their own, the spouse may bring an action for revocation of a third party's judgment under Article 59 of the Civil Procedure Law and request a new division. For example, if C and D sued A for division and a final judgment was entered without B's knowledge, B may seek revocation and redistribution on the ground that A's renunciation diminished the assets available to meet family obligations and impaired B's support interests.14

The differentiated procedural structure reflects the dual

11 See Civil Judgment No. (2024) Jing 02 Min Zhong 13696, Beijing Second Intermediate People's Court.

12 Article 55 of the Civil Procedure Law provides: "Where one or both parties consist of two or more persons and the subject matter of the action is common, or the subject matter is of the same category and the people's court considers consolidation appropriate and the parties consent, the action constitutes a joint action."

13 The first paragraph of Article 59 of the Civil Procedure Law provides: "A third party who considers that it has an independent claim to the subject matter of the action between the parties has the right to bring an action."

14 The third paragraph of Article 59 of the Civil Procedure Law provides: "A third party referred to in the preceding two paragraphs that, for reasons not attributable to itself, did not participate in the proceedings may, upon producing evidence that a legally effective judgment, ruling, or mediation statement is wholly or partly erroneous and harms its civil rights and interests, bring an action before the people's court that issued it within six months from the date on which it knew or should have known of the harm. If the claim is upheld after trial, the people's court shall amend or set aside the

nature of renunciation: it affects both the determination of assets available for support obligations within the marriage and the external legal relationships among heirs. The parties must therefore be structured comprehensively so that the spouse, as a holder of support rights, can effectively assert the claim while other heirs are afforded procedural participation. Linking the determination of the renunciation's validity with the allocation of estate rights creates a coherent remedial path, implements the Civil Procedure Law's protection of litigation rights, and responds to the practical need to coordinate the Marriage and Family Book and the Succession Book of the Civil Code.

3. Recommendations for Improving Article 11 of the Interpretation (II)

From the perspective of improving the law, the definition of "statutory family-support obligations" in Article 11 must strike a dynamic balance between the wording of the provision and its legislative purpose. If the term is strictly confined to the mutual support obligations between spouses, the law will fail to provide adequate relief for other core family obligations. A mechanical application of Article 1059 would leave obligations to raise minor children and for adult children to support their parents outside the provision's remedial scope. For example, if a spouse renounces an inheritance and the assets remaining are insufficient to pay for a minor child's serious medical treatment or a disabled parent's long-term care, the other spouse may be unable to invoke Article 11 because of limits on the identity of the claimant, leaving the child or parent to bring a separate action. This creates unnecessary procedural complexity and may make recovery impossible once the estate has been divided, thereby substantively impairing the family's basic living interests. Such fragmentation is inconsistent with the legislative purpose of maintaining family harmony and stability expressed in Article 1043 of the Civil Code. Purposive interpretation and systematic adjustment are therefore needed to reconcile family ethics with legal technique.

First, the scope of "statutory" should be construed narrowly. Grounded in the ethical character of personal-status law, "statutory family-support obligations" should be limited to mandatory obligations based on personal status and expressly provided for in the Marriage and Family Book of the Civil Code. Ordinary civil debts arising from contract, tort, or moral obligations should be excluded. This limitation is justified because statutory obligations in the family sphere are strongly personal and ethically mandatory, and are intended to safeguard family members' basic right to subsistence rather than satisfy ordinary property claims. For example, if a spouse renounces inheritance to repay a personal business loan, the loan is a contractual debt unrelated to a personal-status support obligation and should not fall within Article 11. Likewise, paying the deceased's funeral expenses is a moral duty; treating it as a statutory family-support obligation could blur the boundary between personal-status law and property law. In practice, courts could apply a three-part test—connection to personal status, clear statutory basis, and protection of basic living needs. First, they should determine whether the obligor and right-holder are related by a legally recognized family relationship, such as marriage, parenthood, or grandparenthood. Second, they should verify that the obligation is expressly provided for in the Marriage and Family Book, such as in Articles 1059 and 1067. Third, they should determine whether the obligation concerns basic living needs, including necessary medical, educational, and housing expenses, while excluding non-subsistence spending such as investment or business expenses.15

Second, the content of "family-support obligations" should be adjusted expansively in light of Article 11's purpose of safeguarding the family's basic living conditions. The term should be interpreted as encompassing the broader system of obligations to raise, support, and provide for family members. The Marriage and Family Book establishes a network of obligations centered on spouses and parent-child relationships. Articles 1058, 1067, and 1074, among others, provide for parents' obligations to raise children, children's obligations to support parents, and certain support obligations between grandparents and grandchildren. These duties, together with the mutual support obligation between spouses, form a multi-layered family-support system. Restricting Article 11 to the spousal relationship would undermine the coherence of that system and create a gap in remedies for core family obligations. For example, after a father renounces an inheritance, his monthly income may be enough only for his own basic needs, leaving him unable to pay for rehabilitation for a child with autism. The loss of assets available for family obligations directly threatens the child's development and welfare. Denying relief merely because the obligation arises between parent and child rather than between spouses would be inconsistent with the ethical reality that the family's members share in one another's welfare and hardship. The expansive interpretation should be linked to the obligation framework in the Marriage and Family Book, including Articles 1058 and 1067, and should cover mutual support between spouses, parents' support of minor children, adult children's support of parents, and the legally prescribed support obligations owed to siblings, grandparents, and maternal grandparents who lack the ability to work and a source of livelihood. Particular attention should be paid to necessary expenses for minors' compulsory education and medical care. Parents' statutory duty to support minor children is mandatory and does not change merely because the parents' marital relationship changes; protecting minors' lawful interests should therefore fall within Article 11. Such an expansion must, however, remain subject to a direct causal link between renunciation and reduced ability to provide support, as well as the principle of proportionality. If the value of the renounced estate greatly exceeds the support needs, only the portion necessary to restore the ability to perform the obligation should be recovered, preserving a balance between inheritance freedom and family responsibility.16

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original judgment, ruling, or mediation statement; if the claim is not upheld, the claim shall be dismissed."

15 Article 1067 of the Civil Code provides: "Where parents fail to perform their obligation to support their minor children or adult children unable to live independently, those children have the right to demand support payments from their parents. Where adult children fail to perform their obligation to support their parents, parents who lack the ability to work or have difficulty making a living have the right to demand support payments from their adult children."

16 Article 1058 of the Civil Code provides that spouses enjoy equal rights and jointly bear obligations with respect to

At the level of drafting and supporting mechanisms, Article 11 could expressly provide: "Where one spouse renounces an inheritance, thereby substantially reducing the assets available to meet obligations and making it impossible to perform statutory family-support obligations prescribed by the Marriage and Family Book of the Civil Code (including mutual support between spouses, parents' support of minor children, and adult children's support of parents), and there is a direct causal link between the renunciation and the reduction in the ability to provide support, the spouse or other person entitled to support may request the people's court to declare the renunciation invalid." The word "including" would preserve an open category, while the reference to obligations prescribed by the Marriage and Family Book would establish a statutory boundary, avoiding excessive expansion while leaving room for future judicial interpretation. Procedural rules should also be improved. As to standing, children and parents who hold support rights should be permitted to sue as independent plaintiffs or join proceedings as third parties with independent claims. As to the burden of proof, the spouse or other support-right holder should make a prima facie showing that the renunciation reduced the ability to provide support, for example through evidence of the estate's value and a comparison of income and expenses. The heir could then offer evidence of other assets or a reasonable explanation, such as estate debts exceeding the estate's value. As to interim relief, an estate-preservation mechanism should be established by reference to the relevant provisions of the Civil Procedure Law, preventing asset transfers during litigation and ensuring that judgments can be enforced.

In conclusion, improving Article 11 should not be treated as a simple textual repair. It requires a coordinated framework that narrows the scope of "statutory," expands the content of family-support obligations, and aligns the procedural mechanisms. Such a framework would establish a flexible balance between freedom of inheritance and family ethics: "statutory" would remain confined to the Marriage and Family Book of the Civil Code, while "family-support obligations" would encompass the broader obligations to raise, support, and provide for family members. This approach would preserve the doctrinal integrity of personal-status law while substantively protecting the family's right to subsistence. It would also give practical effect to the Civil Code's principle of promoting family virtues and carry institutional significance for addressing support challenges in an aging society and strengthening protection for minors.

4. Conclusion

As a key rule connecting succession law with marriage and family law, Article 11 of the Interpretation (II) reflects the adjustment of values in Chinese civil legislation between individual rights and family ethics. Analysis of the legal basis for a spouse's claim shows that the provision takes the statutory family-support obligation under Article 1059 of the Civil Code as its core and uses the prohibition of abuse of rights to create a composite remedial model combining a claim under personal-status law with an assessment under property law. It preserves the personal-status character of inheritance rights while providing residual protection for the family's basic living interests. In this sense, it represents an important institutional innovation in the movement of Chinese family-law adjudication from formal equality toward substantive justice.

At the level of application, a two-part standard distinguishing objective inability to pay from malicious collusion, together with differentiated procedural arrangements linking the parties to the stage of estate administration, responds to practical demands for remedies for support rights. A strict distinction between objective inability to perform and subjective abuse of rights avoids excessive interference with freedom of inheritance while invalidating conduct designed to evade obligations maliciously. Procedural rules based on the status of estate distribution ensure that interested parties can participate, improve consistency in the legal effect of judgments, and make enforcement more feasible. These arrangements offer practical guidance for adjudicating similar cases.

Nevertheless, the current wording still presents interpretive limits in defining "statutory family-support obligations." Bringing core family duties—such as parents' obligations to raise children and children's obligations to support parents—within the remedial scope is required both by the family-ethics principle in Article 1043 of the Civil Code and by the practical needs of an aging society and child protection. Narrowing "statutory" preserves the purity of personal-status obligations, while expanding the content of family-support obligations activates a mechanism for protecting the family as a whole. This would reconcile formal legality with substantive justice. A purposive interpretation in judicial interpretation, together with improved statutory wording, should expressly include obligations to raise children and support elderly parents within Article 11 and establish supporting rules on standing, the burden of proof, and preservation of estate assets. The result would be a flexible framework balancing freedom of inheritance and family responsibility.

For future institutional development and judicial practice, the interpretation and application of Article 11 should begin with the ethical understanding of the family as a basic social unit and dynamically reconcile the wording of legal rules with the facts of everyday life in individual cases. This would give concrete effect to the Civil Code's legislative aim of promoting family virtues and provide a path for integrating core socialist values into the practice of the rule of law through judicial adjudication. Only in this way can a solid legal foundation be provided for harmonious and stable family relationships amid growing individual rights awareness and changes in family structure, ultimately advancing the legal ideal that children are cared for and older people are supported.

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