

socially current, so the language and interpretation of the stories reflect the times in which they were written as well as the events themselves.

For all that, these particular narratives are not so much expressions of the identity of Newfoundlanders as fragments of other world views articulated by transient witnesses. Aside from the experiences of Bob Bartlett and Jessie Hale, who lost a brother on the *Reason*, they mainly are part of a seafaring lore of outsiders who have added their experiences off Newfoundland to a wider body of popular wisdom. We gain considerable insight into the British (or French or American) mentality, some perceptions of Newfoundland, but only a little evidence of how the island's inhabitants responded to the sea.

Some description of the availability of the narratives in Newfoundland or their impact on local attitudes towards the sea would have been helpful, if the evidence permitted such analysis. Cassie Brown's *Death on the Ice* is an example of a chronicle that both recorded and shaped history. A powerful description of the disaster of the sealing ship *Newfoundland* in 1914, it significantly influenced public opinion in the province in the opening years of the anti-seal-hunt protests.

Ironically, the editor's exploitation of his sources for scholarly purposes sometimes gives rise to the kind of cultural marker that he seeks to elucidate in the texts. Readers are distanced at times from the subject matter when it is objectified as an "artifact" (pp. 14, 111, 310). He also occasionally appears to disparage the religious beliefs of his authors by, for example, interpreting one man's faith as "as a form of protection from depression and despair" (p. 191) or referring to the "presupposed divine intervention" (p. 110) of the Moravians in Labrador. A reading of the accounts indicates that profound belief was widespread and firmly held among mariners. Who is to say such faith was ill-founded?

Volumes of narratives, at their best, are distinguished by notes and commentaries that are as useful and interesting as the work they support. With some slight intrusions of personal bias and academic stiltedness, Baehre's work approaches this level. Nevertheless, the power of the volume remains with the narratives. They add not so much to our understanding of Newfoundland, however, as to our comprehension of the mariners who ventured into its perilous seas. Even that, for those who are interested, is a significant accomplishment.

Peter E. Rider

Canadian Museum of Civilization

Kathryn Bernhardt — *Women and Property in China, 960–1949*. Stanford: Stanford University Press, 1999. Pp. viii, 236.

Lawsuits in late imperial and early modern China brought together three distinct but related phenomena: legal institutions, that is, the codified law; legal practice, the ways in which the judge tried to apply law to specific circumstances; and popular conceptualizations of law, the set of expectations that plaintiffs or accused brought with them to court. Since the codified law has always been the most accessible to

historians, much Chinese legal history has necessarily emphasized this first perspective. The recent and gradual opening of China's legal archives to scholars, indeed in some cases the very discovery of the existence of those archives, has created the possibility for new insights into the relationship among all three. Kathryn Bernhardt's *Women and Property in China, 960–1949* is a skilful demonstration of what these sources can tell us and of how to make them speak.

Our received wisdom is that property rights changed little over the last millennium of the imperial period. Sons consistently enjoyed rights to an equal share in the property of their fathers' households. The Republican Civil Code of 1931 changed everything, substituting the Western notion of individual property for the traditional Chinese concept of family property and granting meaningful new inheritance rights to daughters and widows. Using archival court records for some 430 cases from the early eighteenth century to the twentieth, as well as published collections of court decisions dating back even further, Bernhardt argues that this picture of property rights ignores significant changes to the rights of women between the Song and the Qing and oversimplifies the even more dramatic changes of the early twentieth century.

The book's seven chapters illustrate how women's rights to property varied over time and according to their social roles, as daughters, wives, and concubines. In the most densely argued section of the book, Bernhardt reviews the work of the giants of the field of Chinese legal history, Niida Noburo and Shiga Shüzö, to challenge the widely held notion that daughters enjoyed exceptional rights of inheritance in the Song. In subsequent chapters, Bernhardt builds the broader argument that the key to understanding women's changing rights to property from the Song onwards lies in appreciating the distinct logics that operated depending on whether or not a male proprietor had sons at the time of his death. If he did, the operative logic was family division (*fenjia*), the transmission of his property to his heirs. If he did not, the operative logic was patrilineal succession, the transmission of his ancestral cult.

Over the course of the late imperial period, the rights of women to inherit the property of their fathers or husbands under patrilineal succession, in the absence of male heirs, changed considerably. Whereas in the Song, under certain conditions, widows were able to inherit their husbands' property outright, the Ming state introduced the principle of mandatory nephew succession. Men who died without a male heir would have one appointed for them from among their junior relatives by the head of the lineage. A widow could now only hope to act as custodian over her husband's estate until his heir was chosen. Even as this change apparently limited the rights of widows and daughters to inherit, the spreading ideal of widow chastity justified granting a widow who did not remarry greater power of selection of her husband's heir.

The new code of the Republic overthrew the principle of patrilineal succession in the name of gender equality, or at least in the name of adopting a modern legal system. At the same time as the code granted new rights to women, it restructured the meaning of those rights. When a widow became merely one of a number of parties with a claim on the estate of the dead husband, she gained rights to a share in the estate but lost her custodial rights over the estate as a whole. The code had many

other unintended consequences. Its commitment to monogamy meant that the legal existence of concubinage was denied, even as the actual existence of concubines made it necessary to specify their property rights. Moreover, the code was imposed on a society that did not accept it, leading to frequent lawsuits and sharp disagreements between local and higher courts. To get around the new legal requirement that daughters receive a portion of the father's estate, families often divided their property before the death of the father, giving it all away to the sons. When the father passed away, a daughter might receive her legal mandated share of his remaining estate, but a legally mandated share of nothing is still nothing.

This book should be read by anyone interested in Chinese social, legal, and cultural history, of the modern as well as the late imperial period, and in women's history in general. It could also easily be assigned to undergraduates. Though the arguments are rich, important, and original, Bernhardt has managed to keep the work short and accessible to non-specialists. In so doing, she has had to strip the case records, some of which run to hundreds of pages, to their barest essentials. Even if it is not, strictly speaking, necessary to an understanding of the case, what reader would not like to know more about the background to a 1939 lawsuit brought by three sisters and their widowed mother against their father's concubine? Why had the father described his daughters as "extraordinarily villainous" a few days before his death? What lay behind his ten-year legal battle with his wife? This is more than just a desire for salacious detail. The lived experience of the participants must have given rise to the attitudes and preconceptions, the *mentalités* that brought them to court in the first place, and these are not as fully detailed as other new aspects brought to light by Bernhardt's work in the archives.

As is so often the case, telling the women's story leads us to rethink the story as a whole. Bernhardt's deft study of the changing inheritance rights of women reveals important new dimensions to the theory and practice of transmission of property through the generations in China, and to the role of the changing legal system in resolving the tensions between the two.

Michael Szonyi
University of Toronto

Gerard William Boychuk — *Patchwork of Purpose: The Development of Social Assistance Regimes in Canada*. Montreal and Kingston: McGill-Queen's University Press, 1998. Pp. xxii, 159.

It will come as a surprise to most readers of this little book that the ways in which poor and dependent Canadians have been treated by public authorities have varied from one province to the next to a degree which has changed little over the last two centuries. Contrary to most assumptions, neither the increasing intervention of the federal state in social policy, through cost-sharing programmes such as the *Unemployment Assistance Act* of 1956 or the Canada Assistance Plan of 1966, nor the growth of international trade has led to more homogeneity.