

Division of Labour in a Staple-Exporting Economy

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Without exception, the important economic histories of pre-industrial Canada focus on the labour of men while women's labour remains virtually invisible. This preoccupation with male labour is symptomatic of the way historians have tended to ignore women in history.¹ It is also a result of a widespread undervaluation of female labour that derives from the preoccupation with market activity that dominates economic study.²

Canadian economic historians have been most interested in how the exploitation of resources for export to European markets has affected the character of the economy. Canada's attraction for Europe did not arise out of a need for land or the desire to settle and develop an agricultural society, but rather because of what it could provide to England and France in the way of fish and fur. This stress on the significance of export staples to Canadian development is known as the staple thesis. While there is considerable controversy about the period of time for which this thesis has validity, its usefulness in explaining the unique features of Canada's early years has been widely accepted.³

In recent years the staple approach has been criticized for its exclusive focus on external factors as explanations for growth and change. To some critics this "dehumanized" approach to Canadian development tends to undervalue the significance of labour and class

issues as formative aspects of that development.⁴ For the most part the studies which have attempted to redress this imbalance in Canadian economic history have focused on labour in the staple-exporting sector or on waged labour in the early stages of industrial capitalism. That is, they are directed toward the labour relations immediately associated with market activity. These studies of waged labour are significant advances in understanding the complexity of the problems of development and in opening up for investigation the myriad facets of social relationships integrally linked to the process of change. Nevertheless, exclusive focus on labour directly associated with market activity neglects the major portion of the total labour involved in the production of commodities and the reproduction of labour. To fully understand the nature of the economy, productive relations, and economic change in the early periods of Canada's development, it is essential that the nature and significance of the work of individuals in non-wage sectors and the relationship between non-market and market activity be understood as well.

The staple thesis has also received criticism from economic historians for its single-minded focus on exports as the engine for growth. For some, such as Louise Dechêne and Jean Hamelin, the fact that only a small proportion of labour was directly involved in the staple-

Marjorie Griffin Cohen, "Division of Labour in a Staple-Exporting Economy," in *Women's Work, Markets, and Economic Development in Nineteenth-Century Ontario* (Toronto: University of Toronto Press, 1988), 29-58: 178-88. Reprinted with permission of the publisher.

exporting sector is a significant indication that other forms of economic activity have been dominant even from the earliest periods.⁵ Kenneth Buckley also questions the validity of a staple-led growth on a national scale after 1820 by pointing to the enormous growth of the labour force in Quebec in the nineteenth century even though the staple trade in this province had been seriously eroded.⁶ Likewise, Douglas McCalla points to continuous growth in Ontario during periods when wheat exports were in serious trouble.⁷ The point of all these criticisms is that the economy was considerably more diverse than most formulations of the staple thesis have indicated.

Attempts to broaden the perspective on the formative issues in Canadian growth have focused either on hitherto neglected forms of market activity or on the ability of non-staple-exporting regions to appropriate the linkages from the staple products of other regions.⁸ Research efforts in both directions are not incompatible and even those who look to the significance of the development of internal markets, such as McCalla, do not deny the importance of the export sector in shaping the direction of the economy.⁹ John McCallum's "modified staple approach" does a great deal to explain how non-staple-exporting sectors of the economy are influenced by staple production, and the increased interest in the development of local markets deepens our understanding of the nature of growth.¹⁰ Yet both these analyses explain economic development solely in terms of market-oriented activity. I attempt to add another dimension to the explanation of development in a staple-exporting economy by examining the nature of labour in the non-market areas of production and by trying to understand the relationship between market and non-market production. [...]

Dual Nature of the Economy: Market and Non-market Production

The basic point of the staple theory is to explain how the technology and geographical circumstances associated with specific staple commodities affected patterns of development and how the character of the staple affected productive relations and social organization. The specific nature of productive relations varied considerably according to the nature of the staple produced and conditions of time and space. Some forms of staple production, such as timber production in the Ottawa Valley from the mid-nineteenth century, were organized as capitalist ventures. Others, such as wheat production in Ontario, were carried out by independent commodity producers.¹¹

In the pre-industrial period, export-oriented staple production was primarily responsible for the pace, character, and direction of market development. However, market growth was not a constant or even a characteristic feature of economic life for substantial periods of Canada's history, and much of the economic activity of the country was not directly related to the staple trade. The tendency of economic historians to focus on market relations has obscured the significance of non-market production and the labour organization characteristic of this type of economic activity.¹²

Allan Greer has made the very important point that, in fact, the bulk of productive activity in the pre-industrial period operated outside a market system. Greer argues that the nature of this activity has been ignored because "these people and their productive efforts made little or no contribution to the accumulation of capital."¹³ While I concur with Greer's understanding of the predominance of non-market activity, I think he underestimates its significance to eco-

conomic development in general, possibly because his major study of subsistence rural production focused on areas where the economy remained relatively static during the periods he studied.¹⁴ Greer's perspective considers capital accumulation only in the narrow sense of that accumulated directly through capitalist activity. I argue, rather, that the contribution of non-market production was integrally related to staple production and other forms of market-oriented activity. The labour involved in non-market activity was critical to the accumulation of capital both in those activities characterized by capitalist productive relations and in those characterized by independent commodity production.

CAPITALIST PRODUCTION

The process of capital accumulation in countries on the periphery of capitalist development is highly dependent on the existence of subsistence production in agriculture. The existence of subsistence production serves a variety of functions, but its primary importance for the capitalist sector is in supplying and maintaining a labour force at prices which permit capital accumulation in this sector.¹⁵ This was particularly important in a staple-exporting economy where labour shortages tended to drive up wage rates. In Canada the capitalist staple-extracting sector relied on the subsistence sector for its labour supply, but even more important, the subsistence sector, by its very existence, was able to supply this labour relatively cheaply. The key to the availability of labour at prices which encouraged capital accumulation was a division of labour by gender such that women's primary economic activities were associated with non-wage, non-market work in subsistence production.

But first, the interconnections between subsistence production and capitalist organized production need to be explained. These will be examined from two perspectives: that related to the requirements of capital accumulation, given the nature of the economy; and that related to

the strategy necessary for family units to cope with the economic constraints and conditions they faced.

The focuses of labour and capital in the development and settlement process were distinctly different. Mercantile capital was attracted to the economy because of high returns expected from staple exports. In the pre-industrial period the capital movement related to the domestic economy was primarily that which was brought by settlers. Foreign capitalists were relatively uninterested in domestic production in the colonies.¹⁶ By contrast, the attraction of labour to Canada, particularly to central Canada, had less to do with the availability of employment in the staple trades than the interest in land. While initial transfers of labour, mostly male, were associated with staple trades, either directly for work in staple production or indirectly for military employment, agrarian settlement was usually the objective of families. As a result, a potential conflict emerged between the capitalist sector's demand for labour and the possibility of alternative employment for labour on the land. Nevertheless, the logic of staple development forestalled the economic integration necessary for the growth of independent agrarian units, at least for substantial periods of time. In spite of these competing demands for labour, a symbiotic relationship developed between the capitalist demand for labour and labour requirements in independent production.

The relationship between subsistence production and capitalist production varied depending on the dominant staple, but a broad pattern is distinguishable. Since staple production and the capital development related to it were often seasonal or temporary, there was not a high demand for a permanent labour force in this sector. Generally, there was a core of labour hired on a permanent basis, but for the most part labour was employed intermittently.¹⁷ From the perspective of employers in the capitalized sector, the ideal labour force was readily

available, but when necessary was capable of finding alternative support during slack seasons or years. In this way the responsibility for maintaining the labour force would not have to be borne totally by the employer. To this end the sexual division of labour, the underdeveloped domestic economy, and the need for domestic units to have money to pay for imported goods were factors that contributed to meeting the labour needs of capital.

The division of labour between males and females in pre-industrial Canada was rigid and distinct. Undoubtedly it was predicated on the notion that the basic responsibility of women was to feed, clothe, and care for family members and to supplement male labour in the male spheres of production when necessary. This perspective on the proper work for women was basically unchanged from that of European societies.¹⁸ While labour shortages in Canada might have led to some different forms of the division of labour between the sexes,¹⁹ the reinforcement of traditional customs as a result of successive waves of immigration, and the logic of peasant production which favoured high birth rates, kept women tied to the subsistence non-market activities associated with the household.

In recent years the significance of female labour in the subsistence sector has been recognized as being crucial to capital accumulation. This recognition follows from a more general analysis which has tried to explain the importance of domestic labour to capitalist industrial development.²⁰ In Ontario the significance of female non-waged labour in the pre-industrial period can be examined in relation to capital accumulation in both the capitalized areas of the economy and the commodity production of the family economy.

Carmen Deere and James Sacouman have argued that in economies where labourers' families have access to subsistence production, employers need not concern themselves with providing a wage that would maintain the work-

er and this family.²¹ The fact that wages paid to labourers can be reduced by having a portion of the family's needs provided by non-wage labour means that a greater part of the labour time of the worker can be appropriated by the employer.²² In an economy where the nature of market-oriented activity meant that temporary employment was more characteristic than permanent waged labour, such as in pre-industrial Ontario, the subsistence agricultural labour of families was particularly important.²³ Women's labour, then, in subsistence production served the process of capital accumulation in the capitalist sector in critical ways. By providing unpaid labour on the land, women "freed" men for varying periods of time for waged labour. Yet because a certain level of subsistence was provided by female agricultural labour, the capitalist sector could avoid paying wages equal to the cost of maintaining the worker and his family. This permitted accumulation in the capitalist sector to proceed at a rate higher than would have occurred had the price of labour power been greater.

The rationale for the division of labour within the family between market and non-market activities reflected the structure of the economy and was a strategy to cope with the imperatives of the dominant market activity. While this division of labour in agriculture was not simply a response to the desire to maintain low wages on the part of the capitalist sector, it nevertheless reflects the strategy necessitated by the specific conditions of staple production.

The most notable condition was the unstable nature of the economy, a factor which shaped the parameters of economic activity for the family. Because of the uncertainty of income obtainable from market activity (as either wage labourers or direct producers), families were forced to pursue strategies which would both permit them access to the market and protect them to some degree from the uncertainty of market behaviour. Subsistence agricultural production gave a measure of security by providing

a substantial portion of the family's needs. That this has historically been significant in Canadian economic development was pointed out in the Rowell-Sirois Commission report: "However prices might fall and cash income from other sources might melt away, the farm household always produced enough to prevent abject poverty...the sharp and frequent trade fluctuations of the [pre-Confederation] period did not cause profound dislocations."²⁴ As Greer points out, the safety-first imperative of the rural economy required that dependence on the market be avoided.²⁵

However, agricultural pursuits alone frequently were inadequate to meet a family's income needs, particularly in the early pioneering periods of any region in pre-industrial Ontario when markets were seriously underdeveloped. While agricultural units tended to operate on a subsistence basis, they were not entirely self-sufficient. Vernon Fowke has argued that the perception of pre-industrial agriculturalists as self-sufficient, a view which has become an integral part of Canadian folklore, is essentially wrong. He shows how the pioneer economy of the nineteenth century forced farmers "initially and continuously into reliance on an exchange and monetary economy."²⁶ Even from the beginnings of settlement, when fur was the dominant export staple, substantial amounts of goods were consumed which could not be produced on individual farm units or within the colony. Food, clothing, and implements were provided in varying degrees by foreign markets.²⁷ Although trading within the community, often by means of barter, direct labour exchanges, or various forms of payment in kind, provided many items which could not be produced by the household itself, the limited nature of colonial manufacturing meant that substantial amounts of goods for consumption and production could not be obtained except through foreign markets. For these transactions, cash was needed, and to the

extent that agricultural markets could not provide the necessary income, some members of the family might be forced to engage in work for wages. Pointing out that the pre-industrial family economy was not entirely self-sufficient does not negate the essentially subsistence character of the economy. Although trade and waged work existed to some extent, production for the market did not dominate economic activity.²⁸

INDEPENDENT COMMODITY PRODUCTION

The significance of subsistence activity with regard to capitalist production in a staple-exporting economy is clear: its function is to provide a cheap labour force for the dominant sector. However, the significance of subsistence production becomes somewhat more complex when it is understood that the semi-proletarianization of labour was not the only dimension of labour in staple production. In some forms of staple production, waged labour was insignificant, with the work being carried on by individual producers who owned the means of production. This method of production is frequently referred to as independent or petty commodity production. While there are some difficulties with using these terms, primarily because of the inappropriateness of the term "commodity production" when capitalist relations of production are not present, they are generally accepted as terms for market-oriented production carried on by individual household units where waged labour is not the primary source of labour power.²⁹ In the sense that the term "commodity production" implies expropriation of the fruits of labour for purposes of accumulation by the owner of the means of production, it will be an appropriate term here.

Generally, labour involved in independent commodity production is seen as undifferentiated labour; the members of a family unit are treated as a "collectivity" of labour whose economic objectives are compatible and whose con-

tributions and rewards are symmetrical. A.V. Chayanov's study of peasant economy was path-breaking because it showed that the objectives of this type of family economy were not identical with those of an economy where wage labour was common.³⁰ However, in his study, because wages were not paid in the family economy, he treated family labour as essentially undifferentiated. This treatment is not untypical and is used even in studies concerned specifically with women. Generally the family is seen as a unit rewarded collectively for its work. For example, Ann Oakley, in a discussion of pre-industrial family industry, says its two basic characteristics were "the unity of capital and labour: the family both owned the stock and tools and contributed the labour (receiving the monetary return for labour as a 'family' wage)."³¹

The stress is usually on the interdependence between the labour of men and women, with the implication that the interdependence is reciprocal. In this sense a certain equality of labour is taken for granted. I take issue with this view of the family economy in the next section, where the nature of productive relations in the family will be discussed. But here it is necessary to point out that in the sense that ownership of the means of production was distinctly in the hands of the male head of the family, women's subsistence production served essentially the same function for the accumulation of capital in the family unit that engaged in commodity production as it did in the capitalist sector. That is, to the extent that women's productive efforts were able to feed and clothe the family, male labour was free to engage in production for exchange on the market; to the extent that the total income from market production need not be expended on consumption, accumulation of capital in the family productive unit could occur.

This is not to imply that female labour was confined solely to subsistence production. In some forms of commodity production women's labour at specific periods was crucial to the mar-

ket-oriented production process. This was particularly evident in the work of Indian women in the fur trade and women's labour in shore work in the fishing industry. However, my point is that the non-market-oriented activity was critical to the accumulation of capital and that this work was more central to women's economic activity than was their market-oriented activity.

Patriarchal Relations of Production

PATERNALISM

Labour relations in an economy dominated by staple production, when they are discussed at all, are usually accepted as developing from those characterized as "personal" or "paternalistic" to those commonly recognized as the "classical (abundant) labour market of industrial capitalism."³² Paternalistic labour relations refer specifically to relations between employers and employees, controlled less by market exchange than by personal relationships and bonds of mutual obligation. Because of the shortage of labour on the one hand and the unavailability of alternative forms of paid employment on the other, both the worker and the employer were obliged to respond to incentives other than those that would dominate a true labour market. The central obligation on the part of the paternalistic employer was to provide the "fixed costs" of subsistence and reproduction in exchange for a reliable supply of labour.³³

The issue is not whether paternalistic relations of production existed, but the extent to which these were the most prevalent forms of labour organization in the economy. For the permanent labour force of the fur trade and very early industrial enterprises, which Pentland focuses on, the description is probably fairly accurate.³⁴ But for the labour force employed on an intermittent basis (which Pentland acknowl-

edges was typical of pre-industrial societies) in the fur trade and other forms of staple production there was considerably less obligation on the part of the employer to supply the worker with his annual overhead, particularly if that cost included the worker's family as well.

In the period of the great staple exports, the concept of paternalistic labour relations pertains to only a small fraction of the total relations of production. The greatest proportion of production involving the largest number of working people was centred on the family: the productive relations of this unit, although certainly related to paternalism, were distinct. Paternalism clearly involved unequal power arising from the relationship to the means of production and the conditions affecting the supply of labour. The paternalistic employer acted toward dependants "as a father does to his wife, his children and his servants."³⁵ It was a case of transferring traditional forms of control and organization to market relations. But the more fundamental relations of production, the patriarchal relations of production within the household, were distinct because of the added dimensions of family ties and sexual subordination.

Patriarchal productive relations can be defined as the organization of labour in which males, as husbands, fathers, and even sons and brothers, have power over the productive activities of their children, wives, and sometimes their sisters and mothers. This power was not confined simply to non-waged labour in the home but, since family labour was the most prevalent form of labour in the pre-industrial period, it will be the focus of my discussion of patriarchal productive relations.

PATRIARCHY

In the agricultural sector, the non-waged labour of family members was the most important source of labour power. The significance of family labour to agricultural production is well known, but the social relations of this type of

production are rarely considered.³⁶ The concept of a family economy implies an indivisibility of income and a community of effort that does not easily lend itself to the type of class analysis possible when the object of study is waged labour. Yet the issue of ownership and control of labour is as significant in the family economy as it is in more identifiably capitalist relationships.

In most analyses of productive relations the issue of ownership is understood to be critical to establishing power and control. The very principles of organization of labour within a society are based on who does and who does not own the means of production: ownership implies not simply possession but all the social institutions developed to recognize property rights. How property relations are recognized by society is most directly evident in the laws which protect property relations. But the issue of ownership extends beyond the strictly legal aspects of control, for all of the social standards, customs, and the entire complex of human relations are influenced by this fundamental relationship. The significance of who owns property at any stage in the development process has been summed up by Oscar Lange: "It is the ownership of the means of production which decides the ways in which they are used and which thereby determines the forms taken by co-operation and the division of labour. Moreover the ownership of the means of production determines the issue of who owns the products, and hence decides how they are distributed."³⁷

The usual analysis of class relations deals with those clearly identified through market activity. That is, class interests are evident when owners are employers and workers receive wages. When there is no waged labour present, such as in simple or independent commodity production, the ownership is usually treated as being vested in the group which performs the labour—the family. When ownership by the family is understood to be communal, the issue of systematic domination and exploitation in

the production process cannot be admitted as a possibility. Whatever accumulation of capital occurs is not seen as an expropriation of anyone's surplus labour if it is assumed that the group shares in ownership.

However, the family in nineteenth-century Ontario was not an egalitarian unit and neither custom nor law considered that the family *per se* owned the means of production. Only under exceptional circumstances did women own the means of production. For the most part property was owned by the male head of the family. Wives and children were the proletariat of the family farm, the workers whose labour was rewarded according to the good fortune or goodwill of the owner. The significance of male control over female labour has been obscured because of the conjugal relationship, their mutual dependence, and their shared standard of living, yet female labour was not in a position of equality with male labour in the family economy where the ownership and control of property were in the hands of the male alone.

The important point to be made here is that the question of power through property relations in general is not unique to capitalist relations, but is crucial to understanding productive relations within the family economy as well.³⁸ Male control over labour was established through the power of ownership. In the family economy the issue of power was complicated by the personal relationships of the family and the fact that the male head of the family was clearly part of the labouring unit. But his position was distinct from the others; all surplus produced by the non-waged workers who did not share in ownership was, in effect, expropriated by the owner.³⁹ Whatever accumulation of capital occurred was legally his. Non-waged family workers had certain rights with respect to their membership in the family: children and wives could claim support from their fathers or husbands, but the general understanding was that this support was their right, less by virtue of

their contribution than by virtue of their economic helplessness. They had no legal rights to what they produced through their labour even though the contribution of family members was critical to the success or failure of the economy of the family unit.

The implications of patriarchal productive relations were distinct for different forms of labour within the family unit. While male and female children and wives were all labourers subject to the authority of the male owner of the means of production, there were significant differences in the duration and extent of patriarchal dominance. Until the father died or gave his property away he exerted considerable control over his children's labour. But male and female children were treated differently, particularly with regard to their ultimate relationship to property. For women, both as children and as wives, patriarchal control took a different form than it did for men in that it did not cease with the passing of time, but was likely to continue throughout their lifetimes.

THE LAW

Male domination in property issues was stipulated in law in nineteenth-century Ontario. The rights of women to own property and even to claim ownership of the product of their own labour were severely restricted. Single women over twenty-one years of age and widows were, by law, given the same rights as males over property. But inheritance practices and social and legal restrictions with regard to occupation and appropriate behaviour meant that most property was controlled by males. For single women the period of time during which they were likely to be legally free from the control of either a husband or a father was non-existent or comparatively short. For most women the property protection for single women was irrelevant.

The labour a single woman provided on the property of a male relative generally was under-

stood to have been freely provided and did not provide the woman with either a claim on the property or a claim to a wage. Paul Craven's study of court cases in nineteenth-century Ontario indicates that the law upheld the assumption that any work a woman performed for a member of her family was part of her natural duty. In one striking case, where a woman unsuccessfully sued her brother for wages for the work she had performed for several years on his farm, the judge was explicit in this regard:

Nothing was more natural than an unmarried young woman should live with and keep house for her brother, especially while he was also unmarried, and that without the idea of hiring or wages entering into the mind of either. It would be we fear a mischievous doctrine to lay down that in every case in which a niece, or cousin, or sister in law is proved to be living in a farmer's house, treated in every way as one of the family, and assisting in the work of doing all or most of the house-work, she could, in the absence of any evidence whatsoever as to hiring or wages, be held entitled to the direction of a judge that the law in such a case implied a promise to pay.⁴⁰

Until 1859 married women in English Canada had no right to property in their own name. This legal disability was based on English common law where, in the words of the English jurist Sir William Blackstone, "the husband and wife are one and that one is the husband."⁴¹ Upon marriage women were considered the responsibility of their husbands and in this respect the law recognized it as the wife's legal right to be supported by the husband.⁴² But the price of protection was the loss of independence of action, and of ownership and legal control over the products of a woman's labour. Even the primary products of her labour, her children, were legally under her husband's control. Until about the mid-nineteenth century, she could not

claim them as her own under any circumstances and even when her husband died she would not automatically be recognized as the legal parent. Her husband could, if he wanted, appoint someone other than their mother as their legal guardian. In fact, anything a woman might produce, sell, or earn through her labour was legally the property of her husband and she could not use or dispose of it without his approval.

By mid-century, legislation was enacted to expand women's rights with regard to both their children and their property. In 1855 an act was passed giving women in Ontario the possibility of obtaining custody of their children under twelve years of age in cases where the judge "saw fit."⁴³ It followed similar custody legislation passed in England in 1839. In some cases, the courts rendered progressive interpretations of the law and women were not only awarded custody of their children, but also provision for their maintenance. However, in the majority of cases, courts upheld the idea that the common law rights of fathers over their children was not abrogated by enactment of the new legislation. According to legal historian Constance Backhouse, improved custody rights for women had less to do with women's rights, *per se*, than with the growing recognition of the need to protect children and to award custody in their interests.⁴⁴

In response to considerable pressure from women, the Ontario government in 1859 passed An Act to Secure to Married Women Certain Separate Property Rights.⁴⁵ This act gave women rights to property they had owned before marriage which had not been covered by a marriage contract or settlement. However, a wife's earnings still belonged to her husband and while the law legally entitled her to make a will, her heirs could only be her husband or her children.⁴⁶ Once again, while the intent of the law seemed fairly clear, the tendency of the courts was to continue to uphold a husband's control over his wife's property, including her ability to make

contracts and to convey her land.⁴⁷ The Married Women's Act of 1872 extended women's property rights somewhat. With this act, married women were permitted to own and administer separate property and to enter into contracts as though they were unmarried.⁴⁸ However, they were not given increased control over family property; rather, women's power existed only with regard to property that was distinctly in their name alone. With the Married Women's Property Act, a woman's earnings were considered her separate property. However, this provision was limited to earnings specifically arising out of the woman's employment in a trade or occupation where her husband had no proprietary interest. So while a married woman would be permitted to retain the earnings she might receive from production on her own land, from waged work, or from any special literary or artistic talent she might possess, she would not be legally entitled to the income from her labour on the family enterprise because the family property was still legally the husband's. The change in the law regarding women's property did not change the control a man could exercise over his wife's labour. His consent was still needed if she wanted to work for wages or engage in some sort of business on her own.⁴⁹ Nevertheless, throughout the second half of the nineteenth century the law was gradually improved so that its intent in providing greater property protection was clear. By the end of the century, women's separate property rights were considerably more secure than they had been at mid-century.

INHERITANCE

While family practices may have mitigated the practical effects of the law for some women in their daily lives, the significance of male legal superiority became especially clear when the husband or father died. An examination of the wills in one county—Stormont, Dundas, and Glengarry, Ontario—for two periods, from 1800 to 1811 and from 1850 to 1858, gives a

clear indication of the tenuous claim women had on all forms of property.⁵⁰ The wills indicate not only the infrequency with which property was transferred to women, but also the understanding of the will-maker that the family property was entirely his. This particular county was chosen because records of wills are available from the early period of settlement and a comparison can therefore be made between inheritance practices when land was relatively plentiful and when it became more scarce. For the purposes of this study it would have been preferable to use data from a county more oriented toward wheat production, but since such counties were settled later, the changes in inheritance practices over a fairly long period of time (i.e., from mid-century when data are available to the end of the century) also reflected changes in legislation regarding women's property rights. While the changes in inheritance are significant in indicating the relative strength of patriarchal control as the economy became more industrialized and laws changed, at this point I want to focus on patriarchal control of all forms of property before legislative changes occurred.

Although Stormont, Dundas, and Glengarry County did not generate the wealth typical of wheat-exporting counties farther west, the economy in the early period relied heavily on timber exports and later was strongly influenced by the staple-exporting trade of other sections of the province.⁵¹ To establish the validity of using information from this county as an indication of the general nature of female inheritance in the first half of the nineteenth century, I have also examined the wills of a wheat staple-exporting county, Wellington, for comparison. Since the inheritance pattern in Wellington County indicates that men there were no more generous in their distribution of property to the women in their families, it is fairly reasonable to assume that the infrequency with which property was transferred to women in Stormont, Dundas, and Glengarry was not atypical.

WIVES' INHERITANCE

In 1801 the Surrogate Court for the Eastern District of Ontario received a petition from Mary Links for permission to administer the estate of her husband, Matthew, who had died intestate. The inventory of his property indicates that not only were all the farm stock and implements considered to be his possessions, but all of the household items as well. Since these items are usually the tools of women's labour, their express ownership by the husband is noteworthy. Included in the inventory were the following: "1 collender, half a dusen of knives and forkes, 1 dusen of spunes, 1 candle stick and snuffer, 2 chairs, 3 tin canasters, 1 ceking glass, 1 frying pan, 1 dresser, 3 tin tumblers."⁵² This inventory was not an isolated instance. In most cases men did not leave wills, so the court, usually after petition from a relative, would assign someone to be an administrator of the estate and would order an inventory of property to be taken. The inventories overwhelmingly indicate that household utensils, furniture, and linens were the property of the husband.

Widows were legally able to own property, but inheritance practices were such that males

exerted considerable control over their wives after their deaths. Only in rare circumstances in the first half of the nineteenth century was a woman given total control over her husband's property when he died. In the wills of males in Stormont, Dundas, and Glengarry County, Ontario, for the two periods studied, women inherited their husband's property outright in only 6 to 8 per cent of the cases (Table 1). Women appear to have been given complete control of the property to dispose of without restriction only when there were no children of the husband living. But generally even if there were no children, directions were explicit about what should be done with the property after the wife's death.

Frequently the wife was given the use of the property for her lifetime, with instructions for further inheritance clearly laid out. In the early nineteenth century this was a much more common practice than later. In Stormont, Dundas, and Glengarry about one-third of the wills from 1800 to 1811 stipulated that the wife should have the estate for her lifetime. By mid-century the proportion had dropped to one-sixth.

TABLE 1 | BEQUESTS TO WIVES IN WILLS BY MALES,* STORMONT, DUNDAS, AND GLENGARRY, ONTARIO, 1800-11 AND 1850-58 (%)

	1800-11	1850-58
Wife inherits outright	8	6
Wife granted usufruct	30	16
Children inherit major portion	46	55
(a) son to support mother	14	19
(b) wife inherits portion	32	35
No mention of wife	16	23
Wife disinherits upon remarriage	30	35

* There was one woman who died with a will in the 1800-11 period and three with wills in the 1850-58 period.

Sample size: 1800-11 = 37; 1850-58 = 31.

Source: Public Archives of Ontario, Wills Collection GS1-1251; GS1-1253.

Even when wives were left the right to the estate for life, there were many restrictions laid out. Some men were quite specific about what the wife could do with the land, including instructions about whether or not she could cut timber. But the most restrictive practice was the tendency for husbands to tie their wife's use of the property to what they felt was the appropriate way for her to live the rest of her life. It was fairly common practice for men to deprive their wives of the right to inheritance if they should remarry. For example, one farmer left his wife the management of the income from the farm for as long as she remained his widow:

In case my wife should remarry then in that case my executors herein after named and whom I also appropriate as Trustees for my children shall then take the sole management of the said farms and stock and rent or let the same or shares as they see fit and apply the said income to the benefit of my children whom they shall take the management of and see them educated and placed in such situation as said income will admit of and to give my widow a cow and four sheep with a bed and bedding and for her to have no more to say of my affairs. But if she remain my widow and so continues after the children are all educated and of age she shall still have during her natural life the one half of the income of the said farm on which we at present reside.⁵³

Roughly a third of the wills made by men in Stormont, Dundas, and Glengarry during the first half of the nineteenth century specifically limited wives' inheritance to the period they remained widows. This practice appears to have been widespread throughout Ontario, although in counties farther west the proportion of wills which explicitly forbid remarriage by mid-century was somewhat smaller.⁵⁴

While the threat of disinheritance undoubtedly gave women few options for the future, they

did have some choice over whether they would adhere to their husbands' wishes that they not remarry. But some husbands even went so far as to stipulate that their wives would lose all property rights if they cohabited.⁵⁵ Over the issue of the guardianship of children, the husband's will was paramount. Women had no legal right to the guardianship of their children, either while the husband lived or when he died, and when he died he was entitled to designate anyone he chose as guardian.⁵⁶ Usually the mother was named as guardian, but it was not at all uncommon for the oldest son or some other male relative to be put in control of the younger children, should the wife remarry. George Crites's instructions in his will of 1804 is typical of caveats found in many wills. "If my widow should marry I hereby obligate my said son George to bring up and maintain the rest of my children that are not able to do for themselves and use the best endeavour to see them instructed in reading and writing."⁵⁷ Considering that his wife, upon remarriage, was to be disallowed the produce of the land and stock, the furniture, and the third part of the land which her husband had left her for life, her ability to care for these children would have been severely limited. The point remains that even if she had wished to, or if a new husband were prepared to assume responsibility for their maintenance, she would not have been permitted legally to assume this responsibility.

The issue of dower rights is particularly interesting with regard to a widow's claim to her husband's property. In theory a woman was to receive one-third of her husband's real and personal property upon his death, unless he designated in his will that her portion be larger. In practice this was less strict than the law would indicate. Dower clearly did not mean that a woman would inherit one-third of the estate outright. As mentioned earlier, it was usual for a man to stipulate who would receive his property after his wife died, even if she was to have control of it during her lifetime. The exceptions to

this practice are so rare that they are remarkable in themselves. For example, although Donald Fraser left his land to his grandson, his wife was given use of the household furniture, stock, and farming implements for her life. Her husband, in addition, permitted her to dispose of this property after her death "as she may think proper amongst her children with the consent of the majority of the executors."⁵⁸ Alexander McGruner did not leave his estate to his wife for her life but trusted her judgment to a degree which was extraordinary for his time and circumstances. McGruner willed that his land be divided among his male children and that "the dividing of the same to my said children be according to the judgment and discretion of my wife as she may think and see most suitable when said children come of age." He also permitted his wife to take what she would need when the lands were divided "and arrangements should take place so that as my widow she may not be dependent in her advanced age."⁵⁹

It was rare for a husband to be concerned about his wife's dependency as she aged. Generally the husband ensured that his wife would be dependent upon her children through the conditions of his will. In a substantial number of the wills a son was specifically ordered to support his mother. One man, in a will which was not at all uncommon, left instructions for the care of his wife. The two sons were to share all of his property "except the lower front room in the home which I have for the use of my wife Catherine as long as she is my widow and likewise she is to have a decent maintenance of the place suitable to her condition. But if she will marry she shall have what property she brought to my home and no more, neither will she have any title to hire, rent, or let the room to any other person or persons but for her own use only, then to be the property of my sons aforesaid."⁶⁰ Generally the wills did not describe in detail how the wife would be maintained. Rather, sons were simply instructed to maintain their mother for

life or as long as she remained a widow. In some cases it was specified that the support be "in a kind, comfortable and respectable manner" or suitable to her sex and station in life.⁶¹

Clearly the conditions of dower could be satisfied without specifically settling how much a widow would receive. And whatever protection dower gave a woman, it did not extend beyond her widowhood. The vague stipulation that the wife should be provided for by the heirs of the estate increased from 14 per cent of the wills in the beginning of the century to almost one-fifth by mid-century. This practice could be a reflection of the general tendency for estates to be settled on one son as land became more scarce and farm sizes decreased.⁶²

The effect of making women so dependent on their sons could create real hardship and loss of position. Frances Stewart described her widowhood as a period of extreme dependency where she was never "allowed...to think or act but as...guided or directed."⁶³ While widows may have appeared to have exchanged dependency on their husbands for dependency on their sons, the loss of position in the family could drastically change their real circumstances. Susanna Moodie claimed that in some families, especially those newly in the middle class, a widow was little more than a drudge: "the mother, if left in poor circumstances, almost invariably holds a subordinate position in her wealthy son's or daughter's family. She superintends the servants, and nurses the younger children; and her time is occupied by a number of minute domestic labours, that allow her very little rest in her old age. I have seen the grandmother in a wealthy family ironing the fine linen or broiling over the cook-stove, while her daughter held her place in the drawing room."⁶⁴ In these circumstances the women rarely had any alternative but to submit to the conditions in their children's households.⁶⁵

The most common inheritance practice and one reflected in about a third of the wills

studied was for the wife to inherit for her lifetime a portion of the estate, with the bulk to go to the children. If the farmer was relatively wealthy her inheritance would include land, but if the farm was small the usual practice was for one son to inherit the land, with the mother receiving the produce from a specific portion of it. John Munro was a wealthy farmer who willed that his wife be supported from the income from the property and be given the use of the house until her son married. When the son married he was to repair another house on the property for his mother's use, but if she decided to live with any of her children she was to continue to receive the same allowance from the estate "in order to compensate them for her support." While John Munro envisaged this income from the estate as ultimately belonging to whoever cared for his wife, he urged his children to give their mother enough so that "she may have what will be sufficient to keep her comfortable during her lifetime." John Munro obviously felt somewhat guilty about his treatment of his wife and explained why she was not given control over his will: "I should have appointed her executrix, but being sensible of her disposition I conceived it dangerous to the interest of the family."⁶⁶

Occasionally the will stipulated that the wife's share was to be in lieu of dower. In a few cases there appears to have been a conscious effort to see that the wife's one-third interest was actually what she received. But for the most part the wife's rightful and legal claim seems not to have been an issue. The fact that very few women made wills and none, during the periods examined, contested the wills of their husbands indicates the lack of control women had over property.⁶⁷ Women's main security in property rights was their husbands' sense of duty to provide for them after they died.

DAUGHTERS' INHERITANCE

Patriarchal control placed sons and daughters on significantly different footings as labourers in

the family economy. The labour of sons was more likely to result in a substantial share of the father's assets than the labour of daughters. In an economy where labour was scarce and land relatively plentiful, the ability of the father to retain the labour of his children often was crucial to the success or failure of the family enterprise.⁶⁸ The father was frequently able to assure his labour supply through the promise of land transference to his sons. When there were sons and daughters in the family, the daughters seldom shared equally in the distribution of the family property when the father died (Table 2). This could be a reflection of the greater value placed on the labour of male children and the desire to retain these services as long as possible, or it could reflect the social and legal restrictions which would have meant that any part of the estate left to a daughter would ultimately have been controlled by her husband. Most likely both these factors influenced a father's decision to exclude his daughters from a substantial share of his estate. The sexual division of labour whereby females tended to work most often at tasks associated with family subsistence and household maintenance would undoubtedly have made the daughter's labour appear less valuable to the farmer than the labour of sons, who would be more associated with labour directed toward the market.

The division of property among sons took a variety of forms. Sometimes it was given to the oldest son outright, but more frequently it was divided among the sons in a way so that each would have some property.⁶⁹ While the more or less equal division of land among sons was fairly common in the early part of the nineteenth century, the effect of this sort of property transfer over time, coupled with land scarcity in certain areas, meant that smaller and smaller parcels of land were being transferred. In order to pass on enough land to ensure an adequate "man/land" ratio, repeated subdivisions of land had to be avoided.⁷⁰

**TABLE 2 | BEQUESTS TO DAUGHTERS IN WILLS BY MALES,*
STORMONT, DUNDAS, AND GLENGARRY, ONTARIO, 1800-11 AND
1850-58 (%)**

	1800-11	1850-58
Daughters not mentioned	38	25
Daughters left all	3	35
Daughters inherit equally	8	14
Daughters given lesser portion of land	22	3.5
Daughters paid small sum; given chattels, personal property, furniture; or to be maintained by brother	30	54

* There was one woman who died with a will in the 1800-11 period and three with wills in the 1850-58 period.
Sample size: 1800-11 = 37; 1850-58 = 31

Source: Public Archives of Ontario, Wills Collection, GS1-1251; GS1-1253

To this end a type of land transfer known as the "English-Canadian" system of inheritance developed.⁷¹ In this system the bulk of the estate would be passed on to a single son, usually the oldest, and he in turn was obliged to settle certain amounts on other children in the family. Sometimes though, the younger sons were given lesser amounts of land and the principal inheritor was obliged only to provide the daughters with some amount specified in the will. Generally the daughters did not fare well regardless of the system of inheritance. In 1803, Adam Johnston of Cornwall, Ontario, left his sons equal shares of his 400-acre estate. His daughters Nancy, Margaret, Janet, Jane, and Mary-Ann were to be given "one shilling if demanded."⁷² While this appears to have been a particularly spiteful way to single out daughters in a will, this may not have been the intention. In a large proportion of the wills daughters were not mentioned at all.⁷³ But sometimes their omission is explained by the father as a consequence of their having already received what he thought appropriate.⁷⁴ The usual practice was for a father to settle some form

of property or money on a daughter as her dowry when she married. Sons who inherited the bulk of the estate were frequently instructed to maintain their sisters until they were married, at which time they were to be given a cow or some sheep, sometimes with a little money as well.

The majority of wills either did not mention daughters or specified a legacy which was a small sum of money, some personal property, a portion of the family furniture when the mother died, or a cow, pig, or sheep.⁷⁵ In the early part of the century almost a third of the wills left some portion of the land to daughters. Generally this consisted of a small part of the total estate, with the major part going to the male heirs. But by mid-century, no doubt because of the scarcity of land in the district, the practice of leaving any land at all to daughters was drastically reduced. While over one-fifth of the wills in the early period left daughters a small parcel of land from the estate, by mid-century this was reduced to less than 5 per cent.

The striking feature of the wills is the extent to which it is assumed that daughters

would be totally dependent on a male, either a brother or a husband, for support. The few exceptions to this practice are interesting for what they indicate about women's work. Duncan McDonald, for example, wanted to ensure that his wife and daughters would have some source of income for themselves. In his will, although he left everything to his son with the usual caveat that he provide the women with "sufficient fuel, provisions and other necessities usual with their sex and station," the son was further instructed to see that each daughter receive one cow and one fatted hog each year to dispose of as she wished. He also specified that "the females [are] to have all poultry and the produce as their sole property."⁷⁶

A female had little recourse in law if she felt that her inheritance was an unfair reflection of her contribution to the family economy. Craven's study gives the example of one woman who had lived and cared for her father for years under the assumption that she would inherit from him when he died. Her suit for recompense for her labour was not found in her favour because, as the judge commented, "this young woman could not be living any where else more properly than with her aged and infirm parent; and if she did acts of service, instead of living idly, it is no more than she ought to have done in return for her clothes and board, to say nothing of the claims of natural affection which usually lead children to render such services."⁷⁷

OWNERSHIP

The concentration of ownership of the means of production in the household by males meant that women's labour throughout their lives would be subject, either directly or indirectly, to male power and authority. No part of their productive activity could escape the potential power of male domination. In this respect the issue of ownership of property in the family economy is considerably more all-encompassing than the power over labour exercised by capital-

ist ownership. The capitalist employer exercised control over the labour purchased, but the subsistence production of the wage worker in the family economy was distinct, separate, and beyond the employer's control. In the family economy the means of production and the means of subsistence were inseparable: women had no productive sphere beyond the power of male authority. Although the effects of patriarchal productive relations were often obscured by the close personal relationships and the interdependence of family members in the family economy, and while the degree of oppressive male dominance undoubtedly varied from household to household, the general effect of male ownership was to exercise control over female labour. [...] Daughters, wives, mothers, and widows were dependent on the will of fathers, husbands, sons, and brothers

In the transference of property the tenuous claim women had on the means of production was most obvious. Susanna Moodie's comment that "death is looked upon by many Canadians more as a matter of business, and change of property into other hands, than as a real domestic calamity"⁷⁸ is something of a mystery to historians who feel that, considering what happened when property changed hands, there was a domestic calamity.⁷⁹ Many women certainly experienced real grief when a father or a husband died, but their relationship to property was likely to change little. Perhaps Susanna Moodie was thinking less of the sentiments of widows than of children when she spoke of their calm anticipation of a relative's death. For sons with a prospect of inheritance it could not have been calamitous. For daughters, whatever change in property occurred was likely to affect them to a small degree. If any property was settled on them, it would be more likely to occur when they married than when their father died.

A widow's position was considerably more precarious. While there was a possibility of increased control of property through the provi-

sions of the husband's will, there was also the more likely possibility that her situation would deteriorate if the terms of the will made her dependent on her children. In another respect Susanna Moodie's analysis is apt for the wife as

well as for the children. For the most part the intention of men's wills appears to have been that wives would maintain essentially the same position relative to property that they held while the husband was alive.

Notes

- 1 The preoccupation of historians with the history of males and the distortions that has caused in historical methodology has been a subject of considerable interest to feminist historians in recent years. Of particular note are the following: Nancy Schrom Dye, "Clio's American Daughters: Male History, Female Reality," and Jane Tibberts Schulenburg, "Clio's European Daughters: Myopic Modes of Perception," in *The Prism of Sex: Essays in the Sociology of Knowledge*, ed. Julia A. Sherman and Evelyn Torton Beck (Madison, WI: University of Wisconsin Press 1979); Natalie Zemon Davis, "'Women's History' in Transition: The European Case," *Feminist Studies* 3 (Spring/Summer 1976), 809–23; Gerda Lerner, "Placing Women in History: Definitions and Challenges," *Feminist Studies* 3 (Fall 1975), 5–13; Ruth Pierson and Alison Prentice, "Feminism and the Writing and Teaching of History," *Atlantis* 7 (Spring 1982), 37–46.
- 2 For a discussion of the inadequacy of using concepts designed to explain market behaviour to explain non-market behaviour, see Marjorie Cohen, "The Problem of Studying 'Economic Man,'" in *Feminism in Canada*, ed. Angela Miles and Geraldine Finn (Montreal: Black Rose Book 1982), 89–101; Marjorie Cohen, "The Razor's Edge Invisible: Feminism's Effect on Economics," *International Journal of Women's Studies* 8, 2 (May/June 1985), 286–98; Bonnie Fox, "Women's Domestic Labour and Their Involvement in Wage Work: Twentieth Century Changes in the Reproduction of Daily Life," PhD Dissertation, University of Alberta 1980), 160.
- 3 Some economists, most notably Mel Watkins, Daniel Drache, and Richard Caves and Richard Holton find the significance of export staples to the economy important in explaining Canada's economic dependence and its chronic economic problems even in the twentieth century. See H.M. Watkins, "A Staple Theory of Economic Growth," *Canadian Journal of Economics and Political Science* XXIX (May 1963), 141–8; Richard E. Caves and Richard H. Holton, *The Canadian Economy* (Cambridge, MA: Harvard University Press 1961); Daniel Drache, "Staple-ization: A Theory of Capitalist Development," in *Imperialism, Nationalism and Canada*, ed. Craig Heron (Toronto: New Hogtown Press 1977), 15–33.
- 4 Carl Berger, *The Writing of Canadian History* (2nd ed., Toronto: University of Toronto Press 1986), 98; H. Clare Pentland, *Labour and Capital in Canada 1650–1860* (Toronto: James Lorimer 1981); Gregory S. Kealey, *Toronto Workers Respond to Industrial Capitalism 1867–1914* (Toronto: University of Toronto Press 1980); Bryan D. Palmer, *Working-Class Experience: The Rise and Reconstitution of Canadian Labour 1800–1980* (Toronto: Butterworths 1983); David McNally, "Staple Theory as Commodity Fetishism: Marx, Innis and Canadian Political Economy," *Studies in Political Economy* (Autumn 1980), 35–63.
- 5 Louise Dechêne, *Habitants et marchands de Montréal au XVII^e siècle* (Montreal: Plon 1974); Jean Hamelin, *Economie et société en Nouvelle-France* (Quebec: Université Laval 1961).
- 6 Kenneth Buckley, "The Role of Staple Industries in Canada's Economic Development," *Journal of Economic History* (Dec. 1958), 439–50.
- 7 Douglas McCalla, "The Wheat Staple and Upper Canadian Development," *Historical Papers* (1978), 34–46.
- 8 See especially Douglas McCalla, "The Internal Economy of Upper Canada: Some Evidence on Patterns of Agricultural Marketing (to 1850)," paper presented to the Thirteenth Conference on Quantitative Methods in Canadian Economic History, March 1984; John McCallum, *Unequal Beginnings: Agriculture and Economic Development in Quebec and Ontario until 1870* (Toronto: University of Toronto Press 1980).
- 9 McCalla, for example, wants to correct the picture of Ontario as solely reliant on wheat exports and shows that it was, "in some sense a mixed-farming

- economy," but still, wheat was critical for, as he says, the more complex economy was "founded in most areas on wheat as the central crop for market purposes" (McCalla, "The Internal Economy of Upper Canada," 19).
- 10 McCallum, *Unequal Beginnings*, especially Ch. 8.
 - 11 For a discussion of the various labour requirements and methods of labour organization characteristic of each type of staple production, see Daniel Drache, "The Formation and Fragmentation of the Canadian Working Class: 1820-1920," *Studies in Political Economy* (Fall 1984), 43-89.
 - 12 Canadian feminist historians, however, have begun to examine the significance of female labour to the staple trades. See especially Sylvia Van Kirk, "Many Tender Ties": *Women in Fur-Trade Society 1670-1870* (Winnipeg: Watson & Dwyer 1980); Jan Noel, "Les Femmes favorisées," in *The Neglected Majority*, II, ed. Alison Prentice and Susan Mann Trofimenkoff (Toronto: McClelland & Stewart 1985), 18-40; Marilyn Porter, "Women and Old Boats: The Sexual Division of Labour in a Newfoundland Outport," in *The Public and the Private* ed. Eva Gamarnikow et al.; Marilyn Porter, "She Was Skipper of the Shore-Crew: Notes on the History of the Sexual Division of Labour in Newfoundland," *Labour/Le Travail* 15 (Spring 1985), 105-23.
 - 13 Allan Greer, "Wage Labour and the Transition to Capitalism: A Critique of Pentland," *Labour/Le Travail* 15 (Spring 1985), 21.
 - 14 Allan Greer, *Peasant, Lord, and Merchant: Rural Society in Three Quebec Parishes 1740-1840* (Toronto: University of Toronto Press 1985).
 - 15 Arthur Lewis, "Economic Development with Unlimited Supplies of Labour," *Manchester School of Economic and Social Studies* II (May 1957), 149.
 - 16 Marr and Paterson, *Canada*, Ch. 4.
 - 17 This was true in all forms of staple development where wage labour occurred. See, for example, Fernand Ouellet, "Dualité économique et changement technologique au Québec (1760-1790)," *Histoire sociale/Social History*, 257; Lower and Innis, *Settlement and the Forest*, 32; Sacouman, "Semi-Proletarianization and Rural Underdevelopment in the Maritimes," *Canadian Review of Sociology and Anthropology* 17 (1980); Pentland, *Labour and Capital*, 29; Allan Greer, "Fur-Trade Labour and Lower Canadian Agrarian Structures," *Canadian Historical Association, Historical Papers* (1981), 197-214.
 - 18 In *Women, Work, & Family*, for example, Louise Tilly and Joan Scott explain the basic division of labour between men and women in the family economy. While there was considerable diversity of roles and frequent overlapping of tasks, women's work centred on the household. Tilly and Scott, *Women, Work, & Family*, especially Ch. 3.
 - 19 Naomi Griffiths points out that while certain industries in Canada encouraged a division of labour strictly according to age and gender, such as lumbering and fishing, in small settlements "the personality of the individual and the immediate challenge of the day were more important than social conventions about gender-roles." Naomi Griffiths, *Penelope's Web* (Toronto: Oxford University Press 1976), 124-5.
 - 20 There is an extensive literature on this subject which is now known as "the domestic labour debate." An excellent overview of the literature is provided by Eve Kaluzynska, "Wiping the Floor with Theory: A Survey of Writings on Housework," *Feminist Review* 6 (1980).
 - 21 Carmen D. Deere, "Rural Women's Subsistence Production in the Capitalist Periphery," in *Peasants and Proletarians*, ed. Robin Cohen, Peter C.W. Gutkind, and Phyllis Brazier (New York: Monthly Review Press 1979), 133-48. R. James Sacouman, in his work on the Maritimes, discusses how subsistence farming has been an integral part of capitalist accumulation in the staple trades of that region: "Subsistence farming has provided and still provides the principal base for the 'super-exploitation'...of the petty inshore fishermen and woodlot cutter. The money value of fish and of logs can be lowered below the value of labour power replacement since subsistence production does, even in its most truncated form, provide material sustenance directly, without the intermediary of cash." R. James Sacouman, "Semi-Proletarianization and Rural Underdevelopment in the Maritimes," 235-7.
 - 22 This analysis follows a Marxian explanation of capital accumulation where surplus value is extracted from labour when labour is not paid a wage equal to the total value it produces, but is paid a wage which reflects the socially necessary labour time expended in production. Deere argues that since the value of labour reflects socially necessary labour, it is possible to reduce the value of labour when some of the goods and services required to maintain and reproduce labour are produced by non-waged labour. Deere, "Rural Women," 137-8.

- 23 Generally the prevalence of female subsistence agricultural labour is most directly associated with underdeveloped Third World countries. See, for example, Esther Boserup, *Economic Development* (London: George Allen and Unwin Ltd 1970), 77–8. While there are important similarities in the function of female pre-industrial labour in Canada and that of women in Third World countries today, there are also significant differences. The critical distinction between conditions in Third World economies with large resource-exporting sectors and Canada's early staple development is that Third World countries typically have an abundant labour supply whereas Canada experienced labour shortages. Also, in Third World countries there often existed well-developed agricultural and market traditions which continued to have an impact after colonial domination. In Canada agricultural and market development did not precede resource development.
- 24 *Royal Commission on Dominion-Provincial Relations*, Book I, 27, cited in Vernon Fowke, "The Myth of the Self-Sufficient Pioneer," *Transactions of the Royal Society of Canada* 56 (1962), 26.
- 25 Greer, *Peasant, Lord and Merchant*, 205.
- 26 Fowke, "The Myth of the Self-Sufficient Pioneer," 27. For a recent evaluation of Fowke's thesis see Leo A. Johnson, "New Thoughts on an Old Problem: Self-Sufficient Agriculture in Ontario," paper presented to Canadian Historical Association, June 1984.
- 27 Marr and Paterson, *Canada*, 80; Vernon C. Fowke, *Canadian Agricultural Policy: The Historical Pattern* (Toronto: University of Toronto Press 1978 [1946]), 45, 48; Robert Leslie Jones, *History of Agriculture in Ontario 1613–1880* (Toronto: University of Toronto Press 1946), 307.
- 28 For an excellent discussion of the misconceived dichotomy between subsistence and market activity, see Greer, *Peasant, Lord and Merchant*, 202–5.
- 29 It is used frequently in this sense in Canada. Particularly important are the following: Max Hedley, "Domestic Commodity Production: Small Farms in Alberta," in *Challenging Anthropology*, ed. David H. Turner and Gavin A. Smith (Toronto: McGraw-Hill Ryerson 1979), 280–98; Max Hedley, "Independent Commodity Production," *Canadian Review of Sociology and Anthropology* 13 (1976), 413–21; Leo Johnson, "Independent Commodity Production: Mode of Production or Capitalist Class Formation?" *Studies in Political Economy* 6 (1981), 93–112; Sacouman, "Semi-Proletarianization and Rural Underdevelopment in the Maritimes." For a discussion of the necessity of a capitalist labour market for the term "commodity production" to be appropriate, see Michael Merrill, "Cash Is Good to Eat: Self-Sufficiency and Exchange in the Rural Economy of the United States," *Radical History Review* (Winter 1977), 42–71.
- 30 A.V. Chayanov, *The Theory of the Peasant Economy* (Urbana: University of Illinois Press 1966).
- 31 Oakley, *Woman's Work*, 16.
- 32 Pentland, *Labour and Capital*, 24.
- 33 Paul Phillips, "Introduction," in Pentland, *Labour and Capital*, xxvi.
- 34 Pentland, *Labour and Capital*, Ch. 2.
- 35 D. Roberts, *Paternalism in Early Victorian England* (London: Croom Helm 1979), cited in Judy Lowen, "Not So Much a Factory, More a Form of Patriarchy: Gender and Class during Industrialization," in *Gender, Class & Work*, ed. Gamarnikow et al.
- 36 In the major study on labour in Canadian agriculture there is a brief reference to the labour of unpaid family workers, but for the most part the author chooses to see farm units which did not hire labour as being "owner-operated," and refers only to the labour performed by the male owner. George Haythorne, *Labour in Canadian Agriculture* (Cambridge, MA: Harvard University Press 1960).
- 37 Oscar Lange, *Political Economy*, I, trans. A.H. Walker (Oxford: Pergamon Press 1963), 16–17.
- 38 James A. Henretta, "Families and Farms: Mentalité in Pre-Industrial America," *William and Mary Quarterly* 35 (Jan. 1978), 21.
- 39 Max Hedley, in his studies of family farms in twentieth-century western Canada, points to the inequalities in productive relations which are concealed by the term "family farm." He says: "we need to recognize that while there is private ownership of the means of production by an individual who applies his own labour to the productive process, there is also a considerable amount of labour by non-owners of the means of production. The commodities produced by this labour do not belong to the actual producer but to the owners of the means of production; therefore, any surplus labour embodied in them is in effect expropriated." Max Hedley, "Relations of Production of the 'Family Farm': Canadian Prairies," *Journal of Peasant Studies* 9 (1981), 74.
- 40 *Redmond v Redmond* (1868), 1 *Upper Canada Queen's Bench Reports* 220, cited by Paul Craven,

- "The Law of Master and Servant in Mid-Nineteenth-Century Ontario," in *Essays in the History of Canadian Law*, ed. David H. Flaherty, I (Toronto: Osgoode Society 1981), 177.
- 41 Margaret E. MacLellan, "History of Women's Rights in Canada," in *Cultural Tradition and Political History of Women in Canada*, Royal Commission on the Status of Women in Canada, No. 8, p 1.
 - 42 Linda Silver Dranoff, *Women In Canadian Life: Law* (Toronto: Fitzhenry & Whiteside 1977), 26.
 - 43 Constance B. Backhouse, "Shifting Patterns in Nineteenth-Century Canadian Custody Law," in *Essays in the History of Canadian Law*, ed. David H. Flaherty, 212-48.
 - 44 *Ibid.*, 213.
 - 45 Constance B. Backhouse, "Married Women's Property Law in Nineteenth-Century Canada," unpublished paper, April 1987.
 - 46 Sheila Kieran, *The Family Matters: Two Centuries of Family Law and Life in Ontario* (Toronto: Key Porter 1986), 51.
 - 47 For a full discussion of the specifics of the law and how it was subsequently interpreted by the courts, see Backhouse, "Married Women's Property Law in Nineteenth-Century Canada."
 - 48 Similar acts permitting married women to own and control property were passed by other provinces in the following years: British Columbia 1873; Manitoba 1875; Newfoundland 1876; Nova Scotia 1884; Northwest Territories 1886; New Brunswick 1896; Prince Edward Island 1896; Saskatchewan 1907; Alberta 1922. MacLellan, "Women's Rights," 4.
 - 49 National Council of Women of Canada, *Women of Canada: Their Life and Work*, ed. Isabel Aberdeen (Ottawa: Queen's Printer 1900), 39.
 - 50 Bruce S. Elliott correctly points out the dangers in looking only at wills for inheritance patterns. They tend to be more representative of the wealthy than the poor, the old rather than the young, and the sick rather than the healthy. "Sources of Bias in Nineteenth-Century Ontario Wills," *Histoire sociale/Social History* 17, 35 (May 1985).
 - 51 For information on the significance of this area as a supplier of waged labour in the timber camps on the Ottawa see Arthur R.M. Lower, *Great Britain's Woodyard: British America and the Timber Trade, 1763-1867* (Montreal: McGill-Queen's University Press 1973), 188; also, for the effect of increased immigration to more westerly points of province on income generating activities in Dundas, see James Croil, *Dundas, or A Sketch of Canadian History* (Montreal: B. Dawson & Son 1861), 152.
 - 52 Public Archives of Ontario [hereafter PAO], Wills Collection, [hereafter WC], GS1-1251, Mary Links 1801.
 - 53 PAO, WC, GS1-1253, William Cassidy 1853.
 - 54 See David Gagan, *Hopeful Travellers: Families, Land, and Social Change in Mid-Victorian Peel County, Canada West* (Toronto: University of Toronto Press 1981), 55.
 - 55 PAO, WC, GS1-1253, Hugh Shaw 1853.
 - 56 The right of married women to guardianship of their children was introduced in provincial statutes from 1910 to 1923. McClellan, "Women's Rights," 5.
 - 57 PAO, WC, GS1-1251, George Crites 1804.
 - 58 PAO, WC, GS1-1253, Donald Fraser 1853.
 - 59 PAO, WC, GS1-1253, Alexander McGruner 1857.
 - 60 PAO, WC, GS1-1251, John Saver 1811.
 - 61 PAO, WC, GS1-1253, Adam Cockburn 1854; PAO WC, GS1-1264, Robert Valance 1890.
 - 62 Gagan, *Hopeful Travellers*, Ch. 3.
 - 63 E.P. Dunlop, ed., *Our Forest Home: Being Extracts from the Correspondence of the Late Frances Stewart* (Toronto 1889), 80-1.
 - 64 Susanna Moodie, *Life in the Clearings vs the Bush* (New York: DeWitt & Davenport 1855), 291-2.
 - 65 Moodie seemed to see this as a matter of will more than of necessity, saying "they submit with great apparent cheerfulness, and seem to think it necessary to work for the shelter of a child's roof, and the bread they eat." *Ibid.*, 292.
 - 66 PAO, WC, GS1-1251, John Munro 1800.
 - 67 Women were given the right to dispose of property by testament in Ontario in 1801. Susan Altschul and Christine Caron, "Chronology of Legal Landmarks in the History of Canadian Women," *McGill Law Journal* 21 (Winter 1975), 476.
 - 68 Gagan, *Hopeful Travellers*, 44; Folbre, "Patriarchy," 6; see also Lawrence Stone, "The Rise of the Nuclear Family in Early Modern England: The Patriarchal State," in *The Family in History*, ed. Charles E. Rosenberg (Philadelphia: University of Pennsylvania Press 1975), 13-57, for a discussion of inheritance as a means of strengthening patriarchy.
 - 69 Herbert J. Mays, in a study of the settlement of Gore near Toronto, has shown that acquiring land through inheritance, rather than direct sales, became increasingly significant for males by mid-

- century as land became more scarce and the population aged. "A Place to Stand: Families, Land and Permanence in Toronto Gore Township, 1820-1890," *Historical Papers* (1980), 185-211.
- 70 Gagan, *Hopeful Travellers*, 50.
 - 71 A.R.M. Lower, *Canadians in the Making: A Social History of Canada* (Toronto: Longmans, Green & Company 1958), 336.
 - 72 PAO, WC, GS1-1251, Adam Johnston 1803.
 - 73 From 1800 to 1811 in Stormont, Dundas, and Glengarry County, 38 per cent of the wills filed did not leave a bequest to daughters. In some of these families there may have been no daughters, but still the percentage is high. By 1850-58 the proportion had dropped to 25 per cent.
 - 74 PAO, WC, GS1-1264, John McKercher 1890.
 - 75 In the early part of the century this accounted for more than two-thirds of all wills. By mid-century almost four-fifths of the wills either neglected daughters altogether or gave them only very small bequests.
 - 76 PAO, WC, GS1-1253, Duncan McDonald 1850.
 - 77 *Sprague and Wife v Nickerson* (1844), 1 *Upper Canada Queen's Bench Reports* 284, cited by Craven, "The Law of Master and Servant," 177.
 - 78 Moodie, *Life in the Clearings*, 138.
 - 79 Rosemary R. Ball, "A Perfect Farmer's Wife: Women in 19th Century Rural Ontario," *Canada: An Historical Magazine* 3 (December 1975), 16; Gagan, *Hopeful Travellers*, 50-1.