



Hartog, Hendrik. *Someday All This Will Be Yours: A History of Inheritance and Old Age*. Cambridge: Harvard U. Pr., 2012. 353p. Cloth. ISBN: 978-0-674-04688-7. \$29.95.

Before Social Security, Medicare, and pensions, people approaching retirement did not have the same options retirees do now. Nursing homes, retirement communities, and paid home assistance are all relatively recent developments. Older people relied on children, other relatives, and even servants and tenants to care for them. Economic opportunities for young people could draw

younger relatives away from the home, so their elders had to entice potential caregivers with the promise of inheriting the elders' property. Hartog's book focuses on cases in which their promises were broken.

Inheritance decisions were regarded by older people as their primary insurance against losing caretakers and companions in their later years. Hartog quotes from several contemporary books and articles urging property owners to retain control over their property as long as possible to help secure care from children and other caregivers. Surely most of the younger generation cared deeply for their elders, but there was no substitute for economic security, and older people were very reluctant to relinquish control.

Thus the older people in the cases Hartog describes asked younger caregivers to stay and care for them, promising once they had passed away, the caregivers would inherit an estate that would make the their trouble worthwhile. While this arrangement may have worked well for many families (and never gave rise to lawsuits), in some cases the property owners' promises were not realized. Wills went unwritten, the property owner changed his mind after an argument, or other potential heirs challenged the will. The resulting cases landed in courts of equity, which evaluated the work provided by the caretakers to decide whether the care only would have been provided if a binding contract had been made. If the care could have been provided as part of a loving family relationship, then the promised inheritance was regarded as gratuitous and unenforceable.

What types of caregiving the chancellors (judges on courts of equity) regarded as evidence of binding agreements seemed to depend on the gender and economic potential of the caregiver. For instance, if the caregiver was a son who could have left home and pursued his own career, then the inheritance was more likely to be enforced. On the other hand, if the caregiver was a daughter or female servant, the court was more likely to think the caregiver was still economically (and even legally) dependent on the property owner. Women were held to a higher standard to show their caregiving labor was extraordinary enough to only be attributable to a binding contract.

Expectations of familial duties shifted over time. Care that was once regarded as merely discharging the duties of a family member became extraordinary work that would not have been performed if compensation (either through cash or property) had not been offered. Some cases in this book did not involve claims for promised inheritances, but rather unpaid wages for caregiving services that were rendered. When these claims were brought by children, they raised questions about when work was performed as a family member and not compensable, or as an employee and worthy of pay. Over the years covered in this book, the economic prospects of young people changed. Work that was expected of dutiful children later became labor for which pay was expected. Such caregiving then shifted from paid family members to paid employees from outside the family, foreshadowing the professional elder care industry we now have.

Hartog succeeds at a difficult task: taking a rather specific set of cases (over 200 cases from New Jersey decided between the late 1840s and early 1950s that involved claims of inheritance promises in exchange for caregiving) and drawing out common themes that teach us how members of different generations related to one another. Hartog clearly spent a great deal of time in the archives; the book contains details and testimonial quotes from a number of cases. These details enable Hartog to tell vivid stories of familial disputes that landed in court. In some respects, the stories in this book are very similar to legal conflicts heirs have today over sharing an estate. While money was certainly a central issue, these conflicts also involved sibling rivalries, personality conflicts between in-laws, and disagreements over lifestyle choices. Some colorful characters appear in the stories, making the book an interesting and entertaining read.

Hartog's narratives are carefully documented in notes at the end of the book, and the index appears thorough. *Someday All This Will Be Yours* will fit well in academic collections supporting research in elder law, gerontology, family law, estate law, and legal history.

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