

the resources available for its fulfillment. As new strategies became possible, new kinds of professional men appeared to be the most likely or the most apt to articulate or follow such strategies; but their ways of understanding what they were doing do not necessarily imply a conscious break with the past.

In considering the professional project as an adaptive response to major changes initiated elsewhere in the society, Gilb detracts from its active and specific dimensions. Her view implicitly discounts the persistence of social structures, the stubbornness of vested interests, the unconscious rigidity of habits and ideology—that is, the difficulty of creating something new out of materials that are both new and old.

In some cases, the radical changes that affected American society after the Civil War were but the culmination of trends already discernible in the antebellum period. In the new historical context, the professional project was carried through by more effective means than in the past, but the old ways of securing economic and social advantages were neither easily defeated nor entirely abandoned. To ask what kinds of strategies were possible at each time, how effective they were and who could best discern and mobilize the necessary organizational resources, is the only way of assessing the continuity or discontinuity of a historical process.

#### THE COMMUNAL MATRIX OF PROFESSION

Oscar Handlin has observed that “practically nothing is known about the history of the professions in the United States . . . books about the bench and bar of a particular locality or accounts of a prominent lawyer or even analyses of changes in the conception of law only tangentially throw light upon the evolution of the organized structure of the legal profession. The deficiency is equally prominent in the case of teachers, physicians, ministers, and other groups.”<sup>4</sup> Recent studies have begun to fill the gaps, at least for some professions.<sup>5</sup> Yet an attempt to draw generalizations from the American past seems doomed to failure at the outset by the characteristic—and constantly increasing—multiplicity of social matrices. From the beginning of the colony, centrifugal forces appeared to work against the permanence of transplanted institutions, not only at the level of the state, but at the much more meaningful level of small rural communities. Family, community, and church, merged together, were the foundation of a well-ordered, stable, and hierarchical society; but the strangeness of the new environment, the leveling effect of free and abundant land, the scarcity of labor, and the heterogeneity of religious denominations encouraged the emancipation of the young, the scattering into new settlements, the erosion of traditional forms of subordination. Thus “by the eighteenth century . . . bonded servitude, with its carefully calibrated degrees of dependency, was rapidly being eliminated, drained off at one end into freedom and independent wage labor, and at the other into the new, debased status of chattel slavery.”<sup>6</sup> In this setting, the old institution of apprenticeship, which had smoothly integrated family with community, rapidly tended to become a limited contract, from which masters obtained the much needed labor and servants obtained specific skills, but not much more, on their way to independence. The bases on which to found the binding restrictions and regulations of a guild system were absent: access to crafts and even to professions remained characteristically open in the new world.

### Chapter 8

## PROFESSIONAL PRIVILEGE IN A DEMOCRATIC SOCIETY

Professions came of age in America after the Civil War, a period in which economic, administrative, and political power were consolidated and centralized. In the period between 1870 and 1920, the establishment of national organizational nuclei served by vast bureaucracies was so distinctive that many authors, following Kenneth Boulding, refer to it as the “organizational revolution.”<sup>1</sup> They tend to see it as the rather paradoxical culmination of the “great transformation” which had begun half a century earlier under the auspices of *laissez-faire*.

Corinne Gilb observes, for instance, that “professional organizations came relatively late in the organizational revolution” and suggests that “to articulate and sustain the new and needed levels of professionalism, and to hold their own in a society whose various other members were increasingly organized, the professions, too, formed organizations.”<sup>1</sup> It is true that neither in Europe nor in the United States did professional organizations attain their present form or create their present relationships with state power until this century.<sup>2</sup> The radical changes in the larger market had fundamental consequences for the structure of professions, old and new, as they strove to establish or maintain their own secondary markets of services. To these general consequences I shall return later. We can expect them to be more visible, widespread, and far-reaching in the United States than in other advanced capitalist countries. Indeed, in America’s passage from local or regional to national organizations, all the central institutions were distinctively formed or transformed: the structure of the federal government, the corporate nuclei of industrial capitalism, the industrial trade unions, the educational system, and the professions bear little resemblance to the institutional forms which fulfilled their functions before this phase, in which the United States became the world’s leading industrial power.<sup>3</sup> It would be misleading, however, to assume that there was a total discontinuity between the early attempts at professionalization and the consolidated forms of mature and successful professionalism. The professional project can be identified by its related objectives of market monopoly and social status. These goals were pursued at different times by different groups of professional reformers, using the resources that were accessible in their specific environments. The “organizational revolution” did not so much alter the nature of the professional project as it altered

The erosion of traditional institutions, on the other hand, provoked anxious fears "of a calamitous decline in the level of civilization," of what Cotton Mather would call a "creolean degeneracy."<sup>7</sup> In his brilliant interpretation of the past of American education, Bernard Baylin suggests that the perceived weakness of the family and of secular community institutions rapidly led the colonists to place great emphasis on formal education.<sup>8</sup> The church was the obvious recipient of the cultural role that family alone could not fulfill. For religious sects, deeply concerned with the deliberate creation and maintenance of group identity and social cohesion through the propagation of their faith, this was a fervently assumed mission. Through education, the Puritans sought to maintain uniformity, to remove the threat that dispersion and diversity posed to religious unity—and hence to morality and civilization. Their strenuous efforts to transfer cultural models (which had their most influential, though not their only source in New England) into the "wilderness" explains the characteristic scattering of educational efforts, the multiplication of denominational colleges in the nineteenth century. As Baylin observes, "such a uniformity could not be maintained beyond the early period of religious enthusiasm and past the boundaries of the original clustering settlements. There took place not an abandonment of the original high ideals, not a general regression of educational and intellectual standards, but a settling into regional patterns determined by the more ordinary material requirements of life."<sup>9</sup>

A different trend appeared with force in the eighteenth century: to give apprentices, but not only them, the basic nonvocational instruction which their masters had contracted to provide but were no longer giving, evening schools were started in great numbers. Together with the self-improvement efforts of urban craftsmen, typified by Benjamin Franklin's group, these schools symbolized the voluntary concern with education for social mobility, with useful knowledge which would fit youths or adults "for learning any business, calling, or profession."<sup>10</sup> In both cases, the support for the schools was local. In the eighteenth century, New England was the first region to compensate for the ever-insufficient private endowments of its schools by general taxation. But long-term profitable investments were everywhere hard to find, and all the solutions reinforced localism: everywhere, financing came again and again from direct community contributions which bound all levels of education to the external control of individual or community donors.<sup>11</sup>

Thus, the predominance of local interests and local conditions is, in itself, a general organizing dimension of the American past. Before and after independence, localism governed the adaptation and the creation of institutional models. The broad schemes for national institutions in education and in the economy that had been envisaged by the foremost revolutionary leaders did not take root: in the first two decades of the nineteenth century, the tissue of American society was made of scattered and largely autonomous communities, only loosely connected by the overarching political structures. Even at the level of the polity, the Jeffersonian ideal tended to present the state as an instrument that would destroy the artificial and inequitable laws of the colony and restore a free society to its spontaneity, ordered by natural law and protected against inequity by the limitless supply of land.<sup>12</sup> In the second third of the nineteenth century, economic development and the beginning of

massive immigration began to place unbearable strains upon the structures of localism. The multiplied effects of diversity and mobility, which the narrow local institutions were no longer able to contain, revealed themselves as full-fledged threats to the passing traditional order.

In the long search for institutional solutions of national scope, nostalgia vested the relatively uniform and relatively insulated communities of the past with mythical virtues.<sup>13</sup> On this ideological background, the visible augmentation of social inequality acquired particular stridency. Yet by the time of the revolutionary war, class lines had been deep and clearly drawn even outside the slave-owning South. In all but the areas of subsistence farming and the recently settled frontier, the unequal distribution of wealth had led to the crystallization of status and of a recognized social hierarchy. At the top stood an "aristocracy" of great landowners and merchants, favored in the South by the existence of a large servile class, but no less visible in the small cities and in the more "democratic" North. Buttressed by intermarriage, this upper class had had enough permanence to generate distinctive patterns of monopolization of social privilege. The sale of loyalist estates after the revolution did not substantially change the position or the composition of this class.<sup>14</sup> It was an aristocracy open to wealth, into which a few men who started from the bottom found their way. Jackson Turner Main estimates it at roughly 10 percent of the white population: it was constituted, he says, by approximately "10 percent of the landowners, the same proportion of ministers and doctors, most lawyers, a few artisans, and not far from half of the merchants qualified as well-to-do or wealthy."<sup>15</sup>

Detailed regional studies, however, show more concentration of wealth than Main suggests, perhaps because the categories he lists were partially overlapping. Thus, Aubrey C. Land's study of the northern Chesapeake finds that the largest estates (those evaluated at £1000 or more) represented 1.6 percent of the total in the last decade of the seventeenth century, 2.2 percent in the second decade of the eighteenth, and 3.6 percent in 1730–1739. Her analysis of inventories and estate accounts of free men confirms the hypothesis that "the men of first fortune belonged functionally to a class whose success stemmed from entrepreneurial activities as much as, or even more than, from their direct operations as producers of tobacco. . . . They were at once planters, political leaders, and businessmen."<sup>16</sup> Chief among their non-agricultural activities were land speculation, moneylending, and trade—which included keeping country stores and acting as liaison agents between overseas buyers and the small tobacco planters. Investment in manufacturing, though less frequent, provided the best opportunities for profit. Land also finds that law practice brought to many lawyers an enviable income, "freed from direct dependence on returns from the annual tobacco fleet"; to the most enterprising, it also brought considerable opportunities for profitable land or business deals.<sup>17</sup>

The poorer categories were not entirely excluded from the general prosperity of the area in the first half of the eighteenth century: what may be considered a respectable rural middle class of modest means but stable incomes grew from 21.7 percent in the last decades of the seventeenth century to 35.7 percent in the 1730s. Below this stratum of middle estates (from £100 to 500) lay a bottom class of free men with estates of £100 or less. Extremely vulnerable to market fluctuations, natural

calamities, or even high levels of taxation, these small planters lived at the level of subsistence. In the 1730s they represented still over half of the total distribution of estates, down from three-quarters in 1690–1699.<sup>18</sup>

Urban areas allegedly offered better opportunities and higher standards of living than the older-agricultural regions. By 1790, only 5 percent of a population slightly larger than three million lived in agglomerations of 2500 or more inhabitants. None of the twenty-four towns exceeded 50,000.<sup>19</sup> Boston, for instance, had less than 20,000 and was growing at an annual rate of 1.68 percent (compared to 34.7 percent for the population as a whole) in the second half of the eighteenth century.<sup>20</sup> Migration into Boston began a dramatic increase after 1765, as population pressure on land grew in the surrounding countryside. Yet the largest group of migrants came from neighboring small towns; taken together with the high rate of departures from Boston, this movement attests to the paucity of opportunities in the urban areas.<sup>21</sup> “By 1790,” reports Allan Kulikoff, “45 per cent of the taxpayers in town in 1780 had disappeared from tax lists. Some had died, the rest left town. . . . Those who moved out of Boston were the poorest and least successful members of the community . . . only 42 per cent of those without real estate (rents) in 1780 remained in town in 1790.”<sup>22</sup>

If Boston may be taken as a representative example, economic inequality was great in the towns and did not abate after independence. While Main estimates that an income of £50 per year scarcely met the needs of a family that had to pay rent and buy all its food, Kulikoff’s analysis of taxable wealth in Boston in 1790 finds that 29.8 percent of the taxpayers were assessed at 0 to £25.<sup>23</sup> Two middle groups, assessed at £25 to 100 and at £100 to 500, represented, respectively, 31.4 and 25.5 percent of all taxpayers. At the top, the 13.7 percent assessed at £500 or more held over 60 percent of taxable wealth. Comparison with previous decades reveals a growing concentration of wealth in the hands of the wealthiest and a decline in the relative position of the middle categories. At the very bottom, the untaxed population of poor and near poor was growing enough at the end of the eighteenth century, especially in the economic depression that followed independence, to alarm the city’s notables.<sup>24</sup>

The wealthy elite at the top monopolized not only the public marks of social honor but also the important political offices of selectman, overseer of the poor, and state legislator. Lower-level civic positions were shared with the artisan middle class, while poorer artisans and laborers dominated in positions without political power, such as that of surveyor of the boards or sealer of leather, and especially in positions in the fire companies and the constabulary. Moderate economic gains in one’s trade or in real estate were possible for over one-third of the economically active in late eighteenth-century Boston, while small-scale migration operated as a safety valve for the less fortunate.<sup>25</sup> In such an economic context, the symbolic participation in civic responsibilities open to the humbler citizens acted as an element of cohesion, ensuring to the “men of quality” the deferential respect of their social inferiors. In colonial days, says Arthur M. Schlesinger, “Men in every walk of life not only accepted the concept of a layered society but believed in its rightness. The clergy preached it; all classes practiced it.”<sup>26</sup>

After 1776, the political ideology of the new republic further defused the rumbles of revolt that had appeared in riots and crowd actions before and during the revolution.<sup>27</sup> Action against the established order was action against the will of the sovereign, that is, the people. Despite local and sectional readjustments, democracy did not fundamentally alter the class structure of the settled communities. Thus, the eighteenth-century matrix from which professionals drew sustenance and support remained inequalitarian and hierarchical.

From the elites had come the impulse to import and adapt foreign institutional and social models. Both before and after the revolution, professionals were prominent in the ranks of this elite.<sup>28</sup> In architecture, in particular, some men rose to high standing out of the skilled crafts. Thus, in prerevolutionary Philadelphia, a few master carpenters and masons “achieved both reputation and fortune, moved in the same circles with the merchant princes, and were regarded by all as the founders of professions.”<sup>29</sup> In the more established professions of law, medicine, and divinity, however, the highest marks of distinction appear to have gone to those with formal education. Because American colleges—and, *a fortiori*, European universities—were only accessible to the wealthy, this recognition indirectly sanctioned the pre-eminence of rank and social class. Of the nine colonial colleges, only one, William and Mary, was in the South. While most of their graduates destined themselves to the professions (and in particular to the clergy, at least until the 1750s), many did not. It is not clear whether higher education represented for the latter a natural accompaniment and preparation for their gentlemanly status or a means of upward social mobility.<sup>30</sup> In any case, the composition of the boards of trustees, the pre-dominance in them of wealthy local notables and clergymen from the “aristocratic” denominations, allow one to conclude with Richard Hofstadter that “it was the aristocracy that was primarily concerned with the colonial colleges, the well-to-do class that gave the bulk of private support, and the ruling group that provided the trustees.”<sup>31</sup>

As Benjamin Franklin rapidly found out when he tried to gain support for his Academy among Philadelphia’s first citizens, “ornamental training” in the classics was more important to them than useful knowledge. Training that would enable a young man to make “a temperate, reasonable living” in a prosperous mercantile community was advocated from early on by middle-class parents, critical of what they saw as the aristocratic deviation of the Quaker schools.<sup>32</sup> Their eminently practical needs continued to be served by day and evening private schools even after the founding of the Philadelphia Academy in 1751. From the beginning, the Academy favored its Latin School to the detriment of the English School, whose enrollment rapidly declined. To Franklin’s dismay, the Latin School “was taken under the wing of the College of Philadelphia, and served as a feeder to it.”<sup>33</sup>

Yet for all their aristocratic orientation and their imitation of English models, the small colonial colleges had distinctive features, not the least of which was their lack of autonomy in the medieval tradition of the university. The governance by lay boards, in nonconformist communities where no denomination could claim real hegemony, steered them of necessity toward a nonsectarian course, which was held steady after 1750 by the active competition for students. In the eighteenth century,

the most significant trend was secularization, visible "in the more commercial and less religious tone of newly founded colleges; in the rapidly rising number of college graduates who went into occupations other than the ministry; and in vital changes in the curriculum, notably the rise of scientific studies and the modification of theology to include freer philosophical speculation."<sup>34</sup> A more varied body of students, reflecting the influence of the Enlightenment and the political ferment of pre-revolutionary decades, prodded college faculties and presidents to curricular changes and to at least an acknowledgment of the scientific work done by amateurs on the outside. Despite the traditional timidity of their faculties, the colleges appear to have bred a majority of the political debaters and leaders whose role was so central in the years of agitation before independence.

Some of these colonial colleges harbored the early attempts by university-trained medical elites to institutionalize professional education in America. Indeed, until the foundation of Pennsylvania Hospital in 1751, the only hospitals the colonies had were pest-houses for contagious diseases or poorhouses: "It was thus from necessity as well as from choice that American medical education developed in the eighteenth century from educational institutions, whereas at the same time English medical education was deriving increasingly from institutions concerned with patient care."<sup>35</sup>

By mid-eighteenth century, it had become common among the rich to send their sons abroad for a period of study and travel in Europe. The future members of the urban medical elites completed their education in local colleges and commenced their apprenticeship at home, with prominent masters who were often themselves immigrant European physicians or trained in Europe. Those who could afford it went then overseas to study, most frequently at Edinburgh and in the London hospitals.<sup>36</sup> Naturally enough, on returning to America, these elite physicians attempted to organize the rapidly growing numbers of American practitioners on European standards, as interpreted and represented by themselves. It was clear that the general characteristics of colonial society and the conditions of medical practice in America would not admit the distinctions of branch and function supported by the English guild structure. The distinction of superior training appeared therefore as the best means to sanction social and intellectual differences and to introduce order into the profession.

In Philadelphia, following the courses in anatomy and midwifery started by Dr. William Shippen, Jr., and the beginnings of clinical teaching at Pennsylvania Hospital, John Morgan used his prominent social position and his impressive European reputation to found the first American medical school and place it under the auspices of the College. Of the five members of the faculty, all were trained in Europe and all but one had Edinburgh degrees. The ambitious program which Morgan outlined in 1765 in his *Discourse upon the Institution of Medical Schools in America* envisaged for the American physician what amounted to graduate education.<sup>37</sup> The same high requirements for admission were adopted in 1768 by the second American medical school, that of King's College in New York. But these high standards of entry, demanding a college degree or evidence of equivalent education, could not be maintained in the period of dislocation and reorganization of the Anglican col-

leges that followed independence. The university-based medical schools provided, nevertheless, what was for the time high-quality didactic training. More important, Pennsylvania and King's, followed before the turn of the century by Harvard and Dartmouth and, soon after, by Yale and by the University of New York, provided indigenous institutional nuclei for the professional movement in medicine. Together with the development of a medical press, this educational base strengthened the social ties of the early medical elites and reinforced the movement of association.<sup>38</sup> The local medical societies, since they began taking their first firm steps in the 1760s, had pressed the state for licensing legislation. Soon after the revolution, they began seeking the direct power to examine and license medical practitioners.

During the eighteenth century, lawyers in the colonial centers appear to have moved more decisively toward self-regulation than the physicians.<sup>39</sup> In the first century and a half of the colony, law had seldom been practiced full-time: "The few persons who acted as professional attorneys were at first mostly pettifoggers or minor court officers such as deputy sheriffs, clerks, and justices, who stirred up litigation for the sake of the petty court fees."<sup>39</sup> But the growing complexity of colonial life and government necessarily affected the volume and the sophistication of legal disputes. There was not only enough legal work to sustain full-time practitioners in both the bar and the bench; it was work complex enough to require knowledge of the English common law beyond what local custom had incorporated and used in previous decades. In the second half of the eighteenth century, it became increasingly frequent, especially among the wealthy Southern planters, to destine their sons to the bar and send them to the Inns of Court in London to secure admission. "Upon their return," says Alfred Z. Reed, "these constituted the social aristocracy of the profession."<sup>40</sup>

Although the legal profession in the colonies was as heterogeneous as medicine was, elites by social rank and training clearly dominated, as they did in medicine, the urban bars. In Virginia, for instance, "there was such elitism even within the bar that, by the time of the revolution, there was the framework of a divided legal profession on the English model."<sup>41</sup> Attorneys were, however, the most common type of lawyer and the elites of the profession strove to institutionalize a system of attorney apprenticeship with examination by the courts. Judges in parts of New England, the central colonies, and the South had allowed the country bars actual control upon admissions to membership. "The requirements they exacted for admission to their privileges were in some cases so severe as to justify the suspicion that they were more interested in fostering their own monopoly than in serving the state. The reaction against Federalist politicians was a factor in inducing the legislatures to sweep away the entire system."<sup>42</sup>

The revolution had a paradoxical effect upon the legal profession. While it disrupted and even shattered the upper bars—especially in the South, where they had been the most aristocratic—by forcing Tory lawyers into exile or retirement, it also raised the remaining elite to new heights. Called in great numbers to the bench and the government of the new republic, lawyers assumed the political and social prominence that led Alexis de Tocqueville to consider them the true aristocracy of America.<sup>43</sup> The Inns of Court could no longer provide American lawyers with a mark of

distinction; however, with the rise of supreme courts in every state and in Washington, a graded bar—linking admission to the higher courts to years of apprenticeship and experience and, indirectly to the possession of a college degree—appears to have developed and spread in the North, as an indigenous mechanism of professional stratification.<sup>44</sup>

Independence bestowed important new functions upon legal elites that had been, at the same time, decimated by its aftermath; it is therefore logical to think that ordinary legal practice had to pass into the hands of lesser and humbler men. In the economic depression after 1776, lawyers, specializing as they did in debt collection, foreclosures, and land deals, became an obvious target of public revulsion. The majority of practitioners could not claim, to defend themselves against popular hostility, the deference accorded to gentlemanly status. Nor could many of them claim the superiority derived from formal education: the few professorships in law that emerged after independence in the colleges, or the famous private law schools, such as that of Judge Tapping Reeve at Litchfield, catered almost exclusively to the elites.<sup>45</sup> The latter, protected by their less visible kinds of practice, by political office and by social rank, weathered out the Jacksonian attacks against the legal profession in the sanctuary of informal urban “inner bars.”

The imported professional models added a different kind of sanction to practitioners already stratified by wealth and social standing. But one should not exaggerate the effectiveness of these models. Even before the repeal of medical licensing laws and the weakening of apprenticeship requirements for attorneys in the 1830s, such legislation had been particularly difficult to enforce. In medicine, “while legislatures were willing to give licensing powers to medical societies, they were unwilling to enact laws which would have seriously deterred unlicensed practitioners.”<sup>46</sup> Few medical societies had, for instance, the right to revoke the licenses they awarded, and the penalties for unlicensed practice were most often very small, if they existed at all.

The forms of professionalism that urban elites were attempting to introduce in the Eastern seaboard failed in the face of the dispersed and decentralized reality of the country, where most practitioners worked in rural areas, relatively insulated from the social control of their peers or betters. What I have called traditional means or sources of prestige for the professional project were thus, in America, either precarious or of limited scope.<sup>47</sup>

*Autonomous* traditional means—such as privileged professional corporations and hallowed upper-class schools with established monopolies over high culture—were nonexistent or weak. The prestige of the older colleges was little more than local. Even traditional professionals did not necessarily share in a systematic class socialization such as that provided in England by the public schools and the two elite universities.

*Heteronomous* sources of prestige, rooted in the existence and legitimacy of “old” elites, were themselves disunited and provincial. The elites shared to a certain extent general conceptions of gentlemanliness and common cultural traits. Geographical and social mobility, however, increased the diversity of the ruling class. With the passing of mercantilism and the demise of the hegemonic coalition of Southern plant-

ers and Northern merchants, this multiplicity was also reflected at the level of national politics.

Furthermore, in a new-born nation where the majority of the population remained rural until the second decade of our century, the difficulty of establishing modern status-giving institutions of national scope was compounded by the lack of adequate communication between the various sections of an immense and expanding territory. This perpetuated the import of some communal or purely local sources of professional prestige long after the appearance of modern centers for the production of professional producers.

The absence of a *national* aristocracy and of centralized warrants of traditional status has a paradoxical effect on the collective project of professionalization. Because the United States were “born bourgeois,” the professional modernizers did not appear to be a sector of a rising class, as they did in nineteenth-century England, or a sector of a victorious class, as in revolutionary France. The appeal to merit and to a meritocratic ideology which underlies professional modernization acquires, in this context, an uncertain meaning: the invocation of merit based on superior training does not appear as one more element in the progressive ideology of bourgeois democracy. Rather, because the ideology of merit is not aimed at traditional preservers of the *ancien régime*, it comes into conflict with the ideology of egalitarian democracy and economic liberalism. The monopolistic tendency inherent in all projects of professional reform becomes all the more visible; meritocratic justifications are still too weak to legitimize closure of access. The absence of *central* traditional structures in the United States determined the characteristic fragmentation of the early professional project, while depriving it of the ideological unity that was inherent in the bourgeois challenge against corporate or aristocratic strongholds. In America, therefore, the ultimate success of professionalization as a collective assertion of status depended even more closely than elsewhere on the establishment of market control by modern means. This task, however, was itself attendant on the emergence and consolidation of national institutions and national frames of reference.

#### THE DISTENDED SOCIETY\*

The entry of the United States into a period of extended and remarkably rapid economic growth coincides, roughly, with Jacksonian democracy—that is, the twelve years between 1829 and 1841 in which Andrew Jackson and his chosen successor Martin van Buren seized the presidency “from the remnant of the republican elite.”<sup>48</sup> In the 1820s, the United States economy grew out of its colonial status—not because it was less dependent on foreign markets and foreign capital, but because growth now hinged on tasks of internal development and on the steady incorporation of new resources of land, labor, and capital. In the age of Jackson, the country experienced not only the wild boom of the 1830s but also the long depression of 1837–1845, which was the boom’s ineluctable sequel. Beyond the exaggerations and distortions of both the boom and the slump, one may discern, as Marvin Meyers

\*I borrow this term from Robert Wiebe in *The Search for Order*.

has suggested, the main features of sustained growth and of the coming economic order.<sup>49</sup>

"Reckless banking" was one of the main factors in the ups and downs of the economy. After Jackson, in 1832, vetoed the charter renewal of Nicholas Biddle's Second Bank of the United States, inflationary expansion of credit ran wild. In turn, the contraction that came after the first year of the crisis accelerated the downturn. Yet, considered together, Biddle's brilliant financial schemes and the expansionist inflation which followed the Bank war presaged the emergence of a modern credit system.<sup>50</sup>

In like manner, the frenzy of internal improvement of the 1830s did more than feed the boom and encourage deficit spending by many states. Canals, steamboats, and railroads, as determining factors of regional specialization and the emergent national division of labor, accelerated and directed the movement of a growing population toward the West and to the cities. Finally, the transportation enterprises were focal points of technical and organizational innovation.<sup>51</sup>

Land speculation, to which much of the capital created by credit was directed, was not merely a "bubble." For all their recklessness, investments in urban real estate or Western public lands reflected the directions in which the country was really moving: in the decade 1830-1840, urban population grew at a rate of 63.7 percent, against a rate of 28.1 percent for the population as a whole. In 1830, there were 90 urban centers of 2,500 inhabitants or more, of which 23 had more than 10,000; only New York exceeded 100,000. In 1840, out of 131 urban centers, 37 had 10,000 inhabitants or more, while three cities were in the 100,000-plus category.<sup>52</sup> While major waves of immigration did not begin until the late 1840s, the rate of immigration in the 1830s showed a substantial increase over previous decades.<sup>53</sup> At the same time, the population of the North Central region more than doubled. By 1860, despite large scale European immigration, the population of the Eastern seaboard was down to 51 percent of the whole, from 97 percent at the turn of the century.<sup>54</sup> By 1840, although two-thirds of the labor force were still engaged in agriculture, the non-agricultural work force was expanding more rapidly than the agricultural. Mining, manufacturing, construction, and transport together employed 829,000 people—14.6 percent of the whole, but almost one-fifth of the free labor force.<sup>55</sup>

In sum, what was established in this period were the bases of the United States formidable domestic market, and the pivotal axes of their economic growth: inter-regional trade, linking the budding Northeastern manufactures to the Central food-basket and to Southern cotton, and international trade, still dominated by cotton exports. This expanding intersectional trade fueled territorial expansion and induced the redistribution of population: migration into the Southwest and the North Central plains, indeed, appears to have followed the rising prices of, respectively, cotton and wheat.<sup>56</sup>

There are indications that social inequality was widening as the economy expanded. Census counts of wealth are not available before 1850. However, long-term trends derived from estimates and projections of the available evidence indicate "that inequality of wealth remained the same from 1800 to 1940 and then decreased a little, particularly among middle wealth groups. . . . A plutocratic elite emerged

at the turn of the [nineteenth] century but it did not fundamentally alter the share of wealth held by the top 1 percent of persons. The main point is that there already was strong inequality in 1860, 1870, and earlier."<sup>57</sup>

Projections back to 1810 permit to support the hypothesis of consistent wealth inequality throughout the nineteenth century.<sup>58</sup> With roughly similar distributions in a rapidly growing economy, the amount of wealth held by the very rich obviously becomes much greater and much more visible. The most significant changes concern the sectoral and regional concentration of the economic elite. In 1860, "there were 4 million slaves valued at perhaps \$4 billion or 15 to 20 percent of our national assets," writes Lee Soltow.<sup>59</sup> If slaves are considered as property—and, according to some estimates, even if they are not—Southerners appear to have constituted a disproportionately large section of the antebellum economic elite: "Three of every five men were from the South in 1860 compared to one every five after the war. There were 70,000 Americans in 1860 with wealth of \$40,000 or more, and 40,000 of that number lived in the South. There were 7,000 Americans ( $N_x = 0.001$ ) with wealth of \$111,000 or more, 4,500 of whom lived in the South."<sup>60</sup> The Civil War brought to an abrupt end the privileged position of Southern planters. The destruction of slave property by emancipation reduced inequality among Southern whites, bringing it to Northern levels; Southern inequality was obviously much higher if blacks are counted in the population.<sup>61</sup>

Industrialization and urbanization, coupled with the large-scale influx of foreign-born immigrants, confirmed after the Civil War a trend that had been visible since the eighteenth century: the distribution of wealth became more unequal in cities than in rural areas. In 1870, the top 2 percent of adult men in urban areas owned 48 percent of urban wealth; in rural areas, the counterpart owned only 26 percent. Despite the apparently more egalitarian distribution of wealth among farmers, the bottom half of the curve was propertyless in both urban and rural areas: 40 percent of non-farmers owned 99 percent of urban wealth; the same percentage of farmers owned 95 percent of property in rural areas. In fact, the differences between urban and rural areas concerned only the rich and the well-to-do.<sup>62</sup>

Inequality in some rural areas must have been more visible before the destruction of the Southern slaveowning plutocracy and the Anti-Rent movement of the 1840s against the last quasi-feudal landlords of the Hudson Valley. But the growing commercialization and complexity of agriculture was creating elsewhere new lines of social differentiation: differential access to transportation and credit, and the differential impact of price fluctuations and soil erosion, were agents of stratification among the small wheat farmers of the North and West Central regions. More importantly, expensive mechanization (in a land where labor shortage was chronic) was widening the spectrum of rural inequality, as was the federal land policy, which encouraged speculative monopolization by large bidders. In agriculture as elsewhere, the number of wage-workers was growing outside the South throughout the period 1800-1860.<sup>63</sup>

In cities such as New York, the term "millionaire"—applicable only to twenty-one rich men—was becoming fashionable in the early forties.<sup>64</sup> Tocqueville's prediction that a narrow and harsher "aristocracy" would be spawned by industry in

democratic societies had become true by mid-century in the leading urban centers. Below that thin crust, caste and class lines were hardened as a consequence of large-scale immigration. Pauperism, which had been a not uncommon, though perhaps unobtrusive, feature of American cities before the 1830s, increased dramatically during the Jacksonian period, in large part as a consequence of protracted unemployment after 1837. Before the depression, inflation had kept real wages stagnant. The economic crisis smashed the incipient labor movement, composed chiefly of native artisan and skilled workers.

Obviously, there is nothing new in the hardening of structural inequalities that accompanies a period of rapid capitalist development. Nor is it surprising to find that caste lines based on race and ethnicity fuse with class domination and exacerbate the distance between social classes and status groups. But it is interesting that increasing—or, at least, increasingly visible—social inequality should coincide with the age of Jackson, hailed by contemporaries as well as recent historians as the Era of the Common Man and the Age of Egalitarianism.

This ideological interpretation appears to be founded on the democratization of the political process. The extension of suffrage to practically all white male citizens had been achieved, in almost every state, before large-scale immigration—that is, before the hardening of class and status lines and before the Protestant Crusade and the Nativist reaction. The extension of the franchise preceded the victory of Andrew Jackson, although it was completed during his presidency and was followed by other electoral changes of sweeping importance. Not that the nominating convention or the general ticket system actually gave "Tom, Dick, and Harry" access to political office and control over the nomination, election, and performance of their representatives; but these procedural changes laid the ground for the rise of a new kind of political party. For the first time, parties had to mobilize a large electorate in a new system, which made presidential elections into the cornerstone of American politics. "The political machine," says Marvin Meyers, "reached into every neighborhood, inducted ordinary citizens of all sorts into active service. Parties tended to become lively two-way channels of influence. Public opinion was heard with a new sensitivity and addressed with anxious respect. . . . As never before, the parties spoke directly, knowingly, to the interests and feelings of the public."<sup>65</sup>

The most significant dimension of Jacksonian democracy thus appears to be the rise of a political marketplace, dominated by a new brand of full-time politician, working within the apparatus of a party. The Jacksonians had an initial advantage in the new politics which they had largely contributed to create. Their skill and their success with the new methods and roles of electoral politics spurred their adversaries to rapid imitation. On both the Jacksonian and the Whig sides, "professional" politicians appear as the era's "true self-made men, moving freely up the ladder of their political society, ideally suited to command the great pragmatic party organizations of their time."<sup>66</sup>

The egalitarian and anti-aristocratic rhetoric of the age was by no means a Jacksonian prerogative.<sup>67</sup> The Democrats may have been quicker to seize its political potential, especially since egalitarianism responded to the sentiment of at least one sector, urban and radical, of their constituency. But despite the role played in Demo-

cratic politics by low-status New York ethnics and Loco Foco radicals, there is little evidence connecting party preferences to clearcut class differences.<sup>68</sup>

The historical context of the Jacksonian coalition is defined by rapid economic development, profound social dislocations, and objective democratization of electoral politics. In this larger framework, "the chief Jacksonian policies—opposition to special corporate charters, hostility toward paper money, suspicion of public enterprise and public debt—do not patently contribute to the needs of a distinctive class following."<sup>69</sup> But these policies correspond to an era of economic and territorial expansion placed under the sign of *laissez faire*.<sup>70</sup> Indeed, it is tempting to see the destruction of mercantilist restrictions upon the market and the emergence of a political marketplace under the ideology of democratic equality as the structural and the superstructural manifestations of the same historical process. *Laissez faire* is obviously the ideological zone where political and economic liberalism merge. In the age of Jackson, the faith in the progressive working of the market which appears to pervade all levels of society acquires moral and quasi-religious overtones: the hidden hand of the market is, indeed, the secular manifestation of the divine providence. This theme is explicitly sounded in the writings of the radical libertarian William Leggett: a government which recklessly interferes with nature, with "an overruling Providence," bears responsibility for the spreading social inequality and the injustice which rewards hard-working common people. The government of the Whigs and the Bank has fallen prey to the ambitions of "the consumers, the rich, the proud, the privileged";<sup>71</sup> to this narrow constituency, it grants special monopoly rights and, most specifically, chartered banking privileges. Monopolies negate at the same time free trade and equal rights; they cause "the extremes of wealth and poverty, so uniformly fatal to the liberties of mankind."<sup>72</sup> For Leggett, as for any good Jacksonian, the Monster Bank is the prime agent of destruction of a "natural," hence a harmonious, social order; it is the prime source of economic insecurity, of social dislocations and social changes alien to the American republic. The Bank must be relentlessly opposed "until every vestige of monopoly has disappeared from the land, and until banking—as most other occupations are now, and as all ought to be—is left open to the free competition of all who choose to enter into that pursuit."<sup>73</sup>

In typical Jacksonian fashion, Leggett is, in fact, seeking here a simple explanation for the passing of an idealized social order. Despite great differences in their articulation, less radical advocates of free trade than William Leggett sound a similar ideological theme: *laissez faire*, fused with democracy, is vested with a function of moral and social restoration.<sup>74</sup> Liberalism ideologically separates the impersonal, self-regulating market from society; but here the market is expected to return society to an original state of grace: stable, ordered, cohesive communities, which admit no special privilege, permit no alien aristocratic ambition. Untrammelled competition, paradoxically, will correct the ill effects of excessive fluidity in a society frantically engaged in economic expansion. This contradiction has its poignancy. As Marvin Meyers puts it, the Jacksonians selectively refuse to see that *laissez faire* leads, precisely, toward "the city, the factory, the complex market and credit economy," constantly producing fetters to its own working. The heart of the Jacksonian paradox lies, thus, in an impossible reconciliation.<sup>75</sup>

Paradox, indeed, may be the appropriate ideological characteristic of a transitional phase. The task before us now is to see how various professions experience and respond to the paradox and to the contradictory forces of the age: general economic growth and decline of particular areas; emergent national economy and local institutions; political egalitarianism and social inequality; old elites and new wealth; rejection of monopoly and need for expertise; defense of competition and recognition of the corporation as a legitimate economic unit; in short, free trade along with free development of the forces that undermine it.

#### THE PROFESSIONS IN A PHASE OF TRANSITION

Professional elites—in the traditional sense of gentlemen with a liberal education who got their specialized training through apprenticeship—were closely identified in America with the intellectual and patrician elites that presided over the life of the new nation in its first decades. This closeness logically included the professions in the deep-seated suspicion of monopolized privilege. Spokesmen for the incipient trade-union movement could thus declare, as Frederick Robinson in the early 1830s, "the capitalists, monopolists, judges, lawyers, doctors, and priests . . . know that the secret of their own power and wealth consists in the strictest concert of action. . . . Unions among themselves have always enabled the few to rule and ride the people."<sup>76</sup> Or, with clearer class consciousness: "The merchants may agree upon their prices; the lawyers upon their fees; the physicians upon their charges; the manufacturers upon the wages given to their operatives; but the *laborer* shall not consult his interest and fix the price of his toil and skill. If this be the *law*, it is unjust, oppressive, and wicked."<sup>77</sup>

With the working class still predominantly composed of craftsmen and aspiring small entrepreneurs, the attack upon inequality could easily be translated by the Jacksonian movement into a *laissez faire* demand for equal starting chances on the market. Opposition to the professions' entry requirements, on the other hand, would be particularly attractive to "upwardly mobile groups, including men who wanted access to professional standing on terms less stringent than had developed in the latter part of the eighteenth century."<sup>78</sup> The public appeared to support the leveling movement not only out of anti-aristocratic sentiment, but also out of mistrust and resentment of the power professionals derived from monopolized knowledge. In this fear, Richard Hofstadter has seen the first powerful manifestation of American anti-intellectualism. He writes: "[The Jacksonian movement's] distrust of expertise, its dislike for centralization, its desire to uproot the entrenched classes, and its doctrine that important functions were simple enough to be performed by anyone, amounted to a repudiation not only of the system of government by gentlemen which the nation had inherited from the eighteenth century, but also of the special value of the educated classes in civic life."<sup>78</sup>

Richard Shryock, the historian of medicine, holds a similar view. Americans, he says, proclaimed their right to "life, liberty, and quackery." In his view, "the masses seemed incapable of appreciating superior training in any profession and to the degree that they came into political power they were likely to lower training

standards."<sup>80</sup> One by one, the states abrogated restrictions on unlicensed medical practice or repealed the legislation that medical societies had painstakingly obtained before the 1830s.<sup>81</sup>

Lawyers, in their role as agents of the wealthy, were an even more obvious target of popular suspicion than regular physicians—with whom, after all, few common people had much contact. "In 1800, fourteen out of nineteen jurisdictions required a definite period of apprenticeship. By 1840, it was required by not more than eleven out of thirty jurisdictions. By 1860, it was required in only nine out of thirty-nine jurisdictions."<sup>82</sup> In the 1840s and 1850s, New Hampshire, Maine, Wisconsin, and Indiana (the latter in its constitution) declared that law practice in all courts was open to any voter of "good moral character."<sup>83</sup> In this climate, local bars disbanded, and efforts to form new associations were doomed to failure.

Since the Great Revival of the 1790s, the public's espousal of "a warmer, more exciting, but less authoritative ministry" had likewise been challenging the pre-eminence of the traditionally educated clergy.<sup>84</sup>

In tune with the times, the principles of *laissez faire* and wide-open access were thus apparently extended to the narrow professional markets, leaving competition as the ultimate judge of skill. The roots and the consequences of this deregulation of professional practice are, however, complex and ambiguous enough to warrant cautious judgment. Equating the Jacksonian impact with straightforward "anti-intellectualism" seems more questionable than seeing in it the affirmation of a particular conception of education: instrumental and utilitarian, it was suited to the needs of an expanding territory, and also to the anti-aristocratic rhetoric of the age. Demands for free public education were a constant theme among the "common people" and a particularly strong concern of the Workingmen's parties. The popular conception of education was then, as it had been since the eighteenth century, a "non-intellectual" one, chiefly concerned with preparation for the business of making a living, but it was not necessarily opposed to schools as such.

As the country expanded westwards and as cities continued growing, proprietary schools appeared everywhere for instruction in medicine. Though they were predominantly didactic and often unabashedly commercial, they made some sort of medical education accessible to a large number of students, providing a focus for the crystallization of intellectual (or sectarian) tendencies among a population of otherwise scattered practitioners. The textbooks written by their faculties and the demonstration of therapies in their free clinics contributed to the standardization of practice, even though it was based chiefly on ineffective therapies and speculative theoretical systems.<sup>85</sup>

The pattern was different in the law: modeled on Judge Reeve's successful school, many private law schools appeared on the Eastern seaboard. But their mortality rate was heavy: by 1830 there were only six law schools in all the country, all but one—Judge Reeve's Litchfield—affiliated with colleges. The lack of success of the early private law school reflects the decline of admission requirements in the age of Jackson, but also, in part, the rise of a related market: that of good common law textbooks, which provided for ambitious students the needed complement to the traditional system of apprenticeship. Private, non-collegiate law schools did not multiply until



the last decades of the century; by then legal education had available, in Harvard Law School, a leading model of reform.<sup>86</sup>

In medicine, most especially, competition for students among proliferating schools—or competition between school graduates and practitioners licensed by medical societies—tended to offset the common fight against empirics and to drive down educational standards everywhere. Thus “Harvard, where the standards were as high as anywhere about the time of the Civil War, awarded the medical doctor’s degree to any candidate who could pass five out of nine oral examinations all taken on the same day.”<sup>87</sup>

In a time of increasing social diversity, *laissez faire* in the professional markets multiplied the acceptable definitions of professional practice and professional services, diluting but not directly confronting the standards that had been set earlier by Eastern professional elites. The institutionalization of sectarianism in medicine and the lowering of educational standards in all established professions must have confirmed, in turn, the common man’s belief that professional education and competence were not such that they could justify privileges and exclusiveness.

With a few exceptions, the multiplication of entry points into professional practice broke the ties that the professions—or, rather, their elites—had formed with the classical college. The latter, however, remained a center for the production of clergy-men. Expansion and new settlements were thus accompanied by a proliferation of denominationally sponsored colleges. In a manner consonant with the themes of Jacksonian *laissez faire*, sectarian competition between the Protestant churches was inspired by the desire to maintain or reconstitute social homogeneity and cohesiveness. “The denominations,” says Hofstadter, “not only desired to educate their ministers locally and inexpensively, but wished to keep their co-sectarians in colleges of their own, lest they be lured out of the fold.”<sup>88</sup>

These colleges were, most often, little more than classic grammar schools—and not too good, either, at teaching the classical curriculum. But they bore the name of college and some times that of university, thus contributing to civic pride and to the boosting of real estate values. Since traveling costs were often more prohibitive than tuition, local colleges provided local boys with the means of getting a degree, if not always an education.<sup>89</sup> The inevitable devaluation of the college degree that ensued from this scattering of educational resources added to the ambiguity with which education was regarded—it was desired as a means of social distinction, but disparaged as impractical and aristocratic, at least as it was given in older colleges and in the more recent state “universities.”<sup>90</sup>

Many currents thus converged, in the Jacksonian attack upon traditional professional elites and their standards, in the widespread sentiment that professions were imperfect and undeserving. There was, first, pressure for access from upwardly mobile men and an anti-aristocratic, instrumental conception of education; these two elements did not merge, as they did in England, into more stringent and modern standards of training and testing than those of the established elites. This lack is in part explained by a second factor: the expansion and diversification of American society, which facilitated the segmental proliferation of professional definitions. Territorial expansion demanded geographical dispersion of training facilities, while

localism and the pluralism of elites suspended the need for standardization according to one central set of guidelines. There is, thirdly, democracy in politics and feelings, which opens up political ways of challenging elitist preserves, while asserting that reason and public opinion are the best legislators of professional competence, and indeed the only acceptable ones for a free and enlightened people. As Charles Rosenberg has remarked, “successful Americans no longer assumed without question the desirability of a stable graded society. No longer did maintaining the status of the learned professions play a part—a necessary part—in maintaining the stability of society itself.”<sup>91</sup>

While economic development and societal “distension” corroded the traditional supports of every “old” profession, their effects were perhaps strongest on the profession that had been the most closely identified with community life—the Protestant clergy, of which the New England Congregationalists provide a clear traditional example.

The services of the ministry are not transacted on a market; for this reason, I have not included the clergy in my analysis of professional modernization. In the present context, however, the response of a section of the clergy to the decline of its traditional base illustrates one solution to the loss of professional status.

In New England, the institution of permanency or lifetime tenure had embodied the moral, social, and legal bonds between a pastor and his community. Permanency was central to the traditional conception of the ministry among the New Hampshire Congregationalists studied by Daniel Calhoun.<sup>92</sup> Since the eighteenth century, the entry of other denominations into New England had challenged the Congregationalist orthodoxy, while the ordained itinerant ministry of Methodists and Baptists came as an alternative to the declining institution of permanency. The continuous opening of new territory called for a recruitment effort which, in turn, increasingly brought to the fore the Methodist model of the clergyman, more responsible to the church at large than to a concrete and specific community. In fact, the move westward had a more dramatic and direct effect upon permanency than interdenominational competition or the new models for the ministry. The opening of the new agricultural areas of the Midwest signified, especially after the great improvements in transportation of the 1820s and 1830s, a general economic decay for rural New England. The supports for the traditional way of being a minister were simply cut from underneath the localist clergy of all denominations in most small towns. By the 1830s, the collapse of permanency in most of New England could be read in the shorter and shorter terms served by pastors, in the prevalence of “acting” over “settled” ministers, in the growing number of destitute parishes, decimated by migration, which could not support their ministry.

Calhoun’s careful study shows that this collapse was accompanied by the slow growth of “a differentiated labor market among what had been a fairly homogeneous profession, a market within which . . . there existed routine channels for the movement of individuals from one segment to another.”<sup>93</sup> By mid-century, a career line had emerged within the urban parishes and the central organization of the church: “Those who reached a large town church only toward the middle of their lives generally continued to operate in the large town circuit. But those who got to the large

town circuit while they were still in their thirties stood a fair chance of moving on to public careers in city churches or in the religious bureaucracy."<sup>94</sup> While small-town work was increasingly relegated to marginality, embryonic attempts to bend the organization of the church to a professionalized conception of the ministry emerged in urban and educational centers from the 1840s on. Separated from the laity, clergymen were to seek as a body, among themselves, new bases of professional status; while revivalists distinguished themselves from the laity by fiery preaching, the new breed of Congregationalist ministers would seek this distinction in a learned and autonomous elaboration of theology.<sup>95</sup>

Unlike doctors and lawyers, the New England Congregational clergy faced this period of disestablishment and transition within the protective framework of a central organization. Throughout the decline and the collapse of permanency, the continued existence of a central church allowed at least some ministers to envisage a solution for the profession's problems. This solution was bureaucratic in tendency: new careers emerged along the lines of a stratified labor market which coincided with the articulated hierarchy of the church. Toward the top of this hierarchy, leading ministers could then attempt to constitute themselves into a corporate body, distinguished and justified by its monopolistic control of esoteric theological knowledge.

If we turn, now, from the old profession of divinity to the new profession of engineering, we find that incipiently bureaucratic organizations also play a crucial role as sources of professional respectability and as matrices of career. The rise of the first engineering specialties—before the Civil War, only civil and mechanical engineering—coincides, in fact, with the emergence of large-scale enterprises concerned with public works and transportation in the first quarter of the nineteenth century.

Before that time, the best guarantees of competence a "technical deviser" could provide had been those of proprietorship and personal involvement in the risks of economic enterprise. The superior training of foreign engineers was recognized, when they happened to be available, as was the superiority of the few engineers trained at West Point or, after the 1820s, at Partridge Academy in Vermont. Native engineers, however, were chiefly trained on the job: "It was commonly expected that any large public works would become a 'school' for engineers,"<sup>96</sup> as did the railroads for mechanical engineers in the 1830s.

In the context of the largest economic organizations of the time, ownership could no longer function as a guarantee of competence. The warrant was sought in a merging of expertise with organizational rank, itself certified by the reputation and success of the organization's undertaking. At the beginning, expertise was not easily conceded by the project supervisors: "The construction of canals is an art within the complete attainment of ordinary capacities. All its rules have been fully explained by eminent engineers, who have written treatises on the subject," wrote two commissioners of the New York Canal System in 1816.<sup>97</sup> Hidden in this denial was the desire to promote Americans, rather than hiring more professional Europeans. But it is interesting to compare the commissioners' conception with the recommendations of their counterparts for the Susquehanna and Delaware Canal and Railroad Company

in 1832. The latter explained: "In the selection of an Engineer, the Commissioners sought to obtain the services of a gentleman already advantageously known; unpromising in the performance of his official duties, and in whose report, calculations, and estimates, an enlightened public and the moneyed interest might safely rely."<sup>98</sup>

From being an undifferentiated occupational category, whose respectability was subordinated to the ownership of capital, the civil engineers had become a distinct and respected professional group. While proprietorship used to be the best guarantee of technical competence, technical competence was now presented as a guarantee to proprietors.

On the basis of a gradually asserted competence, engineers moved into the structure of management and, finally, moved to translate their technical and managerial attributes into general social recognition. From 1839 on, in the midst of a depression in which over-investment in public works had played a major part, we find civil engineers concerned with organizing themselves on corporate bases in opposition to entrepreneurs and financiers. Despite the urgency of their economic plight, their efforts did not succeed in the 1840s; they were hindered, among other things, by geographical dispersion and the transiency of employment in the long recession. The first stable association of American civil engineers was not established until 1867, at a time when the opening of land-grant colleges and the emergence of modern universities was ushering in a new phase in the professionalization movement.

In the earlier phase, however, the engineer had completed his separation from the mechanics and engine drivers who, for some time, had appropriated his occupational name. As his technical knowledge became firmer, the engineer acquired a stepping-stone for scaling the ranks of management in the large projects where he was trained. As early as 1838, "superintendent" was, in the railroads, a salaried management position with technical prerequisites. Professional self-consciousness sprang from these ranks.<sup>99</sup> Also, the information which engineering cadres had acquired made them obvious choices for the role of commissioners. For the chief engineers, responsibility for inspections, repairs, and maintenance of the finished works led directly into stable administrative functions. Through the organization, the engineer—who had always had the function of representing the interests of capitalists and sponsors vis-à-vis contractors and craftsmen—found a path that led close to the owners' social status. This meaning was not lost upon contemporaries. Thus, in the 1830s, the Professor of Moral and Intellectual Philosophy and Political Economy at Union College could see in the factory a "perfect series of employments ascending, regularly, from the carding room to the throstle-frame, from the throstle-frame to the office of Superintendent, Engineer, or even Proprietor, each employment calling for greater intelligence and skill than the last, and each proportionately more lucrative and more respectable."<sup>100</sup>

This was largely a myth. For instance, the elite of mechanical engineers almost to the end of the nineteenth century was predominantly formed by gentlemanly owners of Eastern machine shops, not unresponsive to talent, but tending to recruit their apprentices primarily within their own high social class. This same elite, how-

ever, defended its prerogatives against the pretensions of engineering teachers and graduates, extolling the machine shop as a prototypical channel of upward social mobility.<sup>101</sup>

Civil engineers, on the other hand, had striven from early days for social recognition on the basis of a distinct professional status, ideally modeled on the "free" professions of medicine and the law. As Calhoun remarks, "for the civil engineer, even earlier and even more than for the mechanic, the Proprietor was increasingly a body politic or corporation."<sup>102</sup> This position marks the civil engineer as the first incarnation of the "organization man." His location in the largest economic enterprises of his time justifies Edwin Layton's general observation that "the scientifically trained, professional engineer has characteristically appeared on the technical scene at the point of transition from small to large organizations."<sup>103</sup>

In the emergence of the civil engineer, his particular links to the economic elite fuse with aspirations to a gentlemanly professional status; he thus appears to transfer some of the components of traditional professionalism into emergent bureaucratic organizations. With the increasing rationalization and depersonalization of management, the dependence of the engineer remains, but gradually loses the traditional aspect of assimilation into the high social status of the owners or sponsors. The paradox of the civil engineer in a transitional phase resides in his double function—technical and managerial; the managerial function ties him to the capitalists, at the same time that it opens for him a clear upward path which leads to social prestige through the organization. Dependent and upwardly mobile, the civil engineer stands perhaps as the first and clearest model of collective social ascension through a heteronomous organization.

Both engineering and the Congregational ministry were atypical among antebellum professions, since their members were mostly salaried, and not "free" professionals. They illustrate, however, a tendency at work in very different contexts: as communal supports wane, the social prestige of these professionals tends to be founded or reconstituted upon incipiently bureaucratic organizations. The ministry was losing its traditional identity, and found a bulwark of strength in an organization which it largely controlled and which gave it the means to continue recruiting, by providing different promises of career. Civil engineering, whose traditional identity was uncertain in the American context, gained the means of individual career and the means of collective social recognition through organizations which it did not control.

We must now turn briefly to the "free" professions of the law and medicine, to examine what trends emerge from their responses to the erosion of traditional community supports.

There can be no doubt that the lowering of admission standards to the bar in the Jacksonian 1830s made it considerably easier to achieve the status of attorney than it had been in the early years of the republic. Yet, as Alfred Z. Reed has noted, "the precise privilege that was widened . . . was the privilege of admission into this profession, not the immediate privilege of practicing law. There remained the institution of admitting courts with power to pass upon the noneducational qualifications that the applicant must still satisfy."<sup>104</sup>

On the one hand, the substance of the law was not ultimately determined by the bar, but by the legislature and the bench. This dependence of the bar upon external elements of arbitration and regulation prevented disagreements about the nature of the law and legal practice from crystallizing into sectarian divisions. On the other hand, judges could favor a certain kind of recruits to the bar and exclude others, thus maintaining a measure of homogeneity. The evidence is that they tended to do so. "Good moral character," indeed, could only be effectively proved within the narrow confines of a community, where the provision could be used to reject the occasional deviant. Beyond those confines, evaluation of character allowed for the relatively free play of social ostracism, which was first directed against the Irish lawyers and later, notoriously, against Jews, blacks, and women.<sup>105</sup> It is significant that despite the multiplication of legal functions and the decline of standards of admission, there were fewer lawyers at the end of the Jacksonian period than there were physicians or clergymen.<sup>106</sup> After admission to practice, the profession had other ways of enforcing conformity to standards. "For all the talk of Jacksonian democracy and for all the changes in formal rule," says Robert Stevens, "there seems little doubt that in major cities like Boston the leading members of the bar played a role, led a life, and enjoyed a status little different from that of their counterparts in 1800 or 1900."<sup>107</sup>

We shall presently see what new forces were operating in the definition of these urban legal elites. It appears, though, that social origins and formal education still qualified "the better class of applicants" to the bar: "by the simple device of professional ostracism, directed against those who insisted upon entering under the statute, a 'regular' or inner bar came into existence."<sup>108</sup>

The education of the "first-rate" applicants to the bar was a far cry from what it became after the 1870s under the influence of Langdell's Harvard Law School. Judge Story's law school at Harvard, or the New Haven private law school which Yale took under its wing, were little more than institutionalized and formalized apprenticeships, marked by an increasingly trade-oriented practicality. Students who were not admitted to the liberal arts college were often allowed into its law school. Under the pressure of competition for students, standards of entry were lowered and the aspirations to found legal training on general education in the classical curriculum were all but forgotten.<sup>109</sup>

Such standards of scholarship and training in the law as there were flourished around the higher courts. They were in evidence in the most settled parts of the frontier—for instance, in Ohio or at Transylvania University in Kentucky—as much as in the East.<sup>110</sup> The frontier admitted a greater variety of forms and styles of legal practice than the older cities of the seaboard. Yet even where itinerant courts remained predominant, this typical frontier institution generated informal regulations and a measure of discipline in the circuit bars.<sup>111</sup> Conviviality among the "gentlemen of the law" and a sense of fellowship which obviously excluded the socially unacceptable were powerful agents of conformity and cohesion. A rich social life revolved around the circuit court, accounting for the nostalgia with which lawyers recalled its days after it passed. In an open, public context, what singled out legal talent to a lawyer's peers and to his potential clients was not certified training but

demonstration of forensic bravura, not unlike the fiery, romantic powers that revivalists were expected to manifest in their preaching.

The circuit system appears to have successfully performed the regulatory functions that more formal bar associations attempted to take over in later years.<sup>112</sup> In the circumstances surrounding the decline of the itinerant court we may discern, however, the need for different kinds of legal talent and the growing stratification of a settled bar.

The waning of the circuit bar was not merely a matter of changing styles in consolidated communities. Looking at Cumberland County in Tennessee, Calhoun finds that the circuit system, introduced in 1809, was already in decay by the 1820s. While legal practice in the stable court systems tended to be concentrated in the hands of a few lawyers, the itinerant bar provided an alternative and a way to reduce competition between practitioners. Lawyers were forced to "go on the circuit" by the internal stratification of the profession much more than by the meagerness of small-town legal practice: "Except in very small or very new counties, a fair amount of business was available in any one place; but the control that a few lawyers had over most of this business meant that the marginal and the middle-level practitioner had to scour widely to get enough for himself."<sup>113</sup>

Thus, for variable lapses of time, the circuit system appears to have functioned as a legal market complementary to that of the stable courts. As the volume of legal business increased, the circuit gradually lost this function. The internal stratification of the bar, manifested in earlier years by the differences of status and style between circuit and stable lawyers, took other forms. Stable partnerships and specialization became the principal factors of differentiation among lawyers in the central court systems. Partnerships allowed increased efficiency in handling legal business; at the same time, they were means for integrating out-of-town practitioners while preserving the leadership of local lawyers. From the 1820s on, the main line of specialization in Tennessee was debt collection. Lawyers of middling prestige appear to have replaced the complementary market and the relative security of the circuit courts by specialization in debt collection, which they advertised in newspapers as far east as Philadelphia. Elite practice, on the other hand, became increasingly characterized by "connections"—and, most significantly, by business retainers and out-of-court negotiations.<sup>114</sup> Debt collection came to symbolize the internal cleavage of which the circuit bar had once been a more colorful and personally gratifying expression.

Even before the Civil War and in a relatively "underdeveloped" frontier area, Calhoun's study uncovers the effects of a general trend that was shaping the evolution of legal practice: an external factor—namely, the increasingly diversified and novel legal needs of important business clients—was promoting the specialization and the stratification of the bar. Responding to this external impulse, elite lawyers tended to move away from litigation toward out-of-court negotiation and counseling. By mid-century, lawyers for the major economic interests—that is, for the public and private corporations, and in particular for the railroads—were beginning to replace the brilliant courtroom pleaders at the top of the emergent professional hierarchies.<sup>115</sup> As their clients' interests came to range wider and wider across the nation, so the

regional scope of these lawyers' work broadened and so their regional specializations were coordinated. The role of this new legal elite was obviously far from being as prominent as it would become in the 1880s and after. Yet the characteristic privileged relationship between "big business" and the top echelons of the legal profession was already perceptible toward the end of the Jacksonian period.

At the other end of the profession's emerging hierarchy, routine work such as debt collection was increasingly sloughed off to rank-and-file lawyers. At the same time, there was a tendency for the courtroom to become the favorite arena of the non-established, for whom it still provided a means of gaining professional distinction and upward mobility. Secure in their largely commercial practices, elite urban lawyers no longer needed this public stage to swell their clientelae or establish their careers. Thus, at the New York Constitutional Convention in 1846, Calhoun finds some of these elite lawyers from the big city lending a hand to the leveling and decentralizing moves directed against the bar by a political coalition with nativist overtones. On the one hand, the professional status of the established urban lawyers would not suffer from the lowering of educational qualifications, since it did not depend on certified training but on the prestige and power of their clients. On the other hand, the number of lawyers was growing in the cities and centralized court systems provided an arena for the flamboyant eloquence of Irish upstarts and other potential competitors. Forgetting its own beginnings, the "inner bar" was now free to scorn spectacular demonstrations of forensic talent and to support a move for the decentralization of the judicial system.<sup>116</sup>

In this cursory examination, we have seen different types of external warrants of professionalism at work in the law: on the one hand, the traditional elements of social rank and community standing—fused, perhaps, with more uncertain standards related to training and competence—were recognized by the admitting courts and mediated, at least in the smaller communities, by informal mechanisms of social conformity. The hierarchy of the judicial system, we may assume, tended to reproduce the larger social hierarchy. On the other hand, as can be expected in a rapidly developing economy, the larger stratification system was changing under the impact of rising business interests; these factors of stratification were reflected in the incipient internal hierarchy of the legal profession. The emergent business corporation was drawing to itself new forms of legal talent, providing a structural support for a new type of legal elite, which had not yet moved to translate its de facto advantages into educational superiority.

The organizational resources which the law could derive from external factors—the judicial system and the growing importance of corporate business clients—were not available to medicine. The paucity and poverty of hospitals, as we know, had concentrated medicine's early organizational efforts on educational institutions. The proliferation of medical schools from the second decade of the nineteenth century on tended, in Abraham Flexner's words, to "tear from their moorings" the early, college-affiliated medical centers. As Flexner observed in his 1910 report, "the United States and Canada, have, in little more than a century, produced four hundred and fifty seven medical schools, many, of course, short-lived, and perhaps fifty still-born. One hundred and fifty five survive today."<sup>117</sup>

Even where they maintained university affiliation, these nineteenth-century schools were all proprietary enterprises, supported by student fees and serving their faculties well as sources of income (often very handsome) and referral networks. The initial investment could be very small. Hence, as Flexner later noted, a split among the faculty about the merits of a student or a new therapy was rarely fatal—it was likely, however, to lead to the foundation of one more school. The proliferation of medical schools in a “free medical market” was bound to reflect the growing sectarianism of the medical profession as well as the politicking and ambitions of professional leaders, even if they belonged to similar therapeutic and theoretical persuasions. This last aspect of medical dissension preceded, in fact, the legitimization of medical sects by various state legislatures in the second third of the nineteenth century.

In New York City, for instance, eminent physicians took turns in mobilizing support among the ranks of the county medical society and among the public authorities of the city and the state. These political maneuvers resulted, first, in breaking up Columbia’s *de facto* monopoly of medical instruction by the incorporation of the College of Physicians and Surgeons in 1806. Eight years later, David Hosack capitalized on the resentment of those who were excluded from the College and felt threatened by the fact that the latter’s degrees were equivalent to licenses. Hosack’s successful strategy was to amalgamate Columbia and the College. His group argued, quite correctly, that medical education could not progress until New York City had one single medical school.<sup>118</sup> The argument for monopoly of training reflected the notion that unification and standardization of instruction is a prerequisite for corporate organization and professional control of a market of services. Yet, in the case of Hosack and his coterie, the strategy was premature: in the 1820s, the county society succeeded in forcing them out of the College.<sup>119</sup> As Joseph Kett remarks: “Teaching medicine was a profitable calling and a passport to an increased private practice. Control of the city’s only medical school was too lucrative a prize for fair competition.”<sup>1120</sup>

Given the dynamics of exclusion and inclusion in a narrow professional market, one group could not muster sufficient technical and intellectual legitimacy to make monopolistic training acceptable; more importantly, no group in the profession could muster enough social power to extend the benefits of monopoly to the corporate body of the profession.

Calhoun has interpreted these political maneuvers as attempts to create substitutes for a nonexistent or uncertain pattern of career:

Repeatedly, men seeking the advancement denied them within the communal profession tried to expand their chances by using the whole population of practitioners as a base on which to erect new, more elaborate, more formal, less personalistic institutions. Just as often, the narrower population of socially responsible practitioners worked to cut any new institutions back within the scope of community life. . . . Each level of dispute sloughed off new factions into the local medical population, creating new bases for quarreling.<sup>121</sup>

In circumstances of cognitive disunity, the shift toward more impersonal or more autonomous ways of professional self-definition was dangerous for the profession’s collective fortunes: especially after the rise of homeopathy in the 1820s, the usual

intra-professional jockeying for control of the existing or projected institutions fused with deep disagreements about therapy and theory. This became blatantly evident in the controversies over contagionism during the cholera epidemics of 1832 and 1849.<sup>122</sup> Educated urban physicians “still retained the patronage of the wealthy, the educated, and the respectable.”<sup>1123</sup> During the epidemic, however, their public disagreements added fuel to the attacks that medical sects with lower class followings—of which Thomsonianism was the most popular—had been conducting against the monopoly of “doctor-craft.”

The case of New York City illustrates a more general conflict of interests between the two principal organizations of the young American medical profession: since most states recognized a diploma as a license to practice, the medical societies felt directly threatened by the schools. The practitioners whom the societies represented wanted to maintain licensing and apprenticeship as gatekeeping mechanisms, hoping to reduce the growing competition on the medical market. The societies, therefore, tended to attack the quality of teaching and training in the medical schools and to be, on the whole, more concerned about competition from school graduates than from untrained empirics. The schools, on the other hand, wanted to attract as many students as possible and to enlarge as much as possible the market for medical education. They could rightly point to the fact that their graduates were better trained and in more current medical matter than the average physician formed through apprenticeship. The conflict was resolved in favor of the schools: by 1830, according to William Rothstein, the prestige of a diploma far exceeded that of a medical society’s license.<sup>124</sup> The inevitable consequence was a further deterioration of the medical societies’ position, which accounts in great part for the general decline and abandonment of licensing laws in the 1830s and for the corollary of this process, namely, the institutionalization of sectarian medicine.

From the second decade of the nineteenth century on, the rise of patent medicines and of health sects—among which the most popular were Samuel Thomson’s botanic medicine, Wooster Beach’s eclecticism, and Sylvester Graham’s vegetarianism—undoubtedly irritated the orthodox doctors and even put them on the defensive, but it did not directly challenge the status or the clientele of the medical elites. What makes botanic medicine particularly interesting is the ardent adhesion of its leader to Jacksonian radicalism, an identification which perfected the fusion between Thomsonianism and democratic ideology.<sup>125</sup>

It was indeed easy to direct the Jacksonian denunciation of monopoly against the regular physicians’ efforts to obtain legal privileges, even if it was a gross inaccuracy to identify the average licensed physician with the “aristocracy” or the “idle rich,” as the Thomsons invariably did. The Thomsons saw the cause of botanic medicine “as intimately involved in a mighty reformation in which there was still much to be done to secure to the common man his rights in government as well as medicine.”<sup>1126</sup> Besides their attachment to democratic reforms, the Thomsons, like most other medical sectarians, incorporated with questionable logic but compelling force “the themes of nature, providence, and nationalism.”<sup>1127</sup> By comparison with the savage therapies defended by orthodox medicine, the “natural” therapies—temperance, healthy diet, cleanliness, and herbal or natural medicines—were undeniably more attractive and at least as effective. Sectarian medicine’s amalgam of

democratic and romantic themes, its fusion of physical and moral prescriptions, and its belief in human perfectibility established obvious affinities between the popular health cults and religious millennialism. But other sectors of the clergy, divested of their informal medical functions by the claims of professional medicine, also welcomed Thomson's emphatic assertion that every man should be his own physician.<sup>128</sup>

The defection of traditional, non-revivalist clergymen was seen as a betrayal by the regular profession of medicine. But despite these inroads in what the opponents of botanic medicine saw as their camp, Thomsonianism by itself does not appear to have carried much strength in the state legislatures; it needed other forces to heed its campaign for the repeal of licensing laws.<sup>129</sup> While Thomsonianism, with its mostly rural and lower-class following, must have made matters difficult for modest rural practitioners, it did not capture the wealthy urban bourgeoisies.

Things were different with homeopathy. The doctors who followed Samuel Hahnemann's system in America also incorporated, in much more sophisticated form than the Thomsonsians, a romantic cult of nature's curative powers and supreme arbitration. In some areas, homeopathy succeeded Thomsonianism and appears to have inherited both its practitioners and its clientele.<sup>130</sup> But the sociological differences between homeopaths and the earlier sectarian healers were most significant: homeopaths, in Europe as in America, were educated regular doctors who advocated a different kind of therapy and rapidly became fashionable among the upper classes. The character of their clientele, in turn, attracted to their ranks a "genteel" kind of practitioner, whom American regular physicians quickly dubbed a quack "of the drawing-room."

Given the state of pre-scientific medicine, the milder cures advocated by homeopathy had the great advantage of being harmless. More importantly, all healers, licensed or not, were equally ineffective; therefore, what chiefly made the reputation of the orthodox medical elites was their social position and formal education—as well as the class of their clientele. Homeopathy, therefore, broke the monopoly that regular medicine—of, more accurately, its urban elites—had had on these traditional warrants of professionalism.<sup>131</sup>

As homeopathy advanced and founded its own schools and societies in the 1830s and 1840s, the orthodox sect rallied against the challenge to its therapeutic practices. Homeopathy—which was often combined with eclecticism—was rapidly defined as the chief opponent of "true" medicine. In 1843 the Medical Society of Philadelphia opened the way by expelling all homeopathic doctors. In 1847, a group of New York regular physicians, unable to do the same in their county society, founded their own Academy of Medicine, from which homeopaths were excluded. In the same year, the American Medical Association was founded in Philadelphia as a voluntary society without licensing powers. What made it possible, according to Rothstein, was the unity wrought in the ranks of the regulars by the threat of homeopathic competition: medical school faculties, who wanted to get rid of their homeopathic rivals, formed an uneasy alliance with the practitioners who wanted to regulate the schools and rebuild medical societies. The A.M.A.'s Code of Ethics, adoption of which became a mandatory condition for membership in 1855, did not in itself define the homeopaths as "irregulars." Yet, arguing that homeopathy was used as "a trade-

mark," the A.M.A. physicians succeeded for a time in ostracizing not only the homeopaths, but the students and the regular practitioners who had at any time associated with homeopaths or other irregulars.<sup>132</sup>

Inherent in professional codes of ethics is an effort to standardize professional behavior which, in the embattled situation of American regular medicine, was clearly aimed at solving the problem of competing commodities on the medical market. The growing number of healers, both "regular" and "irregular," had indeed made competition very intense even in outlying rural areas.<sup>133</sup> The issue of standardization of fees loomed large for medical societies, as it had for their predecessors in the late eighteenth and early nineteenth centuries.<sup>134</sup> Competition made undercutting of fees a widespread practice, while the difficulty of collecting fees was undoubtedly "the most commonly aired grievance of American physicians during the 1840s."<sup>135</sup>

In a fragmented and harshly competitive market, economic survival was linked to the excessive number of practitioners. Regular physicians, moreover, faced the problem of enforcing discipline within their own ranks if they wanted to maintain their precarious distinctiveness. The supply of medical services had to be both reduced and standardized. With the licensing system in total decay, the only remedy was to force the schools to raise their standards for entry and graduation. The path chosen by the A.M.A. was thus to advocate unrealistic standards of preliminary education for medical school entrants or prospective apprentices, and to threaten with exclusion the schools or the masters that did not follow them. To adopt even much lower standards would have meant certain closure for lack of students for most medical schools.<sup>136</sup> The A.M.A.'s concern with standards reactivated the conflict between schools and apprenticeship in the newly founded medical society, despite the common opposition to homeopathy. The question of upgrading school standards also divided the elite from the rank and file of the profession.

Even before the founding of the A.M.A., important medical journals had supported the views expounded by Martyn Paine, a professor at the Medical College of New York City.<sup>137</sup> Paine argued that the unrealistic raising of standards, given the conditions of medical practice and general education in the United States, would turn away from any school, and into the ranks of empiricism, the hard-striving young men of modest financial means who constituted, in his view, the bulk of American physicians. Only two systems of medical education were possible in America: one that would preserve the decent, low-cost instruction offered by most schools, while admitting that an economic elite would be able to buy a superior education in a very few schools. The other system would raise requirements in all schools and thus reduce their number and the number of legitimate physicians. Because the need for medical services was real and widespread, it would be fulfilled by empirics or by apprenticed physicians, separated from the school graduates by an unbridgeable gap. Thus, as early as 1843, the problem of standardization of the medical practitioner—and hence of standard training—had been recognized as a central focus of organization and reform in American medicine and clearly linked to the issue of social access and exclusion. The A.M.A., however, which was not much more than another sect itself, did not have the social or intellectual power to advance uniformity. The conflict of interests in its constituency condemned it to weakness and ineffec-

ing the profession. Despite sectarian disunity, the medical school emerged as the major resource for professional organization. Where school and society succeeded in establishing a coalition, as in Massachusetts, proliferation was prevented; throughout this period, in fact, Harvard maintained its local monopoly of instruction.<sup>143</sup> Where the profession was too recent to have produced a recognizable hierarchy, as in the frontier state of Ohio, professional organization came from the state legislature, which retained control and limited the number of medical schools.<sup>144</sup> In most other situations, deliberate standardization of behavior and conformity with therapeutic and intellectual standards was sought by groups too small to have an overall effect on the profession, but prestigious enough to generate clusters of unified medical elites, based on the few vigorous institutions—schools or hospitals—that existed before our century. Paradoxically, however, the abandonment of licensing and the ease of access to a medical degree actually served to maintain the occupational identity of the profession, by conferring the title of doctor on a high proportion of medical practitioners.

Immediately after the end of the Civil War, the rise of the public health movement, which had earlier had to fight the sectarian excesses of the organized profession, began to enlist the efforts of urban physicians and to call for professionalism and expertise—both specific responses to the medical problems of the modern industrial city.<sup>145</sup> In the changed context of resources of the early twentieth century, these appeals contributed to the ideological legitimacy of medicine's successful reorganization.

The paradox of the Jacksonian period—political egalitarianism in a society where lines of stratification were hardening, despite the fluidity induced by economic development—appears to have been reflected in the situation of the major professions.

Economic development and the attendant social changes objectively undermined the professions' traditional communal supports, but the effect was uneven, and less significant than it would appear from the political attacks upon professional monopoly. Decentralization and geographical mobility across an expanding territory multiplied the possibilities of segmentation, reducing the impact of the political movement. The traditional professional elites of the Eastern seaboard had never succeeded in translating their local privileges into effective and extended monopolies, despite the legal advantages which they enjoyed before the 1830s. While formal guarantees of professional monopoly were abrogated during the Jacksonian period, informal social controls and bases of prestige could be maintained or reconstituted at the local level in both old and new communities.

Insofar as the choicest professional monopolies were based on grounds other than the manifest criteria of inclusion (formal education and licensing), the concessions to the common man did not establish open competition, except where it mattered less; the average and the marginal practitioners suffered from the exacerbated intensity of competition; but those professionals whom the upper classes identified as "their own kind" could maintain their advantages in the best sectors of the professional markets and rapidly move to monopolize new opportunities as they emerged. Thus, the enlargement of the professions brought about by the Jacksonian movement, and above all, by *laissez-faire* economic development, did not mean democratization.

tiveness until its reorganization at the beginning of our century. At the local level, the voluntary medical societies were far more active than their national counterpart and served at least the purpose of identifying the orthodox physician to potential patients. Yet, the local societies were caught in the inescapable and seemingly insoluble dilemma of exclusiveness: "Either they kept their membership requirements loose, in which case they could hardly claim to have purified their ranks, or they tightened requirements and lost any chance of presenting a unified front."<sup>138</sup>

Especially after the Civil War, this dilemma resulted, in fact, in an increasing divergence of interests between the rank-and-file and the elites of the regular profession. While "the younger, most active, and perhaps most ambitious members of the profession" voiced their concern with competition and an overcrowded market at the A.M.A. meetings, the elite physicians sought to erect a clear separation between themselves and the bulk of their colleagues.<sup>139</sup> Small, select organizations connected with a medical school or a hospital provided them with a mechanism. In the early associations of this type, elite physicians pressured for conformity: taking the New York Academy of medicine as evidence, Calhoun argues that elite "regulators" deliberately strove for mediocrity, driving down intellectual originality and intellectual ambition as potentially disruptive forces. Impersonality and uniformity offered a respite from chaotic individualism in a fragmented profession.<sup>140</sup> Later, as we shall see, specialism began to emerge as a new trademark of the elite physician and as a new and dangerous form of competition for the average general practitioner.

Challenged by homeopathy on scientific grounds, orthodox medicine could not muster, in response, a demonstration of therapeutic superiority. Skepticism about the curative virtues of the traditional pharmacopeia was not limited to the public; in the 1850s, the most cosmopolitan sectors of the regular profession began to adopt the spirit of "medical nihilism" that was becoming prevalent in major European centers.<sup>141</sup> However, before the rise of bacteriology in the 1890s, orthodox medicine could not offer any substitute for "heroic" therapies. The bulk of the profession, its self-confidence undermined from within, rejected the discredit cast upon its technical tools. The emergent orientation toward scientific medicine was therefore an additional factor of disunity, which compounded the conflict of interests between elite and average practitioners and condemned the inclusive professional associations to ineffectiveness.

Thus in the two decades before the Civil War, medical societies lost their licensing powers and voluntary associations could not unify a structurally disunited profession. Competing medical schools multiplied the definition of the medical commodity and tended to drive all educational standards down. American hospitals were neither teaching hospitals nor centers of scientific research; yet by mid-century they were providing an organizational base for urban medical elites and, in some cases, a locus where sectarian differences could begin to be dissolved by clinical cooperation. But on the whole, the status of the medical profession had never been as low.<sup>142</sup>

In sum, the decline of traditional warrants and narrow-based monopolies in the profession of medicine was met by a variety of resources, all of them insufficient to check the disintegrating effects of free trade on the medical market. Medical associations, deprived of their licensing powers, were by themselves incapable of reorganiz-