

Tocqueville and Self-Governing Persons in the United States

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Introduction

My preference is to live in a world where individual persons and other living things matter. This is why I favour democratic values which rest on the moral assumption that each of us has value ... even me. Lasswell and Kaplan define a democracy by “three characteristics of the power process:¹

“(1) Power is exercised with a maximum of self-responsibility ... incompatible with any form of authoritarianism, (2) ... the power process is not absolute ... Decisions are conditional and subject to challenge ... Democracy is incompatible with (the) arbitrary and uncontrolled exercise of power regardless of the majorities by which it is exercised ... and (3) the benefits of the power process are distributed throughout the the body politic.... Democracy is incompatible with the existence of privileged castes.”

In Democracy in America, Tocqueville conceptualizes the **self-interest** of Americans as having “**self-interest, righteously understood**”.² He adds “righteously understood” to suggest that, for Americans in 1830, the welfare of others in the community was included within their individual self-interests.

In this paper, I use the concept of **self-governance** similarly. An individual is self-governing when he demonstrates concern for the welfare of others and he takes responsibility for what he does.

The origin of this venture begins when I was invited to join Vincent Ostrom’s introduction to political theory in the Department of Government at Indiana University in 1968 and 1969. In this seminar were Ron Oakerson, Mamie Thomson who, along with the Ostroms, Gayle Higgins, and Mike McGinnis have kept me connected to the Workshop and its vital Explorations.

1 Given the looseness with which the concept of democracy is defined, it’s useful to review how carefully the term is defined by Harold D Lasswell and Abraham Kaplan in Power and Society; A Framework for Political Inquiry (New Haven, Yale, 1950), p 234 and pp 225-239

2 Tocqueville, Democracy in America Volumes I and II (New York, Vintage, 1945), Vol II, Chapter 8 pp 129-133

My subsequent work as a community child psychiatrist ... working with seriously delinquent adolescents from 1984-2006 ... was deeply influenced by this personal exposure.

Following my professional training in psychiatry at the University of Michigan, I had the good fortune to begin working with seriously delinquent, male adolescents who'd been locked up for serious crimes (felonies). These were kids who were definitely **NOT** self-governing ... that is, **NONE OF THEM** were self-governing.

In working with thousands of these kids over 22 years, I saw my role as that of a clinician researcher who wanted to understand how kids become seriously non self-governing while, at the same time, as a change agent, I was committed to moving them towards self-governance.

In 2000, thanks to Frank VanderVort, an attorney in juvenile law at Michigan, I published a paper "On the Therapeutic Treatment of Juvenile Offenders"³ that posed a vital concern:

"A democratic community, one in which the citizens genuinely participate in governing themselves, is necessarily based upon citizens who are self-governing, that is, citizens who look after both their own self-interest and the interests of their fellows. Self-governance is arguably the bedrock of a democratic way of life. A democratic community, however, is vulnerable to citizens who choose to exploit and to harm others in that community, that is, those who choose not to govern themselves, in a word, those who are criminal."

In 2000, still thinking that "my" seriously delinquent kids defined **non self-governance**, I posed a now too-simplistic idea: What's the percentage of self-governing citizens that it takes to keep a community democratic?

3 Robert Sain ([Michigan Child Welfare Journal](#), Ann Arbor MI, The University of Michigan Law School, Summer 2000, Volume IV, Issue 3, 23-38)

In 2019, I continue to accept the concept of individual **self-governance** as vital for the maintenance of democracy. The question I raised in 2000, however, has become more vital ... because we've all become more aware that very few of the criminals are in jail.

The plan of this paper begins in 1830-1835 with Tocqueville's observations and understanding of democracy in the United States. This is followed by my experiential, clinical confrontation with seriously delinquent adolescents who were not self-governing ... and yet responded to psychotherapeutic treatment that moved them towards self-governance. And, finally, I offer my conclusions about the manufacture of non-self-governing persons (children) who wind up being killed or locked up.

I then speculate about Tocqueville's thoughts about democracy from his travels in the United States in 1830-1835 ... in view of the complicated arena which is the *current* United States.

Tocqueville and Democracy

Tocqueville considered that the drive towards **equality** in human communities was inevitable. As he writes in his introduction to Democracy in America⁴ he "was struck by the general **equality** of condition among the people" understanding that the political equality of citizens did not guarantee self-governance.

These travels followed ... by 40 years ... the ratification of the United States Constitution in 1789. He was aware that the basis for his conjectures about the "great experiment" in democracy rested with the habits (mouers) of Americans in New England ... and not in the Southern slave states or with the Western expansion of Americans who continued to exterminate or subdue the Native Americans. I'm assuming that Tocqueville heard that 'the only good Indian is a dead Indian'.

4 Tocqueville, Vol I, Author's Introduction, p 3

But Tocqueville was on another intellectual journey ... where “civilization” represented the march from monarchy to a new idea, democracy, an idea that suggested self-governance ... governance that valued individuals.

In Democracy in America, he assumed that the institutions and practices of Americans in the New England city states would be the model for the rest of the developing United States as it expanded.

For Tocqueville, the underlying force in the development of nations was democracy which he based on the concept of political **equality**. And political equality in a democracy implied that each citizen would have the opportunity to operate in his own self interest.

The problem here, however, was that the dynamic of self-interest would naturally lead the few rich and powerful to run the show leaving their less fortunate fellows in the dust.

He reasoned that the habits (mouers) of Americans who were used to interacting with one another in associative relationships would, through experience, discover that self-interest for each citizen, rich or poor, would necessarily recognize that the welfare of all was in everyone else’s individual self-interest.⁵

This recognition, that, in a democratic community, each person’s self-interest depends on the welfare of others, took the edge off of the obvious logical understanding that **self-interest narrowly understood** would destroy equality ... and with it democracy.

Enthralled by his observations of the way New Englanders associated with one another, Tocqueville must have expanded his view of self-interest in democracies: Americans, he saw (perhaps only in New England), operated on another principle of self-interest. This ideally was **self-interest, rightly understood**.⁶ What he meant by this was that the individual self-interests of all Americans would include ... in their individual self-interests, the welfare of others.

5 Here, it’s reasonable to conclude that Tocqueville did not spend much time talking to the poor, Negro slaves or freemen, or Indians.

6 Tocqueville, Vol II, Chapter 8, pp 129-133. This is, of course, a tricky notion. On the one hand Tocqueville makes sense ... that, in democracies or, for that matter all forms of government, caring for everyone ... as if persons matter ... is in everyone’s self interest.

Tocqueville's View of Child Development

In Democracy in America Tocqueville saw Americans as **self-governing**. Here he was writing about the way adult citizens in the United States interacted with one another.

A pertinent question to ask of Tocqueville, just where did these self-governing citizens come from.

At the beginning of Chapter 2 in his first Volume of Democracy in America, he gave seemingly clinical understanding of that process. He explains his method of researching the United States by a metaphor comparing the origin of a nation to the starting point for a human being.⁷

In understanding a nation, he writes, one cannot ignore the origin of that nation ... just as we cannot know about a man without paying attention to the time he was a child. He writes, "... it is a great error" to consider "that the germ of (a man's) vices and virtues ... is formed in his manhood when he enters into contact with his fellows."⁸

"We must begin higher up; we must *watch* the infant in his mother's; we must *see* the first images which the external world casts upon the dark mirror of his mind, the first occurrences that he witnesses, we must *hear* the first words which awaken the sleeping powers of thought, and *stand by his earliest efforts* if we would understand the prejudices, the habits, and the passions which will rule his life. *The entire man is to be seen in the cradle of the child.*"

For a child psychiatrist, this is an astonishing paragraph. Tocqueville's words about child development is modern... scientific. To understand a child on his way to becoming an adult in society, one must be attentive to the child ... watching him along his way and listening to what he says ... on his way to becoming an adult. Family culture and politics, however, steer the "feeble" child.

⁷ This is an extraordinary idea ... affirming that, for Tocqueville, persons matter.

⁸ Ibid ... with some personal shifting of words by the author in the service of clarity. Here, Tocqueville was ahead of his time. In child psychiatry we begin to learn about the influences which bear upon a developing child ... influences which promote or disfigure their souls.

In 2019, for example, my focus, as a child psychiatrist, follows such a starting point with the clients I work with ... although I would start earlier, in his mother's womb where the child to be begins with the union of sperm and egg. In my work with troubled and troubling children, it's a matter of *watching* and *listening* to them and then examining the social context social context in which he is raised before I can *begin* to understand any one child.

Tocqueville seems ahead of his time. He assumed that children develop within families ... and in the context of democratic habits (moeurs), he assumes that they would become self-governing citizens. What he did not see was the overwhelming influence of a child's parents who brought their moeurs from various, culturally distinct European countries. The parents' moeurs by generations influenced their treatment of their children.

Instead, in 1835 Tocqueville concluded that society in the United States had, developed "free moeurs (habits) ... with local autonomy and the habit of association (that) tend(ed) to turn individuals into citizens"⁹ Tocqueville characterized those citizens as having "self-interest rightly understood". How they became self-governing, he assumed, naturally developed by their experiences growing up in free, democratic communities.

"In no other country in the world has the principle of association been more successfully used or applied to a greater multitude of objects than in America ... The citizen of the United States is taught from infancy to rely upon his own exertions in order to resist the evils and the difficulties of life; he looks upon the social authority with an eye of mistrust and anxiety, and he claims its assistance only when he is unable to do without it."¹⁰

Tocqueville was aware that the principle of equality affects young children by the gradual "lessening of parental authority"¹¹ So long as children are "feeble", parental authority commands ... however, as the young American approaches manhood ... he is master of his thoughts ... and of his conduct."

In retrospect Tocqueville was overly optimistic.

In 1835 the United States was "feeble". By historical circumstances, the Revolution was too easily won. The Atlantic Ocean and the French assisted the fledgling military forces ... allowing some time to strengthen the

9 Larry Siedentop, *Tocqueville* (Oxford, Oxford University Press, 1994) p. 91

10 Tocqueville, *Ibid*, Vol I, "Political Associations in the United States," Chapter XII, p. 191

11 Tocqueville, *Democracy in America* Volume II, Chapter VIII, "Influence of Democracy in America" (New York, Vintage Books, 1945), pp 202 ff

Federal Government which, again thanks to France (Napoleon) permitted the United States to again survive the British.¹²

The Other Two Races That Inhabit the Territory of the United States

Tocqueville begins his last chapter of Democracy in America Volume I¹³ by declaring that he'd completed the task he'd initially taken on. But with this last chapter, he would take on the elephants he'd left behind: the existence of the Negro and the Indian within the boundaries of the United States.

Although Tocqueville seems to have appreciated a developmental process whereby children become adults, this appreciation applied only to European whites.¹⁴

Logically we can assume that Tocqueville knew that Negroes (slaves or freemen) were conditioned by the maltreatment of their masters or by the discrimination of whites ... but he does not consider this logic ... and leaves himself to conclude that Negroes and Indians were inferior to whites, with no hope for becoming self-governing. That is, he did not explore the more complex idea that the slave children of slave parents would learn about governance from their parents, an idea that he seemed to understand about white Europeans.

In writing about Negroes and Indians, Tocqueville had even less to say about their individual development as children. His view of Negro slaves and freemen is grim. At no point does Tocqueville consider that African slaves had personal value. This is not to say that he doesn't realize the appalling soul murder of slaves ... but he merely treats their plights as 'the horrible way things are'. For example, he appreciates that Negro slaves had

12 Chile gives me an example of how the democratic moeurs of the Chileans were feeble against Chile's military forces in delivering the *golpe militar* (military punch) which, thanks to the support of the United States ended civilian rule by Pinochet whose military thugs remained in power till 1990. There was no vote allowed for the people of the longest democratic government in Latin America. This kind of national thuggery had not developed in the United States

13 Tocqueville, *Ibid*, Chapter XVIII, "The present and future condition of the three races that inhabit the territory of the United States" pp 331-474.

14 ... Which is unfortunate since this last chapter in Volume I of Democracy in America demonstrates Tocqueville's exquisite understanding of the plight of African-Americans in a United States that he understood was corrupted by "laws against nature".

been deprived of any connection with their homes in Africa, their languages, religions, and culture.¹⁵ But where is his passion?¹⁶ It's obviously in his last chapter of Vol I and also in Beaumont's novel, Marie.

As a practicing child psychiatrist, however, I conclude, In Democracy in America, that Tocqueville did not consider Negroes to have personal value. They belong to their masters ... and even when freed, Tocqueville considered that they had no capability of becoming self-governing.

"The Negro enters upon slavery as soon as he is born; nay he may have been purchased in the womb and (will) have begun his slavery before he began his existence ... He learns that he is the property of another ... even the power of thought appears to him as ... useless and he quietly enjoys all the privileges of his debasement."¹⁷

Of course, the idea that a fertilized egg in the womb of a slave mother, *belongs to the mother's master* is a bizarre idea ... unless Tocqueville accepted the premise that Negro slaves were not persons.

Of freemen, Tocqueville concludes that the debasement of slavery leaves the freed Negro without "reason" and therefore as a victim of "a thousand new desires"¹⁸ ... and without self-control. Their plight is hopeless, he argues, ... and they will remain unequal to the white Europeans ...

Certainly Tocqueville knew that the gross oppression and tyranny imposed on Negro slaves continued to keep them "debased" ... and he also clearly knew that the negative attitudes (moeurs) of the whites would inhibit freed Negroes from becoming self-governing ... but this analysis does not take him to challenge his assumption that Negroes are inferior ... and it is this, he argues, that prevents them from being equal (to whites).¹⁹

15 Tocqueville, Vol I, Chapter 8, 332

16 Gustave de Beaumont, Tocqueville's traveling companion, records this passion in his novel, Marie, or Slavery in the United States 1835 (Palo Alto, Stanford University Press 1958)<https://academic.oup.com/jah/article-abstract/46/1/134/710008>

17 Tocqueville, Ibid, p 333.

18 Ibid ... Tocqueville writes that Negro slaves have been deprived of person-hood (ripped away from home: family and culture ... but he doesn't appreciate that this might contribute to their being ... in a similar way to European white children learning self-governance.

19 Tocqueville's prejudice here is sadly instructive. It is a contrived prejudice that savagely crushes the Souls of Black Folk (a book by W E B Dubois 1903) and then concludes that the consequences of soul murder have any validity.

In Democracy in America, Tocqueville gives one explanation. Slavery in past history, did not necessarily involve people of colour. So a freed slave could not be distinguished from other citizens. This was not true of Negro freedmen.

One solution to my quandary about Tocqueville's failure to consider Negro slaves as persons, is the matter of ownership. That is, Tocqueville did not permit himself to see slaves as persons because "the law" said that they were the property of others. In 2019, this is a peculiarly "conservative" argument which uses "the law" to discriminate against African-Americans and Latinos as persons. Tocqueville was aware of the moeurs of his time and au courant with the moeurs of many of us in America at this time ... suggesting that the principle of self-governance remains as a principle that's not accepted by many Americans.

Essentially, Tocqueville considered that American slaves were doomed from conception.²⁰

What is useful about Tocqueville's understanding of the issue of Negroes in America is that he predicted ... 150 years ago ... that the negative attitudes (moeurs) of white-Europeans would not be expected to change ... and ... he did not envisage that intercourse between Negroes and European whites would ever occur.

Native Americans

As for Indians, Tocqueville was fully aware of the horrific, genocidal attitude of Americans on those persons who inhabited America before the conquest²¹ But Indians, for Tocqueville, were more difficult for him to understand than Negroes.

Indians, he understood, were independent but resistant from becoming civilized ... which, for Tocqueville deprived them of having moral value ... because they rejected "civilization". Perhaps, he reckoned, it was because the Indians would not swallow "civilization" that they deserved to be eliminated?

In Democracy in America Tocqueville defines democracy in the United States with notions of equality among self-governing individuals.

²⁰ He did not know Frederick Douglass who was only 12 when Tocqueville began his travels to the United States.

²¹ Ibid, pp 336 ff But ... Tocqueville's attitude about Indians in the United States should be juxtaposed against the Spanish "Conquest" of Mexico and Peru. In the 1500's Dominican fathers argued, successfully, in Spain, that Indians were persons ... not that the conquistadors paid any attention to the Church... not so different from white Europeans in the United States. What if Tocqueville had been a Spanish Dominican?

This logically implies that self-governing Americans would have concern for the welfare of others (like the Indians) ... and would respect the interests of others (like the Indians)? Wouldn't the principle of self-interest, rightly understood, apply here?

However, because Indians were opposed to being displaced from their land, Americans, with the support of governmental force ... displaced them from their lands.²² This, of course, would distinguish Indians as having **self-governance**. Indian children, learned, in the same manner that European whites learned, that white Europeans were their mortal enemies. It didn't take long for Indian children take note of reality.

Logically, from today's slightly less biased perspective than Tocqueville had in 1835, it was the Indians who were self-governing and the white Europeans who were **not** self-governing ... which, objectively, they were not. The sorry tale²³ of the extermination and removal of Indians was available to Tocqueville.

How to explain Tocqueville's ignoring the idea of **equality** and **self-governance** involving the American genocidal attitude towards non-Europeans ... given that many of them did not reject "civilization".

Presumably, Americans (and Europeans) influenced Tocqueville in disqualifying Negroes and Indians as not being persons ... but why did he accept this bias?

Tocqueville distinguishes a split between citizen farmers and the federal government ... but he concluded that the Indians were doomed. Certainly the Indians did not see the "split". That is, Tocqueville, by being an observer of the United States in 1830, seems to have bought into the deliberate, murderous exploitation of Indians by the white Europeans. And how did this address "democracy" in America?

He writes ...

"The European is to the other races of mankind what man is to the lower animals: he makes them subservient to his use, and when he cannot subdue, he destroys them."²⁴

22

23 The sorry tale of the extermination and genocide of indigenous persons is global. Wikipedia offers a too brief review of the genocide of indigenous people beginning with the Spanish in the Caribbean and Mexico in the 1500's. https://en.wikipedia.org/wiki/Category:Genocide_of_indigenous_peoples This is a good source for the extermination of 5 "civilized" Indian nations: Cherokee, Chickasaw, Choctaw, Creek(Muscogee) and Seminole.

24 Ibid p 332

“Europeans have not been able to change the character of the Indians; and though they have had the power to destroy, they have never been able to subdue and civilize them ... The savage is his own master ... as soon as he is able to act; parental authority is scarcely known to him; he has never bent his will to any of his own kind ... He delights in his barbarous independence ... and would rather perish than sacrifice (that independence). Civilization has little hold over him.”²⁵

Tocqueville’s “understanding” of the possible development of Indian infants and children does not follow his insight about the process of white human development ... That is, to understand a person we must begin by “watch(ing) the infant in his mother’s arms”. He does not apply this reasoning to Indians any more than he does to Negroes.

This is, of course, bizarre to some of us in today’s America. European whites, according to Tocqueville learn about life from their self-governing parents and neighbors. By contrast, it’s as if Indian children pop out of the womb as savages who disregard their parents, much less “civilization”. Tocqueville does not suggest that Indian children learn from their parents (in rejecting “civilization” ... The image I get is that Indians are more like alligators who do pop out of their eggs, ready to savage civilization.

So, to Tocqueville, the idea of **equality** did not apply to non-Europeans ... an attitude (moeurs) that was assumed by most of the Founding Fathers, that non-whites did not matter. They were constitutionally not persons. The compromise that Negro slaves were counted as only three “persons” for every “five slaves” was an abnegation of Negro’s as persons ... one which Tocqueville accepted.

Obviously Tocqueville’s expertise in addressing non-white persons as persons is at question. My opinion is that he had cultural blinders which accepted self-governance (democracy) as characteristic of white Europeans who were bona fide persons ... something that did not apply to non-whites.

Self-Governance in a Democracy

25 Ibid p 334

The idea of **self-governance** is both complicated and simple. As a child psychiatrist (and as a person), I am not distracted by legal constructs ... all of my patients are persons who are either self-governing or not. We do not expect infants or toddlers to be self-governing.

Self-governance runs through the work of Vincent Ostrom. He writes of **self-governance** as a quality of citizenship ... where “... (I)f people are to rule, they should know how to govern themselves.”²⁶ By this he means that citizens who hope to preserve self-governing democracies must have maturity, integrity, and the skills of association.

Tocqueville’s blinders in not accepting Negroes and Indians as persons is problematic. The proposition that each and every one of us are persons, permits us to consider whether any one of us is ... or is not ... self-governing by any measure.

I am fully in accord with Ostrom’s thoughts about individual self-governance ... “Citizens who hope to preserve self-governing democracies” must first “learn to govern themselves”.²⁷

In my clinical work of over 22 years with thousands of seriously delinquent adolescent boys, I’ve been impressed with the fact that **ALL** of “my” delinquent clients did not know how to govern themselves. Initially, I found this to be an extraordinary finding ... thousands of kids in Michigan who don’t know how to govern themselves.

From the perspective of developmental child psychiatry, children begin as “feeble”, requiring the care of parents. Some children might be physically, cognitively, or emotionally impaired ... which will result in slower development along these paths. More importantly, children are born into families, parents who are reasonably prepared to nurture (love) and guide their infant children. And those parents, relatives, teachers, and community advocates will continue to love and guide them ... or not.

Ostrom was not someone who fooled around. He took political theories very seriously; for him words mattered; and, for him, the preservation of self-governing societies was an obsession.

26 Vincent Ostrom, The Meaning of Democracy and the Vulnerability of Democracies Toward a Science of Citizenship (Ann Arbor, The University of Michigan, 1997). pp 269 ff

27 Ibid, pp ix-xiii This is his Preface to The Meaning of Democracy.

In the background of this paper, I have accepted Ostrom's view of the necessity of self-governing persons in a community which hopes to be democratic.

However, just as I reviewed Tocqueville's understanding of this issue, I ask: where do these self-governing citizens come from?

Practically, the "manufacture" of self-governing persons is outrageously complicated. In my clinical experiences with children, parents, and families over the past 35 years, I find it ne'er possible to design a self-governing adolescent. There are too many factors to consider.

And, from my review of Tocqueville who accepts that white-European Americans won't change their discrimination of Negroes (and other non-white persons), Ostrom leaves us to think for ourselves ... as he suggests in The Meaning of Democracy.

"(W)hat it means to live in a democratic society accrues as much from coping with threats to democratic ways of life as it does by being intentionally concerned about the constitutions and viability of democratic societies. Understanding the vulnerability of democracies is necessary to realizing democratic potentials."²⁸

I left Bloomington in 1969 finally appreciating that I was a person ... and I was 27 at the time. However, before then I already knew that everyone else was a person. My journey to becoming a physician and a child psychiatrist has given me a much better understanding of life.

Empathy and Self-Interest

But while I can't design the manufacture of self-governing adolescents, after 22 years I've come to know how to manufacture adolescents who are not self-governing.

Kids who are on their way to being self-governing negotiate through school ... are sufficiently, socially adept (have friends), participate in activities, get good-enough grades, *seem* to enjoy life and are headed for a

diploma. The key here is that they act with direction in their lives (self-interest), they get along with others (show empathy).

“My” kids, thousands of seriously delinquent adolescents who get locked up for felony crimes, do not demonstrate a thoughtful endurance for a goal in their lives. Becoming a hardened criminal instead of going to school, is not a measure of self-interest since getting killed or getting locked up is thoughtless. It demonstrates a rejection of “going straight” towards a productive employment which does not risk death or prison.²⁹

Coupled with a lack of self-interest (meaning the interest of a person in himself) is a more important impairment in “my” kids. My kids act without taking into sufficient account, the consequences of their behaviors. First, their crimes are thoughtless. Secondly, their crimes *always* harm the welfare of others who suffer and who are even eliminated by their actions ... and, they show no remorse.

The seriously delinquent adolescents I came to know, were **not self-governing**. Without “thinking”, they did ‘what they wanted to do’ without personal restraint. What’s wrong with them? First, they have an immature view that they can impulsively do what they want (because they don’t see consequences) and Secondly, they could care less that what they do will harm others (that is, **they lack empathy for their victims**). This is broadcast in the media as, the perpetrator showed no remorse for his crime.

My Kids – Seriously Delinquent Adolescent Boys who get locked up for Felonies

Over 22 years of my work with juvenile offenders who were locked up in “treatment facilities”, the question I had for them was to help me understand how they’d become criminals who demonstrated no self-concern and no empathy for their victims. How did this happen?

I began this work with the W J Maxey Boys Training School. This was a 500 bed treatment facility for boys 12 to 18 who’d committed serious crimes (rape, murder, assault, burglary, robbery, drug sales, etc.). During this time, I was fully aware that these kids were **non-self-governing**. That is, they violated the rights of their fellow

29 Is this rejection of “civilization” as Tocqueville described Indians?

citizens, doing thoughtless, self-serving behaviors. During this time, I saw my role as a **change agent** whose job was to move these youth from **non-self-governing behavior** to **self-governance**.³⁰

It didn't take me long to discard as irrelevant, the psychiatric characterization of seriously delinquent children. In a fellowship with the Bush Program in Child Development and Social Policy, from 1985-1987 I had the privilege of working with Vivian Shapiro, an experienced social worker at Michigan who'd worked with Selma Fraiberg in their project to address the importance of clinically addressing un-cared-for infant children.³¹

In a paper I wrote in 2000, "On the Therapeutic Treatment of Juvenile Offenders,"³² I review the hypothesis that a democratic community, where citizens are self-governing, they are vulnerable to others who choose to exploit and harm them.

While I was working with these kids, I posed a not-so-simple-and-perhaps-too-naive question: In order to maintain a democratic society, what's the percentage of self-governing citizens necessary?

For me the obvious (to me) variable is that, without taking account of children and adolescents, it makes sense to take into account that individuals living in an ostensibly democratic society may be self-governing some of the time ... and not self-governing at other times.

Against Tocqueville's 1835 view, I do not see biased/bigoted European whites as self-governing. Simply, they ignore the welfare of Negroes and Indians with lethal intent. As Tocqueville predicted, 150 years ago, this bias by white Europeans would inevitably continue.

Similarly, Tocqueville's 1835 view of 'self-interest, righteously understood' has never taken hold in the "democracy" of the United States. The gross inequality of the rich and powerful vs the poor and impotent has erased the notion that the United States is a democracy.

30 In psychiatry, antisocial children were initially considered as resistant to psychiatric treatment and not fun to talk with. Lee N Robins, Deviant Children Grown Up (Baltimore, Williams & Wilkins, 1968). The Diagnostic & Statistical Manual of Mental Disorders, 3rd edition (Washington DC 1980) diagnosed troubling children who violated the basic rights of others as having "Conduct Disorder". In the Revision of the 3rd edition, the American Psychiatric Association decided to rest the diagnosis of Conduct Disorder to antisocial children who committed crimes (1987) ... leaving the "diagnosis" to the courts.

31 Selma Fraiberg Clinical Studies in Infant Mental Health; The First Year of Life (New York, Basic Books, 1980)

32 Robert Sain, Michigan Child Welfare Journal (Child Welfare Resource Center, The University of Michigan Law Center, Ann Arbor MI) Summer 2000, Volume IV, Issue 3, pp 23-38.

Alternately, another not-so-simple-and-perhaps-too-naive question: What's the percentage of non self-governing persons that overwhelms the capability of self-governing citizens to retain a democratic life?

I saw then that **self-governance is the bedrock of a democratic way of life** ... and, in seriously delinquent children, that the lack of early love coupled with childhood trauma determined that "my" kids would not become self-governing.

Medicine and Child Psychiatry

From my perspective, it is in medicine where the rubber meets the road ... or, at least it continues to be in my practice. In my experience as a child psychiatrist, it is in the dynamic interface between me (doctor) and each of my clients. This is the same dynamic that operates with primary care physicians (pediatricians, internists, and family physicians).

Working with troubled children³³, is a challenge for all of us. This is simply because the social context of a child involves custodial caregivers (parents, grandparents, foster parents, social workers, judges, psychotherapists, etc.). These custodial caregivers have been involved with the child who is troubled. It's always been my assumption that there is something amiss in the child's interface with all or some of them.

My focus is with the child ... and, I define this as being an advocate for the child ... who is the person who matters. With troubled children, I focus on learning about "the problem" ... which usually has little to do with the child and more to do with his social circumstance. Kids are kids and are (most) always willing to tell me what's up ... so that "the problem" splits into (1) what's going to help the child and (2) how can I help the caregivers to appreciate the child's perspective ... since what's usually missing is that the caregivers don't accept that the kid has problems. Bottom line, the kid is a **person** whose predicament is not being address by his caregivers. The "trick" is to validate the child's custodial parent as the one in charge and to help her (always mom) accept her son as a person who's struggling. This usually works since this approach supports the child and his mom.

33 I first heard this characterization of children from Vincent: troubled children are those who have troubles ... troubling children (also have troubles); however they define themselves as being troubling to others.

With troubling children who find their way into lock up because they've committed crimes and who behave harmfully to others, I focus on (1) the troubles they inflict on their victims, (2) make an effort to help them acknowledge their evildoing, (3) enter into a contract with them in a psychotherapeutic exchange whose goal is to help them understand the reasons behind their evildoing and (4) find a way to become self-governing.

This is a complicated endeavor

A Bio-Psycho-social Understanding of Self-Governance

Since 1835, we have learned a lot about human development. The question incompletely answered by Tocqueville was how children become self-governing adults.

Without designing the optimal circumstance for raising a self-governing adolescent, we can say something about a child's developing **self-governance**.

In child development, a reasonable goal is for a child to move from infancy through the dreaded two's or three's of the pre-school years, and then childhood ... all with effective parenting (whatever that means) along with the stressful lives of parental struggles and without serious medical and financial set-backs ... in safe-enough neighborhoods with supportive educational resources.

The first measure of developing towards self-governance might be a child's achievement of **self-control** ... which depends on parental support. Practically, can the child negotiate a classroom with 20-30 other kids? The "trick" here is to distinguish between self-control and control that is "governed" by parents and teachers.

At this time neuropsychology and brain imaging has confirmed what has been known to psychologists, physicians, and mental health clinicians. Bottom line, we've come to know that the human brain hasn't finished growing until 25 or so.³⁴

³⁴ An excellent review of brain development, focusing on adolescence is [The Teenage Brain: a neuroscientist's survival guide to raising adolescents and young adults](#) (New York, HarperCollins,2015)

Developmentally, the last brain structure to appear in humans is the **forebrain**. This is the cerebral structure that addresses mental processes such as reason, impulse control, judgment and insight. The functions of the forebrain are lumped into the term, executive functions: these are:

- Paying attention.
- Organizing, planning and prioritizing.
- Starting tasks and staying focused on them to completion.
- Understanding different points of view.
- Regulating emotions.
- Self-monitoring (keeping track of what you're doing)³⁵

This understanding helps us appreciate that the political idea of **self-governance** is compromised by the reality that human brains are immature till the mid-twenties ... and, there's no assurance that more time can mature any particular person's forebrain. This, of course, helps us understand why children and adolescents need parents.

From my perspective, as a community child psychiatrist who's specialized in "fixing" seriously delinquent adolescents, a more important brain development has to do with the development of **empathy**.

Tocqueville in Democracy began his thoughts about self-governance by modifying the idea of self-interest by adding "rightfully understood". As noted above, Tocqueville reasoned that individual citizens would look to the welfare of their fellow citizens ... because they would see that they would ultimately benefit when their fellows would also benefit.

Now, 150 years after Tocqueville, we can see whether self-interest rightly understood has been a principle that has guided the behavior of Americans. From the perspective of a clinician in Detroit who pays attention to the economic news, it's clear that in the United States, measured by unequal health care, educational opportunities, housing and employment, the rich and powerful have become richer and more powerful at the expense of the majority of us.

35 <https://www.understood.org/en/learning-attention-issues/child-learning-disabilities/executive-functioning-issues/understanding-executive-functioning-issues>

The rich and the powerful in the United States show next to no concern for persons who do not receive competent health care, etc

What's missing?

What's missing is **empathy**.

Empathy is the experience of understanding another person's thoughts, feelings, and condition from his or her point of view, rather than from one's own. **Empathy** facilitates prosocial or helping behaviors that come from within, rather than being forced, so that people behave in a more compassionate manner.³⁶

Older analysts Freud, Erickson, and Spitzer paid attention to a child's first year of life. It is from this background that clinical research and neuropsychology that we understand the development of empathy in the brain. Not that we didn't already know how empathy develops, however it is in the reciprocal interface between mother (or other primary caregiver) and child (bonding) that a child develops empathy. This is confirmed by the discovery of neurons in the brains that correspond with an infant's empathic response to experiences in his milieu.³⁷

The infant brain is unlike the child's brain, the adolescent's brain, or the adult brain. Thanks to the research of neuropsychologists like Regina Sullivan³⁸ we've learned that the infant's brain is programmed to attend to the mothering person(s). Practically, this means that infants who are on their way to self-governance will have developed a solid sense of being loved in this reciprocal loving experience. Conversely, this does not happen when infants are deprived of such an experience. In psychiatry we name this as **deprivation**.

To cut to the chase for present purposes, my experience with non-self-governing adolescents (who committed crimes serious enough for judges to send them to lock-up treatment facilities) ... "my" kids began life as unwanted infants. They were mistreated as a consequence. All of "my" kids suffered from abuse ... physical mistreatment, emotional and sexual.

36 <https://www.psychologytoday.com/us/basics/empathy>

37 https://greatergood.berkeley.edu/article/item/do_mirror_neurons_give_empathy

38 https://www.researchgate.net/profile/Regina_Sullivan

There is increasing evidence that children who are deprived and abused as very young children suffer from subsequent physical morbidity and victimization or perpetration of violence.³⁹ The most prominent “discovery” of this correlation came from the research of Vincent Filletti which has been taken up by the CDC (and can be found in footnote 39).

Bottom line, “my” thousands of seriously delinquent adolescent boys at Maxey Boys Training School and Boysville of Michigan ALL come from families living in poverty, in neighborhoods with next to no adequate and effective public services. These families do not have the financial resources to respond to their substantial needs for jobs, housing, public safety, medical and mental health care. Their children attend inadequate schools that cannot respond to the problems of the kids who become “my” kids.

In conclusion, in 2019 we find ourselves in the United States where there is extraordinary financial and **inequality** which corresponds with political power.

Tocqueville understood **equality** as necessary for democracy. All of “my” kids come from families whose adults do not have adequate jobs, in neighborhoods where housing, health and educational services are inadequate ... where there is insufficient public safety and where the families of “my” kids are tagged by the police as perpetrators of crime ... rather than as victims of crime..

Obviously, my data (troubled and troubling kids at the bottom of the pile ... who get killed or imprisoned) reflects what I know about the National and Michigan State economy. That economy favours the rich and powerful who are exercising their self-interest **narrowly understood** ... and they continue to accumulate wealth while “my” kids suffer and die without knowing that this is a game contrived by the few rich and powerful.