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AGE RELATED CHANGES IN THE INDIVIDUAL: CHILDHOOD AND ADOLESCENCE

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While it is clear that very young children are quite different from adults in most respects and thus in need of protection by the adult community, the differences between adolescents and adults are not as clear cut. Therefore, as we move from the very young to middle childhood and adolescence, it becomes more difficult to use age as a valid criterion in making distinctions which delineate legal rights.

For example, it is necessary to establish a time at which young people should be permitted to drive, to vote, to work, or to leave school. There are laws which govern these matters, but those laws vary from jurisdiction to jurisdiction precisely because age is not a sufficiently accurate criterion to lead to uniformity.

Why is age such an imprecise criterion? As pointed out by Professor Birren, age is not a causal variable.¹ Instead, age is an objective index of time passed in a person's life. In establishing legal distinctions, however, we are usually more concerned with some *functional* aspect of the individual. For example, in determining when a young person should be permitted to drive, our central concerns are whether the young driver has the physical coordination and skill required to control a potentially dangerous vehicle and whether he possesses the judgment needed to avoid dangerous behavior on the road. In short, we want to know if he is mature enough to be a safe driver. That, rather than his bare chronological age, is our true inquiry.

Psychologists possess information about the development of children which can be useful in considering the validity of legal distinctions based on age. This paper will discuss from a psychologist's perspective some differences between children and adults which bear on the establishment of such age-based legal distinctions.

SOME CAVEATS ABOUT PSYCHOLOGISTS' METHODS

Psychologists who study child development have learned a good

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1. Birren & Loucks, *Age Related Change and the Individual*, 57 CHI. KENT L. REV. 833, 838 (1981) [hereinafter referred to as *Age Related Change*].

deal about *average* changes in groups of children as they grow. It is typical for psychologists to study one or two areas of development such as language development, moral development, or creativity. Most psychologists do not study the whole child; they focus on certain processes and behaviors while excluding the rest. While this may be necessary and sound scientifically, it leads to difficulties in using information from psychology to make predictions about how children or adults will behave in any particular situation in which the separately studied systems operate simultaneously, or in which one aspect of the person becomes decisive in terms of action.

Very little research has been conducted on action in real world contexts. As a result, psychology is not very helpful to an understanding of behavior in the ecological matrix in which it ordinarily occurs. In addition, the methods psychologists use tend to have limited applicability to "real world" situations. Performances on tests and in experimental situations have some, but not complete, transfer to everyday behavior. Daily behavior in the workplace, the school, and in other settings is highly situation-dependent. Our understanding of internal processes in people has not been matched by a thorough knowledge of people in situations.² When this problem has been addressed, the studies lead to the following conclusion: "Person-by-situation interactions are more important determinants of behavior than either persons or situations *per se*."³

This writer is not as confident as Professor Birren that psychologists have available methods to make precise judgments about individual competence across a broad range of behaviors. The issues laws address—*e.g.*, driver competence, capacity to vote, readiness for marriage, etc.—typically require highly complex assessments of individuals, which would be far from totally accurate in every case. Thus, psychologists can be of considerable assistance in determining performance of component skills which come into play in a given situation, but predicting performance in any actual context will still be relatively imprecise.

Professor Birren discusses compensatory mechanisms used by older adults to maintain satisfactory job performance in the face of certain functional decrements.⁴ This idea of "geronting" is also applicable

2. See R. BARKER, *ECOLOGICAL PSYCHOLOGY* 5-17 (1968); Stodolsky, *Ecological Psychology Or What's Going On At Kansas?*, 79 *SCHOOL REV.* 625 (1971).

3. N. ENDLER, L. BOULTER & H. OSSER, *CONTEMPORARY ISSUES IN DEVELOPMENTAL PSYCHOLOGY* 27 (2d ed. 1976).

4. See *Age Related Change*, *supra* note 1, at 843-45.

to childhood and youth—competent humans develop strategies for coping with situations utilizing available personal and environmental resources. In fact, we often consider such behavior to be a hallmark of well-functioning and well-adapted children and adults. This valued flexibility in human performance becomes problematic, however, if one's concern is prediction of an individual's behavior.

SOME FINDINGS ABOUT GROWTH AND DEVELOPMENT

Having indicated some methodological limitations inherent in psychologists' work, it is nevertheless important to return to our starting point. What do we know about growth and change in childhood that may be of value in setting legal distinctions based on age?

Throughout childhood most of the young person's growth and development can be seen as moving in the direction of becoming bigger, stronger, and better. Growth in physical size and strength is obvious. Children become progressively better users of language, better thinkers in many respects, and better able to deal with more than one aspect of a situation at a time. They can see more than one point of view and can exhibit altruistic as well as aggressive behaviors; they can cooperate and compete.

Children's intellectual development has been studied in great detail. Children come to know more facts, but they also undergo qualitative changes in their modes of thinking. In the most general sense, they can be characterized as becoming more logical in their thinking with age.⁵

In the area of moral development, children undergo changes in their thinking about moral dilemmas. This development has been characterized as "moving from preconventional ideas about morality in which moral value lies in externals like physical punishment or rewards, to conventional morality in which value lies in adherence to family or group standards, and then to principled judgments" which are obtained by some adolescents and adults, but not all.⁶

Thus, we know that there is growth in childhood and that most of it is toward something we could call maturity or competence. However, there is additional information about these patterns of growth which complicates the picture of increasing competence with age. As indicated above, this is only an *average* picture, and one of the most firmly established findings in developmental psychology is that there are wide

5. See H. GARDNER, *DEVELOPMENTAL PSYCHOLOGY* 373-76 (1978).

6. Rest, *Morality*, in CARMICHAEL'S *MANUAL OF CHILD PSYCHOLOGY* (4th ed. 1981).

individual differences in almost every facet of behavior and thought. Furthermore, through the childhood period, variability often increases as the age of the group studied increases. For example, while there is an average increase in vocabulary size during the childhood period, this increase is accompanied by an increase in the range of scores obtained on vocabulary tests by children of a given age.⁷ This means that with respect to vocabulary knowledge or size, some six-year-olds will perform like average three-year-olds, while other six-year-olds will perform like average youngsters of twelve. The fact that there is a wide variety of performance levels present in any age group means that any decision made using age as a criterion will place some children appropriately and others inappropriately. The inappropriate placements can yield two undesirable results: either a given child is made to wait too long to do something he is able to do, or a child is permitted to do something before he is fully competent to do it.

Another central finding of the developmental psychologist is the unevenness with which growth and development occurs. This unevenness is manifested in two principal ways. First, while age increases in uniform units of time, growth and development typically occur in spurts, separated by plateaus; rarely do physical or psychological attributes grow evenly per unit of time.⁸ Further, change and growth are often viewed by psychologists not as additive and linear, as is the case with vocabulary or physical size, but as involving qualitatively new ways of thinking, feeling, and functioning—often called stages of development, such as those proposed by the noted theorists Piaget and Freud.

Second, various aspects of growth and development do not necessarily occur synchronously within a given individual. Thus, a child may be physically mature before he has attained a comparable level of intellectual maturity. A post-pubertal 13-year-old is not necessarily capable of thinking in the logical form typical of young adults. At a given point in time, a child or adolescent will function at certain levels in some areas of development and at different levels in other areas. Different individuals will, of course, have individual strengths and weaknesses in comparison with their peers; the point here is that each individual will also have internal variations in growth and development. Such variations are not uniformly calibrated in individuals and

7. See B. BLOOM, *STABILITY AND CHANGE IN HUMAN CHARACTERISTICS* 103-05 (1964).

8. See Bayley, *Individual Patterns of Development*, in *THE COURSE OF HUMAN DEVELOPMENT* 417-26 (1971).

are only partially patterned for groups. Thus, it is impossible to predict that a person of a given age will have greater development in language skills, for instance, than in social sensitivity—that might be true for one adolescent while just the reverse might be the case for another individual of the same age.

One other particularly relevant issue should be considered. As indicated above, most aspects of functioning show an average movement toward maturity or increased competence through the childhood and adolescent periods. There are, however, some exceptions—things which children are better at when they are young than when they are older, and aspects of functioning which show reversals. For instance, there is reasonably good evidence that young children are better able to learn a second language than older children or adults.⁹ Also, as measured by tests of fluency of ideas and related measures, children up to about age nine in this country are more creative than older children and adolescents.¹⁰

But perhaps the most crucial domain is that of emotional and social development. Most data indicate that children in the middle childhood to pre-adolescent period are calmer and more stable than their adolescent peers. Children of this age group are also more conforming to authority and are more likely to obey rules. In the few studies which have traced personality and emotional development from childhood to adulthood in the same individuals, there is some indication that pre-adolescent characteristics are more predictive of what a person will be like as an adult than are adolescent attributes.¹¹ These findings have special importance because it would seem that behaviors about which laws are made occur in the interface of the emotions and the intellect and of value system concerns and social concerns. It may well be, for example, that the pre-adolescent on average would be a better babysitter or clerical worker than would the adolescent—a possibility certainly worth considering, if not acting upon.

CHANGING ASPECTS OF CHILDHOOD

Professor Neugarten has discussed age norms, their embeddedness

9. See P. DALE, *LANGUAGE DEVELOPMENT: STRUCTURE AND FUNCTION* 38 (2d ed. 1976).

10. See Torrance, *Cultural Discontinuities and the Development of Originality in Thinking*, 29 *EXCEPTIONAL CHILDREN* 1, 2-13 (1962).

11. See Livson & Peskin, *The Prediction of Adult Psychological Health in a Longitudinal Study*, 72 *J. ABNORMAL PSYCH.* 509 (1967).

in culture, and how they change in a given culture.¹² The facts about children's development are also subject to changes—changes in social perception, actual changes in social norms regarding children, and changes in the cultural and environmental influences which affect children.

The recognition of childhood as a separate period of life is fairly recent; the prolongation of schooling is a modern phenomenon. Fifty years ago fourteen-year-olds were holding jobs and were considered capable of economic independence. Our societal perceptions and needs change, and we impose changes on the life options allowed to children. The law is a major mechanism for responding to some of these changes and pressures.

There is now evidence that contemporary children and adolescents are actually different in some ways from those studied 10, 20, or 30 years ago. Accordingly, we will need to keep updating our knowledge of what children and youth are like.

Some changes are reasonably well documented, others more speculative. The "television" and "calculator" generation is presumed to have more knowledge about technical topics, for example, than did previous generations. This generation is also thought to expect more instantaneous answers. It has been suggested that because of increased access to information, the present generation of children does more vicarious learning than learning through direct experience.¹³ Evidence of declines in writing skills and other test performances has been attributed to a presumed decrease in recreational reading and writing by youngsters during the last two decades.¹⁴ Young adolescents today reach puberty earlier and have more and earlier heterosexual experiences than youngsters of previous generations.¹⁵ Echoing findings as to adults, there also seems to be agreement that children today have less respect for authority figures such as parents, teachers, and government officials.¹⁶ There is also a growing concern about psychological child neglect—neglect born of busyness on the part of parents rather than disinterest or lack of concern, which seems to lead to children who

12. Neugarten, *Age Distinctions and Their Social Functions*, 57 CHI. KENT L. REV. 809, 815-16 (1981).

13. See Coleman, *Children, Schools and the Informational Environment*, in *RETHINKING CHILDHOOD* 381 (A. Skolnick ed. 1976).

14. See COLLEGE ENTRANCE EXAMINATION BOARD, *ON FURTHER EXAMINATION: REPORT OF THE ADVISORY PANEL ON THE SCHOLASTIC APTITUDE TEST SCORE DECLINE* (1977).

15. See Tanner, *Physical Growth*, in *CARMICHAEL'S MANUAL OF CHILD PSYCHOLOGY* 144 (3d ed. P. Mussen ed. 1970).

16. Interview with Herbert Zimilies, Director of Research at the Bankstreet College of Education, New York, New York, in Los Angeles, Cal. (April 15, 1981).

require more attention from adults outside their families.¹⁷

CONCLUSION

This paper has addressed the question of whether there are real differences between children and adults. There are differences—less experience being a major one. But it must not be forgotten that there is wide individual variation among children as well. The young clearly need protection, but the ways in which one judges how to legislate rights, privileges, and prohibitions on the margins of the childhood period are necessarily complex. Psychological methods and findings in isolation will not be sufficient to make these judgments. However, some of the knowledge possessed by psychologists may be helpful in setting out basic parameters.

17. See Boocock, *Children in Contemporary Society*, in *RETHINKING CHILDHOOD* 414 (A. Skolnick ed. 1976).

