

# The Necessity for Tangible Research in the Judicial System

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December 2024

Research is a field that often necessitates complexity and rigor to find generalizable truths for simple questions. This is in stark contrast to legal professionals that require simple truths for complicated social issues [4]. Given serious issues, such as adolescents' cognitive capacity to decide on abortions or stand on trial for the death penalty, it is imperative that legal professionals take into consideration all perspectives, including relevant research. Steinberg's method of studying developmental psychology provides quantifiable metrics that offer guidance in setting public policy[3]. While Fischer critiques Steinberg's research practices as questionable and lacking in scientific rigor, traditional research has goals that deviate from the empirical nature of the legal world[2]. By adhering to rigid research standards, Fischer fails to capture relevant results that Steinberg produces, offering little to no contributions in the court of law.

In 2009, the American Psychological Association (APA) was criticized for "flip-flopping" its opinion on how cognitively-mature adolescents were in two Supreme Court cases—*Hodgson v. Minnesota (1990)* and *Roper v. Simmons (2005)*. *Hodgson v. Minnesota (1990)* ruled that minors do not require parental involvement for abortions. Justice Antonin Scalia reinforced this decision by stating that there is sufficient evidence that demonstrates that juveniles are mature when "reasoning about moral dilemmas, understanding social rules and laws, [and] reasoning about interpersonal relationships and interpersonal problems[1]." However, in *Roper v. Simmons (2005)*, over two decades later, the Supreme Court ruled that "adolescents were not as mature as adults (and thus ineligible for capital punishment)." The seemingly contradictory nature of these rulings was quickly pointed out, and it seemed like enforcing one ruling would invalidate the other ruling.

Steinberg devised a study that differentiated maturity between cognitive development (necessary for deliberative, rational, and autonomous decisions) and psychosocial capacities (necessary for impulse control and resistance to peer pressure)[3]. Abortions and teenage crimes tend to happen in different scenarios. For example, a pregnant adolescent will often confide in a trusted adult or friend in a long, deliberate process to decide on a proper course of action. On the other hand, an adolescent committing a crime tends to be "in the heat of the moment" or subject to peer pressure. While there are exceptions, abortions

typically require a more mature cognitive decision-making process, whereas preventing teenage crimes requires greater psychosocial maturity. Steinberg conducted abstract experiments, such as scenario surveys, verbal fluency exams, and working memory tests to analyze the cognitive and psychosocial maturity of research participants. He found that cognitive development is similar between adults and adolescents 16 and older. However, psychosocial development continues to improve well into a person's 30s. In summation, the parts of the brain that are of interest in these court cases develop at different rates.

In a commentary on Steinberg's paper, Fischer claims that Steinberg's research method is narrow, and studying different types of cognitive or psychosocial skills may yield different results [2]. Steinberg's tests are indeed highly-constrained and do not represent real-world scenarios. For example, literacy and working memory tests do not represent the cognitive state of a teenager deliberating over an abortion. However, in a reply by Steinberg, trying to find exceptions in any test is a fruitless endeavor and is "completely unhelpful in a legal context [4]." Moreover, the metrics chosen by Steinberg are justified to be relevant to the court cases at hand. While breadth and rigor is typically necessary in research, forgoing breadth for specificity and tangibility may be preferable when applying research to situations like the court.

Altogether, the human brain develops cognitively and psycho-socially at different rates. Adolescents are more susceptible to peer pressure and have a higher risk tolerance. Concurrently, around the age of 16, adolescents exhibit cognitive decision-making abilities similar to adults. It does not appear contradictory to say that adolescents are cognitively-mature enough to make decisions regarding abortions and too psycho-socially-immature to be tried as adults for rash crimes. While Fischer offers valid criticisms in the unrealistic nature of Steinberg's experiments, it is arguably more important to derive empirical evidence that can be later interpreted by practitioners in other fields, such as the court.

## References

- [1] *Hodgson v. Minnesota*, 1990.
- [2] Kurt W Fischer, Zachary Stein, and Katie Heikkinen. Narrow assessments misrepresent development and misguide policy: Comment on Steinberg, Cauffman, Woolard, Graham, and Banich (2009). 2009.
- [3] Laurence Steinberg, Elizabeth Cauffman, Jennifer Woolard, Sandra Graham, and Marie Banich. Are adolescents less mature than adults?: Minors' access to abortion, the juvenile death penalty, and the alleged APA "flip-flop.". *American Psychologist*, 64(7):583, 2009.
- [4] Laurence Steinberg, Elizabeth Cauffman, Jennifer Woolard, Sandra Graham, and Marie Banich. Reconciling the complexity of human development with the reality of legal policy: Reply to Fischer, Stein, and Heikkinen (2009). 2009.