

Raising children in a judicial family¹: A challenge for every stage Mirelsa Modestti-González, Ph. D.

Raising children in modern society is a challenge for every parent. Children today are exposed to a wide variety of experiences, often before they are emotionally prepared to handle them. Most parents have very little or no training at all for what is probably the most difficult task they will ever have to face: parenting. Even so called “full-time parents” have a hard time keeping up with all the cultural, technological and social stimuli their kids receive. For working moms and dads the challenge of spending quality time with their children and building a relationship based on communication, while supervising them and administering discipline on the three or four hours a day they get to spend with their family, can turn into an overwhelming task. When you add the ethical and moral standards that the judicial career demands from its judges and their families, the mission can feel almost impossible to accomplish.

The easiest way to raise a child in a judicial family is to have him or her be born after the judge has settled in office (although any judge who has given birth while in office could lecture about the balancing act between the bench and the nursery, and we would be in no position to argue). A child born and raised in a home where one or both parents are judges will not have to deal with all the changes in family life that entering a judicial career poses. He or she will grow up knowing right from wrong, lawful from unlawful conduct, and will probably speak using terms not typically used by other children. This, of course, doesn't mean that children of judges will not get in trouble or do things they know are wrong. But, in general, they will be more acquainted with the process of being held responsible for their actions.

One very important aspect to bear in mind is that children have very different needs and different capabilities in every stage. Raising children in general, requires that parents recognize each stage and treat their kids accordingly. Everyday issues provide an opportunity to teach them basic principles. For example, a child who is caught blaming a brother or sister for something he or she broke is giving the parents an excellent opportunity to talk about honesty, justice and responsibility. The key issue is to talk in terms suitable for the child's age and educational level. You would not give a three year old a lecture about justice, but you can talk about “what's fair or not fair”. You can even introduce some legal concepts, as long as the language used is appropriate to the child's age.

Swiss psychologist Jean Piaget elaborated a theory of intellectual development, which almost a hundred years later is still studied in all psychology schools. He developed a series of stages, and identified certain mental processes that are

¹ For the purpose of this article, we will refer to families in which one or both parents are judges currently in office as **judicial families**.

characteristic of each stage. His theory of intellectual development describes the young child as egocentric. This means that his or her ability to put him or herself in the place of others is limited. Therefore, an example which reverses the situation and puts him or her in the place of the aggrieved will be more effective, than trying to make him or her feel guilty for having being inconsiderate or selfish. Piaget describes the thought process of this age as concrete thinking. For parents, this means that caution should be exercised regarding figures of speech, because a young child is bound to imagine a literal meaning of what is said. Thus, phrases like "I need your temper-tantrums like a hole in my head" can have a very disturbing meaning to a four-year old.

Although Piaget's theory is too broad to explain in detail in this article, his findings about the development of moral judgment are worth examining. Basically, he developed a two-stage theory on the subject of moral development: Before age 11 or 12, children regard rules as fixed and absolute. They believe that rules are made by adults or by God and that one cannot change them. The adolescent believes that rules are not sacred or absolute but are devices which humans use to get along cooperatively. Therefore, it is permissible to change rules if everyone agrees. When talking to young children about the law, although certain explanations may be in order, the emphasis is placed on the need to abide by it. They will be more interested in the consequences of breaking the law, although it is wise to start (especially with older children) exposing them to the need to establish certain rules to maintain order. Between 10 and 12 years of age, children's moral thinking starts to change. While children base their moral judgment more on consequences, adolescents base their judgments more on intentions. A younger child will believe that a boy who broke 15 cups trying to help his mother is guiltier than a boy who broke only one cup trying to steal cookies. The young child primarily considers the amount of damage--the consequences--whereas the older child is more likely to judge wrongness in terms of the motives underlying the act (Piaget, 1932, p. 137). With pre-adolescent and adolescent children, other moral issues should be addressed. Exposing them to moral dilemmas in imaginary situations and giving them the opportunity to elaborate on the possible responses is highly effective in this age group. It is at this age that issues about breaking rules, having sex, drinking, breaking the law, and other potentially harmful conducts should be thoroughly discussed. Questions should be encouraged and honestly answered. The legal profession stresses the attention to detail in every written or verbal expression. Nothing should be left to the imagination and interpretations should not be presumed. But when talking to our children about crucial issues like alcohol, sex or drugs, most conversations merely scratch the surface of what needs to be said.

It is important that school-aged children are told about certain aspects of their social life that may be a little different for them as children of judges, especially if their parents are appointed after they have entered school. Children (and their parents) should be aware that teachers sometimes say things like "I can't believe the judge's son failed this test!", or other children may not want to play with them

because if they do something wrong, he or she "will tell". Children of the judiciary must be taught very early to withstand peer pressure.

With adolescents, there are other considerations to bear in mind. Parallel to moral development, an individuation process is emerging in the adolescent, which will prepare him or her to separate from their parents in the future. In this period, peers opinions are more important than parents'. The child starts experimenting with dissention. How much dissention will be tolerated is a very personal decision, but even the strictest parents, must let their kids express themselves and really listen. If open dialogue has not been a part of everyday life, adolescence can turn into a very bumpy road for parents.

American psychologist Lawrence Kohlberg developed a theory of moral development which goes further beyond Piaget's theory into six stages. Kohlberg's moral development comprises six stages that begin in childhood, and go well into adulthood. Kohlberg interviewed both children and adolescents about moral dilemmas, and he did find stages that go well beyond Piaget's. Since we are mainly interested in the challenges of child rearing in judicial families, we will examine only the first two levels (four stages) which share some of the features of Piaget's stages. After a short overview of each level, we will discuss the implications for parents in the judicial family.

Kohlberg's level one, which he calls Pre-conventional morality, is similar to Piaget's first stage of moral thought, and is divided in two stages. Stage 1 - Obedience and punishment orientation, in which the child assumes that powerful authorities establish a fixed set of rules which he or she must obey. Kohlberg calls this thinking "pre-conventional" because children see morality as something external to themselves. They must do as the adults say they must do. By age 8 or 9, children reach Stage 2: Individualism and Exchange. At this stage children recognize that there is not just one right view that is handed down by the authorities. Different individuals have different viewpoints.

By early adolescence, children reach level two: Conventional Morality. This level comprises Stage 3: Good Interpersonal Relationships, and Stage 4. Maintaining the Social Order. At stage three, children--who are usually entering their teens--see morality as more than simple deals. They believe that people should live up to the expectations of the family and community and behave in "good" ways. Good behavior means having good motives and interpersonal feelings such as love, empathy, trust, and concern for others. At stage four, the child becomes more broadly concerned with *society as a whole*. Now the emphasis is on obeying laws, respecting (or challenging) authority, and performing one's duties so that the social order is maintained.

All this stated, where does a judicial parent begin? The task starts out just as any other parent's: To raise a respectful, responsible child who will respond to principles and moral values, while encouraging assertiveness and creativity (and let's not forget to have him or her live a memorable, happy childhood!). Is all this

really possible? Although life is not a fairy tale (nor is it desirable), children of judges can be as healthy and happy as any other child, while learning important lessons about ethical and moral values.

Many of our parents and grandparents were taught about rules with a belt, or an open hand. Fortunately, things have changed and we have learned that authority needs no violence to be properly maintained. Even more fortunately, because of the possibility of permanent emotional and/or physical damage, child abuse is against the law. Although some might not think of spanking as child abuse, it is physical punishment, and since sometimes it is so difficult to draw the line, all physical punishment should be avoided. It is not only harmful, but unnecessary. Contrary to popular belief, most youths in juvenile detention centers received more than their share of physical punishment from their parents. It didn't work. What does? Clear, consistent discipline, love and patience (which has nothing to do with letting the child rule) and open dialogue.

Before we talk to our children about profound ethical issues, some basic rule enforcing system has to be established. A pre-conventional child will need a clear, fixed set of rules to be enforced by a system of rewards, and loss of privileges. Consistency is crucial. If a child cries and whines, while the parent says no, and after twenty minutes of whining receives a "well, ok, but just for this once..." the message given is: "If you get me really, really tired, I will give in and you will get your way". It just becomes a perseverance competition (which the child usually wins). At stage 2 of this level, matters can get more complicated, since the child will develop his or her own viewpoint. A 9 year-old will not be content with "because I say so...", and although it might seem an easy way out, it can bring other complications. This doesn't mean parents have to give in when challenged. It is best to explain, as clear as possible, the reasoning underlying a rule, honestly answer all questions, and then firmly request compliance, even if the child is not convinced. Democratic parenting does not mean that obedience is optional, and this brings about an excellent opportunity to talk to children about our law enforcement system. Conventional children, or adolescents, are ready to talk about cause and effect in broader terms. They must know their actions will not only have an effect on their immediate world, but also on their parent's judicial career. They must understand the responsibility carried out by their mother or father, and the ways in which their behavior can jeopardize it. Adolescents have issues with acceptance and one of the more difficult concepts for them to grasp is that a good reputation is really important, and is very fragile. Once lost, it is very difficult to gain it back.

When children reach an age in which they could be susceptible to law-breaking conduct, there are some things they should know, besides the ethical dilemmas: If in trouble, being a judge's child could be a disadvantage. Just like the teacher who says "I can't believe the judge's son failed this test!", people expect more from a judge's son or daughter than from the child next door. The chain of thought to make children in judicial families understand this could be: (1) People need to have confidence in the judicial system, so they do not seek to take justice

in their own hands. (2) If the judge's son is caught breaking the law, it would most likely make great headlines (The press needs to sell!). The judicial process of a judge's son will very likely generate a lot of public interest. (3) People would like to see that the judge's son gets no special treatment, not because they have anything against him, but because every citizen is supposed to be equal in our system. (4) To prove that no special treatment is being given, a member of the police force, a district attorney or a fellow judge might have to be stricter, or give fewer opportunities to the judge's child. More important, the child should not count on his parent to "help him out", since this could be an interference with justice (a felony on its own), and cause for impeachment.

Early enough, children realize their parents don't have all the answers. It is not desirable that they pretend they do. But when a clear vision of the goals of parenting is held, the task becomes easier, and solutions arise. Parents in a judicial family must work as a team. As their children grow, they should be a part of the team and help design the "rules of the family" for various reasons: this may help them better understand the rationale involved, children are very creative, and they will be more hesitant to break rules they helped create. Judicial family parenting can be a great challenge, but it can also be an opportunity to build a strong and loving relationship with our children.

References

Kohlberg, L. (1964), *Development of Moral Character*. In: Review of Child Development Research, M.L. Hoffman y L.W. Hoffman, eds., vol. 1. New York: Russell Sage Foundation.

Miller, P. ((1989) *Theories of Developmental Psychology*, 2nd. ed. New York: Freeman & Co.

Piaget, J. (1932) *The moral judgment of the child*. London: Kegan Paul.