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CORRESPONDENCE

NEGATIVE ATTITUDES OF LAW STUDENTS: A REPLICATION OF THE ALIENATION AND DISSATISFACTION FACTORS

In 1976 we conducted a survey of law students at The University of Michigan. Demographic information; personal goals and values; and attitudes toward the law school, the faculty, and fellow students were surveyed. We factor-analyzed the items relating to attitudes, personal goals, and values. Three major factors were identified and labeled as alienation, dissatisfaction, and sociability. We have recently described the alienation factor extensively and outlined the dissatisfaction and sociability factors.¹ In March 1977, we conducted a second survey designed to replicate the earlier study. Despite the addition of a few new items, the questionnaire was essentially unchanged. The new study group consisted of 165 first-year students and 38 second- or third-year students. We randomly selected the first-year students from the class entering in 1976. The advanced students were enrolled in a course on evidence. We used the same procedure as in the first study to factor-analyze the data. The first two rotated factors—alienation and dissatisfaction—were quite comparable to those in the earlier study. The third factor, sociability, did not replicate, and it seems advisable to discard it as a central construct in studies of the professional socialization of law students.

THE ALIENATION FACTOR

Table I presents the factor loadings of items strongly related to the alienation factor. Loadings in the original study and the replication study are listed separately. In both studies, alienation emerged as an attitude of disengagement from the social and professional aspects of the law school and legal profession. Students who were highly alienated did not feel they were a part of an active, caring association. They were uncertain about their own reasons for attending law school and derived little enjoyment from their classes. Though their undergraduate academic backgrounds were not substantially different from those of other students, alienated students performed somewhat less well academically in law school than nonalienated students. Their disaffection extended even to law-

1. Carrington & Conley, *The Alienation of Law Students*, 75 MICH. L. REV. 887 (1977).

TABLE I
ALIENATION

	First Survey	Second Survey
"Michigan's law school deserves its great reputation"	.68	.62
"I enjoy law school classes"	.65	.55
"Other law students agree that Michigan's law school deserves its great reputation"	.53	.45
"Michigan law students enjoy their classes"	.52	.56
"I am uncertain about why I came to law school"	-.52	-.43
"Law school teaching is too academic, not practical enough"	-.52	-.41
"Law school should be a center for law-reform research and activity"	.48	.52
"Members of the law school faculty are concerned to help students master practice"	.48	.35
"Members of the law school faculty work hard at their jobs"	.45	.50
"Other law school students agree that law school teaching is too academic, not practical enough"	-.44	-.39
"Michigan law students would make false statements to get financial aid from the law school"	-.41	-.30
"Other law students agree that most law school alumni earn their livings honorably"	.40	.30
"Other law students agree that the law school should be a center for law-reform research and activity"	.38	.33
"Members of the law school faculty make contributions that are unrelated to their own careers"	.37	.30
"The legal profession should be more exclusive to maintain high standards and protect the public"	.36	.50
"Members of the law school faculty work actively in law reform"	.33	.40
"Michigan law students would alter their transcripts to get a better job"	-.30	-.42

reform activities, which were enthusiastically endorsed by most other students.

It seems unlikely that the syndrome of law student alienation is restricted to The University of Michigan. An excellent example of the syndrome occurs in a discussion of the development of a system of psychological services within the law school of Southern Methodist University.² Students using this service principally complained of uncertainty over their reasons for attending law school accompanied by guilt over their desire to drop out (as well as by fear of failure). These students felt intense pressures to stay in law school even though they felt unhappy and out of place.

A primary factor among students counselled has been their realization that they came to law school based on factors other than valid interest and/or aptitude. The Law, a highly prestigious profession, attracts many young people because "it's the thing to do" or "a law degree seemed a good background for almost anything." Such students rapidly find themselves poorly motivated to perform in the rigorous routine of law school and begin to seriously question their motivations.³

This description is entirely consonant with our concept of alienation. However, the alienation concept goes beyond the student's immediate personal crisis. It describes attitudes toward law school and the legal profession that appear to be part of an ongoing crisis in professional socialization. While it might seem that a large proportion of alienated students would officially withdraw from law school, we found that alienation was about as great a problem among third-year students as among first-year students. In fact, students who officially withdraw and those who seek psychological assistance probably account for only a small portion of the alienated.

We hypothesize that law student alienation is inversely related to law-school attrition. In our earlier paper, we suggested that law-student alienation is increasingly distressing because the striking decrease in the dropout rate since 1960 coincided with an increased frequency of emotional "dropping out in place." A noticeable minority of students apparently become mired in an educational routine they perceive as meaningless and alien, but law school registration figures demonstrate that most reporting law schools show a decrease in the official dropout rate. At The University of Michigan the rise in retention rate occurred comparatively early. From 1960 to 1966, the ratio of second- to first-year students at Michigan increased from .67 to .90. For all United States law schools reporting to the ABA registration survey, the comparable

2. McAleer, *Psychological Services Designed for the Law Student*, 5 J. FOR. PSYCH. 2 (1973).

3. *Id.* at 3.

figures are .69 and .72. Even in 1969, the national data show a ratio of second- to first-year students of .68. By 1973, however, the national ratio had risen to .80. Even more dramatic was the coincident increase in the retention rate from the second year to the third year. The overall magnitude of this shift in retention rates is impressive. From 1960 through 1970 the number of third-year students in the reporting law schools varied between 50 and 60% of the number of first-year students, while by 1973 the proportion had risen to 74%. The general increase in law school admission over the 1960s does not account for more than a small part of the observed trend.⁴ Our hypothesis is that some kinds of students who would previously have left law school now stay in school and that one of these is the seriously alienated student. Despite the plausibility of this hypothesis, we cannot now offer direct proof of it.

Law school retention rates cannot by themselves explain the problem of law-student alienation. Undergraduates in the United States became more alienated during the period 1964-1974.⁵ Thus, alienation is probably an increasing problem in law schools' applicant pools. Should an attempt be made to identify the potentially alienated during the admission process? The finding of our earlier study that race, sex, age, family income, and most other demographic variables did not correlate significantly with alienation was confirmed in the replication study. Similar findings have been reported for undergraduate students.⁶ In both of our studies, however, we found that the extent to which students worked while attending college classes related significantly to alienation during law school. Since family income had no relation to law-student alienation, it is unlikely that financial need explains this relationship. Rather, the alienated student's work during college may express an indifference to the academic world. The fact that no decrement in the academic performance of the alienated student shows up until law school may be due to the lack of challenge in the undergraduate curriculum and perhaps an actual avoidance of difficult courses. It should be pointed out, however, that undergraduate major is not related to the degree of alienation among law students.

One demographic variable (which we examined only in the second survey) did correlate in significant measure with alienation: birth order. Michigan law students are disproportionately first-born. And first-born students are significantly less alienated than

4. Registration data appeared yearly in vols. 1-23 of *J. LEGAL EDUC.* Registration data for 1973 are from Rured & White, *Legal Education and Profession Statistics 1973-1974*, 26 *J. LEGAL EDUC.* 342 (1974).

5. Wolfe, *Trust, Anomia, and Locus of Control: Alienation in U.S. College Students in 1964, 1969, and 1974*, 100 *J. Soc. PSYCH.* 151 (1976).

6. Tolor & Murphy, *Alienation, Academic Preferences, and Vocational Aspirations in College Students*, 16 *J. STUDENT PERSONNEL* 494 (1975).

their classmates. Although striking, this finding is not inconsistent with the general literature on birth order, which reveals that first-borns tend to be preoccupied with authority and rules.⁷

Two other aspects of the alienation syndrome among law students deserve special additional comment. First, highly alienated students in our surveys expressed impatience with academic presentations of the law that did not clearly relate to their own vocational needs. Although they were relatively isolated from the professional ethos, the alienated students are vocationally oriented with a vengeance. They are committed to the practice but not the spirit of the law. This excessively practical orientation to law school (the desire to be only "a trained technocrat") has been discussed in relation to the involvement of lawyers in the Watergate affair and other instances of flagrant unethical behavior.⁸ In fact, it is easy to see that alienated students lack the commitment to professional ethics that would discourage opportunism. In our studies, the alienated students placed low priority on the maintenance of high professional standards and the protection of the public. Those who do more than pay lip service to professional standards are, in a sense, already combatting the chaotic orientation of the alienated.

The second outstanding aspect of alienation is the alienated students' perceptions of their peers. Psychological studies have suggested that the alienation syndrome drastically affects social perception. Particularly, alienated students project their alienation on others and incorrectly estimate the prevalence of a broad band of student opinions. Alienated students see their peers as markedly more negative and cynical than is actually the case.⁹ This aspect of the alienation syndrome emerged clearly in our studies. The alienated believed that their peers would lie to secure financial aid or would alter their transcripts to get a better job. When asked to estimate the opinions of other law students, the alienated drastically underestimated the extent to which these students (according to our survey results) enjoyed their classes, thought their law school deserved its reputation, or wanted the law school to be a center for law reform. The alienated perceived the law faculty as cynical and narrowly careerist, and they estimated that other students shared that perception. In fact, other students do not consider the faculty especially cynical, though many do endorse quite unflattering opinions about their teachers. These findings underscore the seriousness of the alienation problem, which appears to be much more than simple

7. Cf. Very & Prull, *Birth Order, Personality Development, and the Choice of Law as a Profession*, 116 J. GENETIC PSYCH. 219 (1970) (influence of birth order on personality development and vocational choice explains tendency of lawyers to be first-born).

8. D'Amato, *Watergate and Legal Education: A Comment*, 27 J. LEGAL EDUC. 592 (1975).

9. Davids, *Alienation, Social Apperception, and Ego Structure*, 19 J. CONSULTING PSYCH. 21 (1955).

egoism or deliberate perversity. Rather, it is a factually incorrect outlook.

THE DISSATISFACTION FACTOR

That alienation and dissatisfaction exist as separate entities is probably the most important finding of our research project on law-student attitudes. Table II gives the factor loadings of items that constitute the dissatisfaction factor. The content principally consists of highly charged opinions. Though apparently negative in nature, the attitudes that constitute the dissatisfaction factor might also be seen as positive in nature since they seem based to some extent on implicit standards. The faculty and fellow students do not measure up to the expectations of dissatisfied students. Actual hostility toward the faculty and fellow law students tinges some of the responses. In both the first and second surveys, women and minorities registered high levels of dissatisfaction, though these groups did not differ from other students in their degree of alienation.

In both our surveys, the alienation and dissatisfaction factors were quite distinct empirical clusters. The Varimax factor rotations used in this study might be suspected of inducing a somewhat artificial separation of factors, since Varimax is specifically designed to produce factors which are statistically independent—that is, uncorrelated. However, we performed exploratory oblique factor rotations both in place of the Varimax and subsequent to the Varimax (via Promax). In both cases, the essential structure of the alienation and dissatisfaction factors was basically unchanged, and in neither case were they correlated above .2. Thus the two factors are empirically separate for all practical purposes. Another study reported that the overall relationship of alienation and student satisfaction among undergraduates was not statistically significant.¹⁰

Of course, the conceptual distinction between alienation and dissatisfaction is of greater general interest than the empirical distinction. In the report of the first survey, we observed that dissatisfaction, as opposed to alienation, is to some degree inevitable but also at least partly beneficial within the context of the law school since student dissatisfaction can act as a necessary impetus to the improvement of a school.¹¹ The sometimes hostile, excessive expression of this discontent is consequential only insofar as it distracts faculty and administration from the legitimate bases of student dissatisfaction.

10. K. Minor, *The Relationship Between College Student Alienation and Satisfaction Using Canonical Variate Analysis* (1972) (unpublished dissertation, University of Southern Mississippi).

11. Johnstone, *Student Discontent and Educational Reform in the Law Schools*, 23 J. LEGAL EDUC. 255 (1970).

TABLE II
DISSATISFACTION

First Survey Second Survey

"Members of the law school faculty enjoy embarrassing students in class"	.61	.40
"The faculty treats students differently according to sex"	.60	.46
"Michigan law students treat fellow students according to the latter's academic record or abilities"	.60	.55
"Michigan law students are motivated by big incomes and high social status"	.59	.54
"Members of the law school faculty disfavor minority students"	.58	.52
"Michigan law students think that the legal profession should be more exclusive"	.55	.45
"Law school faculty are overbearing and selfish with their families"	.54	.41
"Michigan law students would strongly prefer to be at another law school"	.52	.55
"The law school faculty tends to favor the best students"	.48	.40
"Michigan law students are motivated by desire for fame and political power"	.47	.46
"Law students treat fellow students according to the latter's race"	.47	.48
"Members of the law school faculty are more interested in publication than in teaching students"	.45	.43
"Michigan law alumni earn honorable livings"	-.38	-.45
"I select classes with an eye towards passing the bar exam"	.38	.39
"Law school students spend more than 40 hours/week actually working on law school assignments"	.37	.36
"Law school students are motivated by desires for financial and family security"	.34	.51
"I select classes with an eye toward the expected grade curve"	.34	.36
"Law school students would put studying for an exam before keeping an appointment with a Legal Aid client"	.34	.45
"I felt pressure to get high grades to get into a good law school"	.30	.32

Academic pressure contributes to student dissatisfaction. Students who as undergraduates felt a high degree of grade pressure are likely to be dissatisfied in law school. Likewise, the feeling that one must select law school courses with an eye to the bar examination is associated with high levels of dissatisfaction. This indicates that dissatisfaction is partly caused by frustration and the pressure of competition. The faculty and other students are perceived as personally threatening. Thus the insulting, almost assaultive, character of extreme dissatisfaction is to some extent a misguided defensive maneuver. Faculty members may be well advised to keep this in mind when confronting some of the more extreme manifestations of student dissatisfaction.

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