

*A Threat in the Classroom:
Unveiling Cues, Social Identity Contingencies, and Consequences
for Minoritized Students in U.S. Law Schools*

Prof. Victor D. Quintanilla

Leaders and scholars have called for action and antiracist principles to address the complicity of law schools in enabling systemic racial inequality and racial subordination in U.S. society (Conway, 2022; Onwuachi-Willig, 2020). A large body of research reveals that racially minoritized law students feel alienated within U.S. law schools and that the culture and curriculum can be threatening for students who belong to groups historically excluded from the legal profession and subordinated by legal institutions (Darling-Hammond & Holmquist, 2015; Deo, Lazarus-Black and Mertz, 2020; Dowd et al., 2003; Feingold & Souza, 2013; Krieger, 2002; Mertz, 2007; Lain, 2018; Moran, 2000; Pan, 2017; Sturm & Guniner, 2007).

We seek to contribute to this body of critical research by applying the social psychological framework of *social identity threat* to examine the experiences of minoritized students in U.S. law schools. In conducting this analysis, we harness a dataset we developed over the past six years of over 10,000 law students preparing for the bar exam. Our dataset contains a comprehensive inventory of measures exploring students' psychological experiences in U.S. law schools.

Our work integrates social psychological research on *social identity threat* (Steele et al, 2002; Purdie-Vaughns et al., 2008; Murphy & Taylor, 2012) with the *cues hypothesis* (Murphy et al., 2007). We advance a framework and conceptual model of social identity threat in law school. We then focus on the antecedents (cues), experiences (contingencies), and the consequences of identity threat for minoritized law students. We take as our baseline the reality that law schools have been, and all too frequently continue to be, threatening and unwelcoming places for people of color.

What is *social identity threat*? Social identity threat involves a broad class of identity-based contingencies and intersubjective concerns, extending beyond stereotype threat (Steele et al, 2002; Purdie-Vaughns, et al, 2008; Murphy & Taylor, 2012). This research reveals that members of divergent social groups may subjectively experience the same objective physical environment in remarkably different ways due to the divergent legacies and sociocultural patterns associated with social groups in these settings. For example, in the context of legal education, which has historically excluded students of color, racially minoritized law students may be vigilant to indicators of respect and inclusion. Moreover, these law students may experience stereotype threat, *i.e.*, the concern that they will confirm or be seen to confirm negative group stereotypes about their group (Steele, 1997; Steele & Aronson, 1995; Steele et al., 2002). Beyond stereotype

A Threat in the Classroom

threat, racially minoritized students may contend with other concerns and contingencies, including whether they can trust law professors, whether their peers will devalue them, and whether they will come to belong and be accepted in law school. Given their minoritized identities, they may also be concerned with being treated and evaluated fairly in law school. The friction of contending with contingencies related to one's social identity -- worrying about whether or not these concerns are valid or not in the classroom, at this law school -- *is* the experience of social identity threat *in situ*. If these contingencies are confirmed, students may come to experience the setting as identity-threatening, rather than identity-safe (Purdie-Vaughns et al., 2008).

And the *cues hypothesis*? The cues hypothesis (Murphy et al., 2007; Murphy & Taylor, 2012) posits that subtle situational cues can trigger objective and subjective experiences of social identity threat among traditionally stereotyped groups, even if the setting exhibits evidence of prejudice and discrimination. Thus, the cues hypothesis suggests that subtle situational cues may prompt vigilance and worries about belonging, authenticity, trust, discrimination, devaluation, marginalization, and exclusion.

Consistent with this research on social identity threat and the cues hypothesis, we begin by revealing the prevalence of significant group differences in the experience of social identity threat in law school across thousands of law students. Black and Hispanic students report substantially higher levels of identity threat compared to Asian and White law students. These differences underscore the challenges experienced by minoritized law students in historically white-dominated legal institutions.

We then identify subtle situational cues and antecedents contributing to identity threat, including minoritized law students' perceptions about disrespectful treatment by law professors and fixed-mindset cultures of learning within law schools. Firstly, disrespect by law professors exacerbates identity threat. Secondly, the mindset culture of the law school (Canning, 2020; Murphy, 2023; Murphy & Dweck, 2010) and specifically law professors' fixed-mindset views about law students' abilities and intelligence (rather than growth-minded views correlate with minoritized law students' identity threat. While we continue to examine the data, especially multilevel data that account for the diversity and representation of student bodies, these findings provide paths for antiracist reform.

Next, we identify a broad class of identity contingencies closely associated with identity threat in law school. For example, we found that identity threat is closely associated with law students' belonging uncertainty, *i.e.*, frequently worrying about whether one belongs or not in law school. It also relates to experiencing less belonging in law school itself. Identity threat also relates to law students' concerns about being judged and evaluated based on one's group membership. Finally, a core component of identity threat is the belief that others in law school would be

A Threat in the Classroom

surprised if one succeeds in law school in light of one's group membership. Consistent with the theory of social identity threat, our work reveals a range of identity-based contingencies in law school closely associated with social identity threat.

Finally, we demonstrate the consequences of social identity threat, including impaired relationships with peers and professors, diminished views of the quality of one's legal education, lower GPAs and spillover effects relating to identity-threat experienced in bar exam preparation. Taken together, these downstream consequences underscore the way in which identity threat diminish minoritized law students' educational experiences and achievements, potentially impeding their trajectories into the legal profession.

Our study reveals that social identity threat pervades the experience of thousands of minoritized law students across U.S. law schools, providing evidence that U.S. law schools face systemic challenges rather than isolated or local DEI challenges. These findings demand action, including pathways for antiracist reforms and adopting growth-mindset teaching cultures, curricula, and pedagogy that align law schools more closely with the democratic goals of promoting justice and equality.

