



COMPARING GENDER DIFFERENCE IN ASSERTIVENESS AMONG LAW STUDENTS

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Abstract. A successful lawyer must be able to advocate for themselves without harming the rights of others. The role of an assertive lawyer is to help the client assert themselves, to make sure they are heard by the court and the opposing party, so that their interests are fully considered and factored into any final result. The present research was designed to study the gender differences of assertiveness: adaptive and aggressive, in law students. For this, a sample of 95 responses (51 females and 44 males) were collected. The participants were administered the Adaptive and Aggressive Assertiveness Scale (AAA-S) developed by Renee J. Thompson & Howard Berenbaum in 2011. The results showed significant differences among female and male law students, where male law students scored higher in both, adaptive and aggressive assertiveness than female law students. The implications and limitations were also discussed and more possible studies were suggested.

Keywords. Law students, Gender difference, Aggressive assertiveness, Adaptive assertiveness.

I. INTRODUCTION

Lawrence Kohlberg was a psychologist who studied how people develop morals and proposed a stage theory. He found that people's morals can change over time, but not everyone evolves through all the stages. This means that everyone has their own moral compass, but it might not be the same as someone else's. Societies have rules, like laws, to guide behaviour and express moral values. Some people work hard to change laws, to change how people think and feel about certain things. When people view laws as agreements that can be changed, instead of strict rules, it helps a country be more democratic.

However, since the definition of justice is different for all, the law has its own guardians: lawyers. Lawyers have a big responsibility to uphold the law and fight for justice for those who cannot defend themselves in court. Their job involves more than just arguing cases in court. They also need to build relationships outside of court to gather support, evidence, negotiate settlements, and achieve the best outcomes for their clients. Lawyers often deal with other professionals to quickly get things like legal documents or certificates from different departments.

Thus, a law student should learn how to communicate effectively, including adjusting their tone and volume. This will help them establish good relationships with different parts of the justice system and work well with others. By doing this, they can avoid harming themselves or their clients and be more successful in their careers.

According to Bridget Clapham, there are two forms of communication occurring on a continuum and a lawyer can be positioned anywhere depending on the skills, context and emotional state:

- 1) Aggressive- When someone is upset, scared, or stressed, they may act aggressively, trying to force their opinion on others without considering how it affects them or their rights. This behaviour can lead to short-term success but damage long-term relationships by causing offense and losing trust. Lawyers should avoid acting aggressively to maintain good relationships and achieve better results for their clients.
- 2) Assertive- Being assertive means feeling confident, staying calm, and being in control of your feelings. It's about responding politely to situations with positive body language and a friendly tone. A lawyer who is assertive respects their own rights and the rights of others. They ask for help, clarification, and work together to solve problems.

Research shows that being assertive is better for lawyers than being aggressive. Assertive lawyers communicate their views while valuing others', while aggressive lawyers ignore others' opinions. Being aggressive may bring about success in the short term, but it can also hurt relationships and reputation in the long run. It's important for lawyers to be confident, respectful, and communicate effectively with others. This could entail better problem-solving skills and positive relationships with colleagues. Being assertive means being honest, setting clear boundaries, and demanding respect. It's not about being loud or obnoxious, but about strategic thinking and adapting to changing circumstances. Lawyers who embrace this mentality are more likely to excel in their careers and serve their clients well.

Since the research has established that assertiveness is an important trait in lawyers and determines one's success as compared to the lawyer's aggressiveness, women are found to fail to display assertiveness in courtrooms which often is interpreted as them being too soft or delicate.

According to Kim Elsesser, the struggle of female lawyers is not just limited to unequal gender wage gap or fewer opportunities for promotions. A recent survey of 2,827 female lawyers by American Bar Association Commission on women, showed that female lawyers, in comparison to their male colleagues are more often interrupted, mistaken to be somebody else, assigned more administrative tasks, prone to sexual harassment, glass-ceiling barriers, maternal biases, and fewer opportunities for hands-on assignments.

Stephanie Rabiner (2011) found that women in the legal field still struggle to be heard despite progress. She discovered that female students who are pursuing law are less likely to speak up in class or ask for help from professors, often driven by fear. Nicole Black explains this is due to societal expectations that women should be quiet and gentle. Studies also show that assertive women can be seen as unappealing, leading to them being ignored. On the other hand, speaking softly can also make women less noticeable. To overcome this, women need to break free from these expectations and feel confident being assertive and bold.

Maxfield and colleagues (2015) found that speaking assertively can lead to social backlash, especially for women, impacting both individual careers and organizational effectiveness. Their findings emphasize the importance of recognizing gender bias, promoting open discussions, and minimizing negative consequences to empower individuals and leaders.

Pinky Anand, a senior advocate, says that women in litigation face more challenges because they often deal with male clients, lawyers, and judges. They may encounter gender bias at different levels. If a woman speaks loudly to make a point, she may be seen as quarrelsome, not assertive. This perception can overshadow her abilities and lead to her being called aggressive. However, only 14% of women in litigation reported experiencing discrimination or bias from judges through sarcastic comments.

Women need to assert themselves when dealing with court administrative staff to be respected. Deepa Moondra, a lawyer in Jaipur, explains that while her male colleagues use charm to get tasks like filing and copying done, she has to be more assertive to achieve the same results.

In an article called "Women at the Bargaining Table: Challenges and Opportunities" by Tinsley and colleagues (2009), it was found that women face negative consequences when they act assertively, such as when requesting resources during negotiations. This backlash is most noticeable when the stereotype of women as communal and nurturing is present. However, when this stereotype is not relevant, the backlash against assertive behaviour by women is reduced.

A significant study by Williams and colleagues in 2018 looked at how male and female lawyers' express anger. They surveyed nearly 3,000 lawyers and analysed courtroom arguments. The findings were concerning: 56% of white men felt comfortable showing anger, while only 40% of women of colour and 44% of white women did. Men reported being interrupted less often than women, regardless of race. Additionally, 62% of white men felt they faced no consequences for being assertive, compared to 46% of women of colour and 48% of white women.

Salerno and colleagues (2017) did an experiment where 700 people watched videos of male and female lawyers giving angry closing arguments. The study found that people liked the angry male lawyers and would hire them, but they didn't like the angry female lawyers and wouldn't hire them. This means that women are punished when they show anger in court, while men are not. The study also found that many female lawyers feel they can't just act naturally or be passionate to win a case. They have to work harder than their male colleagues to win a jury.

Lara Bazelon (2018) interviewed many female trial lawyers and found that they face sexism and biases from judges, lawyers, jurors, and clients. A report from Rhode in 2001 said that women lawyers face a double standard where they must be careful not to be seen as too soft or too aggressive. The interviews also showed that women lawyers try to succeed without giving up traits seen as feminine, which makes it hard for them to give their clients the best and most passionate defense.

Williams and colleagues (2016) studied more than 70 research papers on how people react to assertive behaviour. They discovered that women are criticized more than men for doing the same assertive actions. Women are particularly punished for direct, clear forms of assertiveness. When women use words to be dominant, it's especially challenging for them, compared to men who use the same words to make requests.

Research shows that women face more negative consequences than men when they act dominant. Women are punished for showing anger in court, unlike men who are not. Many female lawyers feel they can't rely on their behaviour and passion to win cases and often have to work harder than male colleagues to win over a jury. Female attorneys often struggle to find the optimal blend of being too aggressive or not assertive enough.

However, it is widely researched and accepted that assertiveness is an important skill to become a successful lawyer irrespective of gender. Thus, this study aims to find out any lapses that the students have in important skills of being a lawyer and aims to give early intervention that can be helpful to develop the skills, increase the chances of their success and give the country a dynamic set of lawyers.

Objectives:

1. To compare the level of adaptive assertiveness among the female and male law students.
2. To compare the level of aggressive assertiveness among the female and male law students.

Hypotheses:

There will be no significant differences among male law students and female law students on the level of adaptive assertiveness.

There will be no significant differences among male law students and female law students on the level of aggressive assertiveness

II. METHODOLOGY

This is a quantitative research study designed to find the level of adaptive and aggressive assertiveness in male and female law students. Further, to compare and explore if any gender differences exist along the same. This study used an instrument which attempts to distinguish between the two different ways of acting assertively: (1) aggressive assertiveness, which reflects active behaviours that get one's needs met in a coercive manner or at the expense of violating others' rights; and (2) adaptive assertiveness, which reflects active behaviours that get one's needs met in a socially acceptable way without violating others' rights. Thus, this study attempts to explore the style of assertive communication, an important trait for law students.

Sample:

The data for present study was collected by online survey method. The questionnaire was made into a Google Form and it was circulated through various social media platforms and the researcher collected a sample comprising of 51 female and 44 male BA LLB (Bachelor of Arts and Bachelor of Legislative Law) students.

Instrument:

Adaptive and Aggressive Assertiveness Scale (AAA-S) is a scale developed by Renee J Thompson and Howard Berenbaum in 2011, it comprises of nineteen scenarios that depicted everyday interpersonal situations in which one might assert oneself. Assertiveness responses were listed following each scenario. There were thirty questions in total, fifteen each for two subscales: adaptive assertiveness and aggressive assertiveness. Out of the nineteen scenarios, scenario number- 1, 5, 6, 10, 11, 14, 18 and 19 were presented with only one option while others, had two options. Half of the options reflect adaptive assertiveness responses, and half of the options reflect aggressive assertiveness responses. Participants would indicate the extent to which they would react as per the option presented, on a five-point Likert scale ranging from 1=never to 5 =always.

Subscales:

Aggressive Assertiveness: 2b, 3a, 4a, 5a, 7b, 8a, 9a, 10a, 12a, 13a, 15a, 16a, 17a, 18a, 19a

Adaptive Assertiveness: 1a, 2a, 3b, 4b, 6a, 7a, 8b, 9b, 11a, 12b, 13b, 14a, 15b, 16b, 17b

An example of a scenario is “I am at the grocery store and several of my items ring up incorrectly, I...” The aggressive assertiveness reaction is “get angry and demand that the cashier change the price.” The adaptive assertiveness reaction is “ask the cashier to do a price check on the particular items.”

A scenario-based format was chosen to allow participant to differentiate between the concepts of adaptive versus aggressive assertiveness, allow participants to evaluate a behaviour specific to a situation (Tangney and Dearing, 2002) and to avoid a forced-choice, participants had the option to endorse varying or even similar levels of each type of assertiveness.

In order to compute the scores, the marked scores were summated and the mean was calculated and compared to the standardized scores of adaptive assertiveness (57.6) and aggressive assertiveness (33.2) to find out the degree of each style. If a participant had an item missing, the mean of the responses of the completed items were then multiplied by 15.

The adaptive and the aggressive assertiveness scales, when associated with existing forms of measure, displayed good internal consistency ($\alpha = .82$ and $.88$), split-half reliability and 2-week test-retest reliability ($.81$ and $.86$)

Procedure:

The researcher took consent from the participants and to gather the data, prepared a Google form to circulate on multiple social media platforms like: WhatsApp, Instagram, Facebook and Telegram. The participants were instructed to answer honestly and told that the responses would be kept confidential. All the ethical guidelines were followed while collecting the data. The collected data was scored as per the scoring criteria and results were computed using SPSS.

Statistical Analysis:

In the present study, the following statistical techniques were used:

1. Descriptive Analysis (Mean, Standard Deviation)
2. Independent samples t-test.

III. RESULTS

Table-1

The Independent T-Test Performed to Compare Adaptive Assertiveness Scores of Female and Male Law Students.

Gender	<i>M</i>	<i>SD</i>	<i>n</i>	<i>t</i>	<i>p</i>
Female	47.27	7.24	51	-6.78	0.00*
Male	57.43	7.32	44		

Note. M=Mean, SD= Standard deviation, n=number of participants, t=value of t-statistic. *p<0.05

An independent t-test was conducted to compare the adaptive assertiveness in male and female law students. The results showed highly significant differences among the adaptive assertiveness of male and female law students. The table reveals that there was a significant difference in the scores for female (M=47.27, SD=7.24) and male (M=57.43, SD=7.32) law students; t= -6.78, p=0.00. Since the mean scores of male law students is higher than female law students, it can be concluded that male law students are more adaptively assertive than female law students.

Table-2

The Independent T-Test Performed to Compare Aggressive Assertiveness Scores of Female and Male Law Students.

Gender	<i>M</i>	<i>SD</i>	<i>n</i>	<i>t</i>	<i>p</i>
Female	36.65	8.35	51	6.969	0.00*
Male	51.88	12.76	44		

Note. M=Mean, SD= Standard deviation, n=number of participants, t=value of t-statistic. *p<0.05

An independent t-test was conducted to compare the aggressive assertiveness in male and female law students. The results showed highly significant differences among the aggressive assertiveness of male and female law students. The table reveals that there was a significant difference in the scores for female (M=36.65, SD=8.35) and male (M=51.88, SD=12.76) law students; t=6.96, p=0.00. Since the mean scores of male law students is higher than female law students, it can be concluded that male law students are more aggressively assertive than female law students.

IV. DISCUSSION

The present study was undertaken to (a) to compare the level of adaptive assertiveness among the male and female law students. (b) to compare the level of aggressive assertiveness among the male and female law students.

The findings revealed that female law students scored (M=47.27) significantly lower than male law students (M=57.43) in terms of adaptive assertiveness and the null hypothesis was rejected as the norm score is 57.6. The study found that female law students are not as good at standing up for themselves compared to male students. Women struggle to express their feelings and rights confidently, as shown in a study by Mathinson et al. in 1982. Men are more likely to assert themselves than women.

In India, girls are taught to be quiet and obedient from a young age. They are expected to respect others' opinions and not cause trouble. Boys, on the other hand, are allowed to be loud and misbehave. When girls act like boys, they are criticized for not being ladylike. This conditioning continues into adulthood, where women are expected to be assertive but are judged harshly when they are. For example, if a man is assertive, he is seen as confident and powerful. But if a woman is assertive, she is seen as dominant, aggressive, or not nice. This reaction is unfair and based on fear. Women should be able to express themselves confidently without facing backlash. Faced with gender bias backlash, they have to choose between speaking up and risking rejection or staying silent. Some studies show that women use a softer, less assertive language, which can be a problem in situations where assertiveness is important. For example, in the legal field, being assertive is valued. Women are often seen as passive or focused on their appearance, which is not compatible with assertive communication.

Research shows that men interrupt more, speak more in public and in situations where status is important. This contradicts the stereotype that women talk too much. In most social settings, including the workplace, public life, politics, and even at home, status matters and men tend to have more of it. Women tend to communicate in a gentler and more cooperative way, and avoid conflicts. They are often seen as more

empathetic, passive, and generous. This is not a bad thing, but it can be a disadvantage in situations where assertiveness and boldness are valued.

The findings further revealed that female law students scored ($M=36.65$) significantly lower than male law students ($M=51.88$) in terms of aggressive assertiveness and the null hypothesis was rejected as the norm score is 33.2. Several theories have been proposed, trying to explain this phenomenon, most of them being from social psychological theories. Leonard Berkowitz, an American social psychologist, has a well-known theory about why men and women communicate differently. He believes that it's because parents teach boys and girls different social roles when they are young. He thinks that it's because parents teach boys and girls to play with different toys and act differently. Boys are encouraged to be aggressive and play with toy guns, while girls are encouraged to be gentle and play with dolls. This teaches boys and girls that men are supposed to be aggressive and women are not. This has been passed down for a long time and is partly due to our genes. Even though women have more freedom now, they still don't express aggression as much as men do.

Implications of the study:

- 1) The finding will add on to the theoretical knowledge and research in the field of assertiveness, gender differences and its importance in legal field.
- 2) The results will provide scope for intervention like assertiveness training to be introduced in the law schools to target specific demographics and enable the students to verbalize their opinions and be more socially competent.
- 3) These results may even enable the law schools to train students become adaptively assertive and enforce its importance.

Limitations of the study:

- 1) The data was collected online which has its own disadvantages-
 - Follow up questions that could help explain certain results was not possible.
 - Lack of explanation of questionnaire by the researcher.
 - Chances of having received false answers is more if the questionnaire seemed long and boring to the participants.
- 2) The study is conducted on relatively smaller sample and has limited generalizability.

Suggestions for further research:

- 1) The further studies can work on the limitations presented in this study.
- 2) The further studies can also focus on variables like level of adjustment in college and self-confidence.
- 3) Use of qualitative studies to get more insights about the variables and follow up questions that help explain results better.

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