

HAZING IN THE UNITED STATES MILITARY: A PSYCHOLOGY AND LAW PERSPECTIVE

GREGORY S. PARKS* AND JASMINE BURGESS**

ABSTRACT

Hazing has been a persistent issue in a variety of contexts, institutions, and organizations. The United States military and quasi-military organizations are among them. Here, we contend that hazing—as a legal phenomenon—exists and persists for myriad reasons. Among those reasons are that perpetrators may struggle to engage in rational decision-making about hazing due to the presence of cognitive biases. As such, they make poor decisions in the face of limited information and contradictory evidence. We also explore a host of other factors that may play a role in hazing-related decision-making.

I. INTRODUCTION

The year 2017 was a defining one in how we, as a society, came to think of hazing. Universities around the country dealt with the aftermath of fraternity-related hazing deaths.¹ Tim Piazza died in February at Pennsylvania State University and Maxwell Gruver died in September at Louisiana State University; the month of November saw the deaths of Florida State University student Andrew Coffey and Texas State University student Matthew Ellis.² While the popular narrative is that collegiate fraternities and sororities are the main bastions of hazing, an array of other organizations and institutions are also engaged in the practice. Included among these is the military, where hazing has long been a tradition. For example, in 1874, the United States Congress passed the first statute to prevent hazing at the Naval Academy.³ Since then, forty-four states have passed anti-hazing laws.⁴ Scholars and commentators have analyzed the law's contours vis-a-vis hazing. However, what may yield more fruit—at least with regards to finding workable solutions to address hazing—is to

* Professor of Law at Wake Forest University School of Law.

** 2019 Wake Forest University School of Law JD Graduate.

¹ Katie Reilly, 'Those Families are Changed Forever.' *A Deadly Year in Fraternity Hazing Comes to Close*, TIME MAG. (Dec. 21, 2017), <http://time.com/5071813/fraternity-hazing-deaths-2017/>.

² *Id.*

³ Act of June 23, 1874, ch. 453, 18 Stat. 203 (1874) (codified as amended at 10 U.S.C.S. §8464 (2019)); A. Catherine Kendrick, Note, *Ex Parte Barran: In Search of Standard Legislation for Fraternity Hazing Liability*, 24 AM. J. TRIAL ADVOC. 407, 409 (2000).

⁴ See GREGORY S. PARKS, MAKING SENSE OF UNITED STATES ANTI-HAZING STATUTES—STATE BY STATE 1 (2018). The only states that do not have an anti-hazing law are Alaska, Hawaii, Montana, New Mexico, South Dakota, and Wyoming. *Id.*

discern not simply the law on the books but rather the law in action.⁵ If, for example, the law is intended to be a system that regulates, curtails, and shapes human behavior,⁶ then hazing court opinions or statutes are nothing more than a mere bundle of words. The heart of the matter is those factors that underscore, amplify, and propel hazing. In Part II of this article, we highlight a variety of hazing incidents within the United States military and military-related organizations. In Part III, we explore the limited research on military hazing. In Part IV, we investigate hazing through the lens of what drives individuals to engage in said activity. Specifically, we focus on a range of cognitive biases, including, among others, systematic errors in judgment and decision-making.

II. MILITARY HAZING INCIDENTS

In this section, we highlight a variety of hazing incidents within the military and military-related organizations. These accounts underscore that hazing is a problem that exists in a range of contexts and not simply within fraternities and sororities.

A. DEATHS

Juwan Johnson: Rico Rodrigus Williams was an airman at Ramstein Air Force Base in Germany from 2001 to 2005 and later remained on the base as his wife's dependent, who was also an airman.⁷ During this time, Williams was the leader of a group that referred to themselves by various names, one of them being, "Brothers of the Struggle" ("BOS").⁸ Williams participated in a hazing ritual called the "one-hitter quitter," in which people were knocked out with one punch.⁹ Another hazing ritual was called "jump-in," where six BOS members would beat up a new member for six minutes.¹⁰

On July 3, 2005, Williams led the group in hazing Army Sergeant Juwan Johnson through the "jump-in" ritual.¹¹ They repeatedly punched and kicked Johnson while he lay on the floor, curled up in a ball.¹² After six minutes,

⁵ Gregory Scott Parks, Note, *Toward a Critical Race Realism*, 17 CORNELL J.L. & PUB. POL'Y 683, 692 (2008) (citing Karl N. Llewellyn, *Some Realism About Realism: Responding to Dean Pound*, 44 HARV. L. REV. 1222, 1222–24 (1931)).

⁶ *United States v. Safarini*, 257 F. Supp. 2d 191, 200 (D.C. 2003) ("the core purpose of the criminal law [is to] regulate behavior by threatening unpleasant consequences should an individual commit a harmful act") (quoting *Warren v. United States Parole Comm'n*, 659 F.2d 183, 188 (D.C. Cir. 1981), cert. denied, 455 U.S. 950 (1982)); *Washington Metropolitan Area Transit Authority v. Johnson*, 726 A.2d 172, 176 (D.C. 1999) ("[O]ne aim of tort law is to deter negligent (and certainly reckless) behavior"); *United States v. One Single Family Residence with Outbuildings Located at 15621 S.W. 209th Ave., Miami, Fla.*, 699 F. Supp. 1531, 1536 (S.D. Fla. 1998) ("criminal and quasi-criminal laws serve to regulate behavior which is undesirable from a societal viewpoint"); *General Motors Corp. v. Farnsworth*, 965 P.2d 1209, 1218 (Ark. 1998) ("Tort law seeks to deter future behavior that exposes others to injury."); *Emp'rs Ins. of Wausau v. Smith*, 453 N.W.2d 856, 866 (Wis. 1990) ("[t]he strong common-law tradition is that the legislature's primary function is to declare law to regulate future behavior"); *Thomas C. v. Physicians Ins. Co. of Wis.*, 509 N.W.2d 81, 83 (Wis. Ct. App. 1993) ("tort law seeks to deter unsafe behavior...").

⁷ *United States v. Williams*, 836 F.3d 1, 4 (D. C. Cir. 2016).

⁸ *Id.*

⁹ *Id.* at 10.

¹⁰ *Id.* at 4.

¹¹ *Id.*

¹² *Id.* at 10.

Johnson showed no signs of serious injury and never lost consciousness.¹³ Later that night, Johnson was walking as if he were intoxicated, had soiled himself, and had slurred speech.¹⁴ Williams ordered Florentino Charris to watch Johnson overnight and told him not to take him to the hospital.¹⁵ The next morning Johnson was dead.¹⁶ Williams retreated to the United States two days later and was arrested in 2009.¹⁷

Leading up to the trial, Williams told other BOS members to tell the authorities that “Turkish people jumped” Johnson and that they would be “basically done for” if they told the truth.¹⁸ Additionally, he called members to have them cover up a tattoo signifying gang membership.¹⁹ After his trial, Williams was convicted of second-degree murder and witness tampering.²⁰ On appeal, his murder conviction was overturned, and a new trial was ordered; his witness tampering conviction was upheld.²¹ The appellate court held that it was important that the jury consider whether Johnson gave consent when determining what Williams intended to happen on that night.²² Following a second trial, Williams was convicted of second-degree murder; the jury found that he demonstrated a conscious disregard of the risk of death when he ordered Johnson’s hazing.²³

B. CRIMINAL LITIGATION

Staff Sergeant Brandon C. Morrow – United States Army: Staff Sergeant Brandon C. Morrow pled guilty to charges including failure to obey a lawful general regulation, maltreatment of a subordinate (two specifications), and assault consummated by battery (two specifications) in violation of Articles 92, 93, and 128 of the Uniform Code of Military Justice.²⁴ These charges arose after Morrow participated in hazing activities that included ripping a soldier’s boxer shorts in front of other soldiers, hitting the same soldier repeatedly in the testicles, and other aggressive behavior such as kicking and choking.²⁵ In accordance with the severity of these various actions, Morrow was sentenced to a bad-conduct discharge, two-month confinement, pay-grade degradation, and forfeiture of payment.²⁶ Morrow appealed his sentence claiming that the facts of the case called for Article 93 to preempt Article 92 to avoid multiplicities.²⁷ He also requested that the finding of guilty as to the Article 92 charge, the Specification of Charge I, be dismissed.²⁸ The court agreed with Morrow stating that he had suffered an

¹³ *Id.* at 5.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at 5.

¹⁹ *Id.* at 5–6.

²⁰ *Id.* at 6.

²¹ *Id.* at 19.

²² *Id.* at 11.

²³ *Id.*

²⁴ *United States v. Morrow*, ARMY 20111135, 2014 WL 843582, at *1 (A. Ct. Crim. App. Feb. 27, 2014).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at *2.

unreasonable multiplication of charges as Article 92 punished him for violating a general regulation that prohibited the same conduct that he had been convicted of under Article 93.²⁹ Therefore, the court dismissed the regulatory disobedience offense.

Morrow then claimed that his sentence was disproportionately severe when compared to the other non-commissioned officers who mistreated the same victims in similar ways.³⁰ The government acknowledged that the cases were similar and that Morrow's sentence was the only one to include confinement or a punitive discharge.³¹ However, the government pointed to Morrow's position as the victim's platoon sergeant, a responsibility not held by the other perpetrators.³² The court found that this was a rational basis for a disparate sentence structure.³³ The court ultimately dismissed the finding of guilty for the Specification of Charge I but affirmed the remaining findings of guilty and the initial sentence.³⁴

Annamarie D. Ellis – United States Air Force: In 2008, Annamarie Ellis was a military training instructor who frequently used physical training exercises as a tool for punishing new trainees.³⁵ She would require the trainees to strip naked and perform group exercises while standing in a cold shower.³⁶ She frequently threatened to harm her trainees, and she often followed through with these threats.³⁷ Ellis also promoted "street justice" among her trainees, which led to two trainees fighting each other, resulting in the injury of one.³⁸ Following this injury, Ellis told all trainees who had witnessed the fight not to tell anyone what they had seen.³⁹

Ellis was reprimanded for her verbal abuse of trainees in January of 2010 and six months later "received nonjudicial punishment for abuse of trainees in the flight she was . . . leading."⁴⁰ She was removed from her training position.⁴¹ Ellis was later charged with dereliction of duty, cruelty, and maltreatment.⁴² Ellis pled guilty to all charges and was sentenced to a bad-conduct discharge, eight months of confinement, and a demotion.⁴³ On appeal, the court upheld the sentence.⁴⁴

Eric P. Zacatelco – United States Marines: Erik P. Zacatelco, was charged "with abusing his position and authority as a noncommissioned officer" by hazing and striking the Marines under his command, following a series of incidents spanning from July 2006 to October 2006.⁴⁵ These incidents included physical violence and verbal abuse—Zacatelco had a

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *United States v. Ellis*, ACM 38655, 2016 WL 383080, at *1 (A.F. Ct. Crim. App. Jan. 12, 2016).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.* at *2.

⁴³ *Id.* at *3.

⁴⁴ *Id.* at *8.

⁴⁵ *United States v. Zacatelco*, NMCCA 200700588, 2008 WL 5025022, at *1 (N-M. Ct. Crim. App. Nov. 25, 2008).

history of punching his recruits in the face while calling them derogatory names.⁴⁶ There were at least five instances where Zacatelco punched his recruits in the face, jaw, neck, and stomach, frequently while calling the victims derogatory names.⁴⁷ In one incident, Zacatelco physically forced two Marines to bite a desk.⁴⁸ During these incidents, Zacatelco threatened his trainees, telling them not to tell anyone about the abuse.⁴⁹ These threats were effective, as the victims initially denied any hazing when questioned. Zacatelco was eventually found guilty of hazing, resulting in a temporary forfeiture of payment, a pay-grade deduction, and a discharge for bad-conduct.

Because of Zacatelco's threats, witnesses had been afraid when questioned, and as a result, many provided false statements in which they denied any knowledge of hazing.⁵⁰ Zacatelco attempted to use these inconsistent statements as a basis for his appeal. However, the court noted that the witnesses were cross-examined by defense counsel and that their initial denials concerning the hazing incidents were explained. After reviewing the record and taking this information into account, the court found the witnesses' testimony credible and consistent.⁵¹ The court affirmed Zacatelco's conviction and sentence.⁵²

Eric Gonzalez – Texas A&M University: In October 2002, Eric Gonzalez, a student at Texas A&M University, reported hazing in the University's Corps of Cadets unit.⁵³ Following the incident, in 2003, the university initiated disciplinary action for misconduct.⁵⁴ Gonzales filed a petition seeking a Temporary Restraining Order, which the court granted.⁵⁵ The court then issued an additional Temporary Restraining Order, which stopped all Corps of Cadets related hearings, all university appellate proceedings, and the enforcement of sanctions already assessed.⁵⁶ A court order was entered before Texas A&M University, which initiated disciplinary action for some students before any student exhausted the appellate process.⁵⁷

Eventually, twenty-three plaintiffs sought relief from the trial court in the form of a permanent injunction, forbidding Texas A&M University from continuing with the student-disciplinary process.⁵⁸ This also prohibited declarations under the Uniform Declaratory Judgements Act, Student Conduct Code, and student disciplinary process.⁵⁹ The court considered the "ripeness" of the case by analyzing if the facts were sufficiently developed at the time the lawsuit was filed, "so that an injury [had] occurred or [was]

⁴⁶ *Id.* at *1–*2.

⁴⁷ *Id.*

⁴⁸ *Id.* at *2.

⁴⁹ *Id.*

⁵⁰ *Id.* at *3.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Tex. A&M Univ. v. Hole*, 194 S.W.3d 591, 592 (Tex. Ct. App. 2006).

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.* at 593.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

likely to occur, rather than being contingent or remote.”⁶⁰ The court, siding with Texas A&M University, said that since the victims had not yet completed the university’s disciplinary process, they did not have a concrete injury, and thus decided the case was not ripe for adjudication.⁶¹ The court denied the appellees’ motion for rehearing.⁶²

Susan Sutek Roberts – U.S. Navy: In 1980, Susan Sutek Roberts, a fireman apprentice with the Navy onboard the U.S.S. Dixon, fled the ship without permission following a hazing ritual known as “oiling.” During this ritual, male firemen on the ship tied her wrists with cord, tied her to piping on the ship, cut a hole in her pants near her crotch area, and stuck the nozzle of an oil can into this hole and pumped the area full of oil. Roberts fled, fearing another phase of the initiation called “greasing.” Greasing entails tying the victim down, removing the victim’s pants, and then placing a grease gun in the victim’s seat and pumping it full of grease, coffee grounds, cigarette butts, and anything that will fit through the tubing. Because Roberts fled the ship due to hazing, she was found not guilty of being absent without leave.⁶³

C. CIVIL LITIGATION

Osiris Terry – Hawaii Air National Guard: In 2013, Osiris Terry filed an Employment Discrimination Complaint pursuant to Title VII of the Civil Rights Act of 1964 after the National Guard retaliated against him for making complaints about racial discrimination.⁶⁴ This discrimination included denial of mandatory training, denial of open positions, and hazing.⁶⁵ A lower court ruled against Terry, stating that the basis for Terry’s treatment was his lack of training, not racial discrimination.⁶⁶

Jeanie Mentavlos – The Citadel: Jeanie Mentavlos, one of the first female students at the Citadel, alleged that John Justice Anderson and James Saleeby violated her constitutional rights to equal protection under the Fourteenth Amendment by intentionally depriving her of equal access to educational opportunities.⁶⁷ Specifically, she argued that she was hazed while at the Citadel because the defendants lit her clothes on fire, kicked her in the legs, and entered Mentavlos’ room wearing nothing but shorts.⁶⁸ In addition, Mentavlos showed evidence of Anderson pushing cardboard against Mentavlos’ face and chin while shouting in order to discipline her, and making threatening statements. In addition, he sent her to the company commander’s office for coming in drunk just before Thanksgiving dinner.⁶⁹ Mentavlos did not report most of these instances until she had withdrawn from the school for fear of retaliation.⁷⁰ In these cases, Mentavlos alleged

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.* at 592–93.

⁶³ *Navy’s Highest Court Voids Conviction of Female Sailor*, N.Y. TIMES, Dec. 12, 1982, at 72.

⁶⁴ *Terry v. Haw. Air Nat’l. Guard*, No. 13–00295 LEK–RLP, 2014 WL 5089179, at *1 (D. Haw. Oct. 8, 2014).

⁶⁵ *Id.*

⁶⁶ *Id.* at *2.

⁶⁷ *Mentavlos v. Anderson*, 85 F. Supp. 2d 609, 610 (D.S.C. 2000).

⁶⁸ *Id.* at 612–13.

⁶⁹ *Id.* at 613.

⁷⁰ *Id.* at 614.

that the cadets used their authority as upperclassmen against her.⁷¹ When Mentavlos reported the actions, the school investigated and punished the cadets, including Saleeby—who was suspended—and Anderson—who resigned before further punishment.⁷² Mentavlos claimed these actions were gender motivated, as she testified that multiple cadets told her she “didn’t belong,” and Anderson was concerned about the disruption females would bring to the Citadel environment.⁷³

The district court found that the defendants had limited authority over Mentavlos, except Saleeby, who had greater authority over her as a squad leader.⁷⁴ The court determined that the defendants were not state actors and that the Citadel was taking appropriate measures to thwart any abuses that could arise from the Citadel’s hierarchy.⁷⁵ Furthermore, the court was not able to find evidence to support the gender motivation behind Saleeby’s actions, and there was insufficient evidence to prove Anderson’s actions.⁷⁶ Further, Mentavlos was unable to establish that these cadets received encouragement and exercised the state’s coercive powers.⁷⁷ As a result, the court granted summary judgments for the defendants.⁷⁸

Travis Alton – Texas A&M University: Travis Alton was a member of the Corps of Cadets, a voluntary student military training organization, at Texas A&M University.⁷⁹ Alton was also a member of the “Fish Drill Team” (“FDT”), a precision rifle drill team unit made up of freshman cadets.⁸⁰ FDT was run by nine upperclassmen advisors known as “hounds.”⁸¹ The freshman in the program competed in rifle drill competitions throughout the year.⁸² Alton claims that during FDT, the freshmen endured “hell week,” which involved intense training prior to the spring semester.⁸³ During this week, the freshman also received nightly dorm visits from the hounds in which the students either witnessed, participated in, or had knowledge of beatings, kicking, and slapping of other FDT members.⁸⁴ Alton claimed he was singled out for special treatment, claiming he had his chapped lips twisted and jerked and had his head taped like a mummy.⁸⁵ Alton did not report any of these incidents to school authorities.⁸⁶ Following hell week, Alton recalled an incident where he had performed a drill movement incorrectly.⁸⁷ He claims he was taken to the FDT weapons room, where he was grabbed by the throat and choked, repeatedly knocked to the ground, and repeatedly punched in the face.⁸⁸ Alton recalled another incident where he was again knocked to the

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.* at 615.

⁷⁴ *Id.* at 618–19.

⁷⁵ *Id.* at 628.

⁷⁶ *Id.*

⁷⁷ *Id.* at 620.

⁷⁸ *Id.* at 628.

⁷⁹ *Alton v. Texas A&M Univ.*, 168 F.3d 196, 198 (5th Cir. 1999).

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

ground and repeatedly kicked in the ribs.⁸⁹ After the beating, he claimed the student defendants made him run until he fell, suffering from overexertion.⁹⁰ Neither of these incidents was reported to authorities; however, Alton did inform his parents.⁹¹

Eventually, his parents notified Colonel Hoffman, after a rumor surfaced regarding the hazing of an unidentified freshman.⁹² Alton was then questioned by Captain Dalton.⁹³ Alton denied that any of the events occurred but later reasoned that his denial was due to pressure from other cadets.⁹⁴ A meeting with Colonel Ruiz for further discussion was postponed to the following week, which Alton alleged left him without protection and vulnerable to hazing.⁹⁵

At the end of the school year, members of the FDT could try out to become an FDT “hound.”⁹⁶ Despite his alleged abuse, Alton wanted to be a hound.⁹⁷ The selection process was extremely rigorous and included a “hound interview.”⁹⁸ Alton claims that during his interview, the defendants poked him in the eye and punched him in the face.⁹⁹ They then turned out the lights and repeatedly beat him all over his body.¹⁰⁰ After turning the lights on, Alton claims the defendants forced him to stand at attention, gave him a knife, and made him cut a three to four-inch gash into his shoulder.¹⁰¹ Following the meetings with Captain Dalton and Colonel Ruiz, Alton and his parents met with General Hopgood and other colonels.¹⁰² Hopgood claimed it was obvious that Alton had been a victim of hazing.¹⁰³ The General suspended all nine cadets, who were eventually expelled after their hearings.¹⁰⁴ At the district court level, the court found that Alton’s claims did not have a legal basis and dismissed the case.¹⁰⁵ The dismissal was upheld on appeal.¹⁰⁶

Andrew Day – Massachusetts Air National Guard: Andrew Day was attacked on the morning of July 22, 1994, while serving with the 104th Fighter Group at Volk Field in Wisconsin.¹⁰⁷ When he was assigned to this unit, Day claimed that one of the defendants, Balisle, stated that the Munitions and Weapons Section would “rape” him.¹⁰⁸ Day observed other members being subjected to hazing, including stripping and fastening an

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.* at 199.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.* at 201.

¹⁰⁷ Day v. Mass. Air Nat’l. Guard, 994 F. Supp. 72, 73 (D. Mass. 1998), aff’d in part, vacated in part, 167 F.3d 678 (1st Cir. Mass. 1999).

¹⁰⁸ *Id.* at 74.

airman to a bed with duct tape and placing him outside for public mockery.¹⁰⁹ On the evening of July 21, defendant Duquette, allegedly warned Day that he would be attacked.¹¹⁰ In the early morning of July 22, Day was awakened and forcibly carried outside by several people.¹¹¹ They removed his clothing and forced him to lie on the bed outside.¹¹² They poured an unknown liquid between his buttocks and proceeded to forcibly insert a traffic cone between his buttocks.¹¹³ Day tried to resist but was unsuccessful.¹¹⁴ Caton, another airman, took pictures of the incident as it was occurring.¹¹⁵ After the incident, Day claimed he tried to file a report; however, the members of the 104th and the Massachusetts Air National Guard (“MANG”) thwarted his efforts by providing the incorrect forms and attempting to coerce him to drop the claims.¹¹⁶

He asserted that his civil rights pursuant to Mass. Gen. Laws ch.12 §111 and 42 U.S.C §1983 were violated.¹¹⁷ His claim included charges of assault and battery, negligent supervision, intentional and negligent infliction of emotional distress, and negligent enlisting and commissioning against the defendants, the United States Air Force, and MANG.¹¹⁸ Day presented credible evidence to the court, proving he had suffered physical injuries and severe emotional distress.¹¹⁹ The court found he was entitled to \$1,500,000, limited to his recovery on all claims.¹²⁰ The court also granted Day reasonable attorney’s fees.¹²¹

Robert K. Romero – United States Marines: Robert K. Romero, a Marine veteran, appealed a disability benefits decision, stating that the Marines owed him compensation for the psychiatric disorder that, he argued, resulted from hazing while he was in the Marines.¹²² Romero asserted that Marines forced him to paint his nails, sprayed with perfume, and made him walk around, pretending to be a woman.¹²³ Romero claimed the event led to the onset of post-traumatic stress disorder, thirty-two years later, and that he is owed compensation for treatment.¹²⁴ Following a series of expert examinations, the appeals court held that there was insufficient evidence to find that the post-traumatic stress disorder was caused by the alleged hazing.¹²⁵

Morey Wadleigh – Northwestern Military & Naval Academy: Hazing at Northwestern Military & Naval Academy (the “Academy”), led the mother of student Morey Wadleigh to remove him during the semester.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.* at 75.

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.* at 74.

¹¹⁸ *Id.*

¹¹⁹ Day v. Towle, No. 200176, 2001 WL 34038580, at *1 (Mass. Mar. 19, 2001).

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² Romero v. Shinseki, No. 08-0579, 2011 WL 49607, at *1 (Vet. App. Jan. 7, 2011).

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.* at *4.

Morey testified that hazing was regularly practiced by the cadets even though the Academy handbook strictly prohibited it in all forms.¹²⁶ Morey stated that he and two other freshmen were called “rats” by upperclassmen, and were ordered by them to shine their shoes and clean their gloves.¹²⁷ He was unable to recall the exact number of gloves he washed, but he estimated that he polished about a dozen pairs of shoes.¹²⁸ Morey did not report the hazing incidents to authorities, and there were no official records indicating that the school knew or allowed such treatment.¹²⁹ Although Morey did not complete the semester, the Academy argued that his mother was responsible for paying the remaining tuition.¹³⁰ The court ruled in favor of the Academy, and Morey’s mother was required to pay the remaining balance.¹³¹

III. PRIOR RESEARCH ON MILITARY HAZING

There has been limited research on hazing in the military. This section explores the few studies that scholars have conducted, as well as one commissioned by the United States Department of Defense. Among the former, Kristina Østvik and Floyd Rudmin analyzed the social and cognitive contexts of bullying and hazing within the Norwegian Army, in two separate studies.¹³² In one study, they focused primarily on the physical and social contexts of bullying and examined soldiers’ own perspectives on such bullying and hazing.¹³³ Østvik and Rudmin made five findings. First, bullying is not necessarily caused by the victim’s personality or physical characteristics.¹³⁴ Second, bullying is more likely to occur when people are familiar with their social context or with each other.¹³⁵ Third, almost all victims’ and witnesses’ descriptions of bullying includes characteristics of the victim but does not reference the characteristics or motives of the bully.¹³⁶ Fourth, hazing is different from bullying in several ways, and a lack of exposure to hazing may be a good indicator that soldiers will not participate in hazing themselves.¹³⁷ Fifth, those who are socially isolated or are eighteen years of age are weakly but statistically significantly correlated with being a victim.¹³⁸

In a second study, they focused primarily on the cognitive contexts of bullying, specifically the similarities or differences in soldiers’ and officers’ beliefs about bullying.¹³⁹ This study revealed that soldiers blamed the victim

¹²⁶ Nw. *Military & Naval Acad. v. Wadleigh*, 267 Ill. App. 1, 10 (Ill. App. Ct. 1932).

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.* at 10–11.

¹³⁰ *Id.* at 8–9.

¹³¹ *Id.* at 11.

¹³² Kristina Østvik & Floyd Rudmin, *Bullying and Hazing Among Norwegian Army Soldiers: Two Studies of Prevalence, Context, and Cognition*, 13 MIL. PSYCHOL. 17, 17–39 (2001).

¹³³ *Id.* at 20.

¹³⁴ *Id.* at 22.

¹³⁵ *Id.* at 23.

¹³⁶ *Id.* at 20. This is consistent with the Fundamental Error of Attribution, which is a bias in social perception that leads people, particularly observers, “to underestimate the importance of the situation when explaining behavior and to overestimate the importance of the personality traits and motivations of the participants.” *Id.*

¹³⁷ *Id.* at 24–25.

¹³⁸ *Id.*

¹³⁹ *Id.* at 27.

more than the officers did, and neither group consistently blamed the bully.¹⁴⁰ Victims did not blame victims, but non-victims did blame victims.¹⁴¹ Second, both soldiers and officers believed bullying is a problem, officers more so than soldiers. Among soldiers, victims believed bullying is a problem more so than non-victims.¹⁴² Third, both soldiers and officers did not believe intervention was difficult. Officers were more likely to intervene when they blamed the victim, while soldiers were less likely to intervene when they blamed the victim.¹⁴³

Another study, by Carlos Linhares de Albuquerque and Eduardo Paes-Machado, investigated hazing practices at the Military Police Academy of Bahia, Brazil.¹⁴⁴ Their work revealed that hazing (1) strips recruits of their identities and integrates them into the institution, and (2) serves as a form of informal education that undermines the new, official curriculum that seeks to democratize policing principles.¹⁴⁵ Albuquerque and Paes-Machado found that the Bahia Military Police Academy authorizes hazing by delegating it to the official members of the supervisory staff, who then authorize seniors to carry it out.¹⁴⁶ “The task assigned to the seniors affirms and tests their capabilities in terms of the transmission of professional identity, temporarily mediating between directors and trainees.”¹⁴⁷ The hazing process often involves verbal abuse, humiliation, tests of physical endurance, manipulation of eating habits, and the defilement of clothing with the ultimate goals of “separation, [liminality], and integration of freshmen.”¹⁴⁸ Because recruits are isolated from their social networks and are at the mercy of an institution, resistance is highly unlikely. The hazing process does not acknowledge race, gender, or social class, teaching recruits that before they can rise to superior status, they must assimilate.¹⁴⁹ Significantly, cockroaches are used as a metaphor throughout the hazing process, demonstrating to the freshman that they are inferior and may be crushed by the institution at any time.¹⁵⁰ In conclusion, Albuquerque and Paes-Machado found that hazing instills recruits with a militaristic sense of the identity of a police officer, including abuse of power.¹⁵¹ While this tradition of education has proven difficult to reform, the authors argue that reform must go beyond changes to instructional curriculums and address this Darwinist culture and reliance on hazing.¹⁵²

¹⁴⁰ *Id.* at 29.

¹⁴¹ *Id.* at 29–30.

¹⁴² *Id.* at 30.

¹⁴³ *Id.* Finally, the authors suggest seven possible methods of intervention: (1) Identify and attend to high-risk groups, (2) Improve assessment of duty assignments, (3) Make systematic use of superordinate goals, (4) Give more care to the design and management of barracks, (5) Educate soldiers about bullying, (6) Instruct officers about bullying, and (7) Regulate hazing. *Id.* at 32–34.

¹⁴⁴ Carlos Linhares de Albuquerque & Eduardo Paes-Machado, *The Hazing Machine: The Shaping of Brazilian Military Police Recruits*, 14 *POLICING & SOC'Y* 175, 175–92 (2004).

¹⁴⁵ *Id.* at 175–76.

¹⁴⁶ *Id.* at 179.

¹⁴⁷ *Id.* at 180 (citing PAUL WILLIS, *LEARNING TO LABOR: HOW WORKING CLASS KIDS GET WORKING CLASS JOBS* (1977)).

¹⁴⁸ *Id.* at 183.

¹⁴⁹ *Id.* at 184.

¹⁵⁰ *Id.* at 185.

¹⁵¹ *Id.* at 188.

¹⁵² *Id.* at 189.

Closer to home, Jana Pershing conducted a case study of the U.S. Naval Academy that sought to examine the similarities and differences in men's and women's experiences with hazing in a male-dominated institution in which women are a relatively new population.¹⁵³ Pershing selected this elite military institution because the hazing of freshman is a fundamental component of the Academy, which seeks only to retain the freshman, or "plebes," that "are committed to enduring four years of intensive academic, military and physical training"¹⁵⁴ She found that most midshipmen reported experiencing minor forms of hazing during their freshman year at least several times per month. In general, men and women were equally likely to experience most forms of hazing. However, men were more likely to report experiencing the least common form, physically abusive hazing.¹⁵⁵ Pershing notes that the lack of gender differences is likely unique to freshman year when the status as a "plebe" supersedes one's gender status.¹⁵⁶

Men and women's attitudes toward hazing tended to vary based on the severity of the offense. Most midshipmen indicated that physical forms of hazing should not be allowed.¹⁵⁷ However, women were significantly more likely to indicate that both physically abusive hazing and severe forms of verbal hazing should not be allowed. This is likely due to women's tendency to view freshman year as a leadership development tool, and the tendency of men to view freshman year as a rite of passage.¹⁵⁸ Men and women did not, however, exhibit a significant difference in their attitudes about four types of hazing, probably because both men and women share the belief that freshman year is critical to detect a midshipman's capability of completing all four years at the Academy.¹⁵⁹ Where men and women have differing attitudes toward hazing, it may be linked to gender status and tradition. Because women were only admitted to the Academy starting in 1976 and comprise only 10 percent of the population, they are less likely to support many traditional hazing rituals that are inherently associated with male-bonding, and therefore, exclusive of women. On the other hand, men are more likely to support these hazing rituals as "traditional military values and norms passed down from . . . generations"¹⁶⁰

The most comprehensive analysis of military hazing came in 2015. In 2012, the United States Department of Defense Office of Diversity Management and Equal Opportunity asked the RAND Corporation ("RAND") to examine and provide recommendations on current hazing prevention policies and practices across the armed services. Based on this request, RAND developed a six-part report entitled *Hazing in the U.S. Armed Forces*.¹⁶¹ In the report, RAND addressed: "whether the 1997 definition of hazing is relevant or should be refined to better track hazing incidents across

¹⁵³ See generally Jana L. Pershing, *Men and Women's Experiences with Hazing in a Male-Dominated Elite Military Institution*, 18 MEN & MASCULINITIES 470 (2006).

¹⁵⁴ *Id.* at 475.

¹⁵⁵ *Id.* at 478.

¹⁵⁶ *Id.* at 479.

¹⁵⁷ *Id.* at 480.

¹⁵⁸ *Id.* at 488.

¹⁵⁹ *Id.* at 481.

¹⁶⁰ *Id.* at 483.

¹⁶¹ See generally KIRSTEN M. KELLER ET AL., HAZING IN THE U.S. ARMED FORCES: RECOMMENDATIONS FOR HAZING PREVENTION POLICY AND PRACTICE (2015).

the armed forces”; “identify[ing] practices to prevent and respond to incidents of hazing”; and “examin[ing] the feasibility of and key data elements needed for a comprehensive hazing incident database.”¹⁶²

The RAND report began by defining hazing by discussing the different meanings of hazing and determining that a consistent definition was needed to assist in recognizing hazing in the military.¹⁶³ The report also noted that there is inconsistent and limited general knowledge of hazing across the military: students that experienced hazing were not aware of it and did not know the legal implications.¹⁶⁴ The report noted one reason for this—the only available research on hazing focuses on hazing in academic settings.¹⁶⁵ The report went on to note that because of the nature of the military, it is sometimes difficult to differentiate between training functions and hazing, which leads to confusion.¹⁶⁶ Among the multiple definitions of hazing across branches of the armed forces, the commonalities consisted of: a form of harassment, ritualistic or traditional components, a clear point at which it stops, and socialization of individuals within a group.¹⁶⁷ The critiques of the definitions included that they were limited to educational institutions and were overly broad.¹⁶⁸ Part One concluded with a recommended, workable definition of hazing.¹⁶⁹

The report discussed the effects and motivations for hazing and compared hazing to rituals. The report proposed hazing can be considered a ritual because it has the same purpose.¹⁷⁰ The report proposed the following hazing effects were similar to ritual effects, such as commitment to the group; feeling that the group is more desirable; and greater dependency on the group.¹⁷¹ Among hazers, similarities included: showing commitment to the group, preventing free riders in the group, and maintaining the power structure within the group.¹⁷² The report distinguished between three different types of hazing: initiation ritual, newcomer testing, and maintenance of the group structure.¹⁷³

The report went on to analyze prevention and response methods to hazing in the armed forces and discussed the different levels of anti-hazing efforts. These levels include organization-level efforts, organization-level punishments, organization-level prevention, and individual-level efforts.¹⁷⁴ The report went on to identify the elements of hazing: knowledge; attitudes

¹⁶² *Id.* at iii.

¹⁶³ *Id.* at 21.

¹⁶⁴ *Id.* at 6–8.

¹⁶⁵ *Id.* at 7.

¹⁶⁶ *Id.* at 8.

¹⁶⁷ *Id.* at 10–11.

¹⁶⁸ *Id.* at 11–12.

¹⁶⁹ *Id.* at 5–6. Hazing is defined as:

any conduct whereby a military member or members, regardless of service or rank, without proper authority causes another military member or members, regardless of service or rank, to suffer or be exposed to any activity which is cruel, abusive, humiliating, oppressive, demeaning, or harmful. Soliciting or coercing another to perpetrate any such activity is also considered hazing. Hazing need not involve physical contact among or between military members; it can be verbal or psychological in nature. Actual or implied consent to acts of hazing does not eliminate the culpability of the perpetrator. *Id.*

¹⁷⁰ *Id.* at 24.

¹⁷¹ *Id.* at 26–29.

¹⁷² *Id.* at 29–32.

¹⁷³ *Id.* at 33.

¹⁷⁴ *Id.* at 46–49.

and perceptions; and skills and behaviors.¹⁷⁵ The report further discussed how to capture and maintain the attention of passive and active learners in order to reach all types of learners when implementing a training program on hazing.¹⁷⁶ Trainers need not only use PowerPoints to engage trainees but also group discussion, active engagement with the materials, and critical thinking.¹⁷⁷ The report noted that although there is no definitive frequency for training on hazing, it should occur early in a career and at multiple points in a career.¹⁷⁸ Overall, leaders should demonstrate a consistent commitment to anti-hazing efforts within their organization.¹⁷⁹ Training materials currently used to train active soldiers on anti-hazing efforts were provided to RAND. After reviewing the materials, RAND recommended that training provide targeted information specific to certain groups.¹⁸⁰ For instance, information pertinent to the officers is distinct from information pertinent to enlisted personnel.¹⁸¹ The training should also include information about the elements of hazing. Lastly, RAND recommended that the training include versatile techniques, including discussions, interactive activities, and quizzes.¹⁸² Overall, recommendations to the armed forces included initiating a Needs Assessment.¹⁸³ A Needs Assessment would encompass a review of the scope of hazing and initiation practices, factors that increase and decrease the risk of hazing, and resources that are available and needed to eliminate hazing in the armed forces.¹⁸⁴

In closing, the report addressed understanding the prevalence and characteristics of hazing incidents.¹⁸⁵ The report noted that it is important to track the pervasiveness of hazing incidents to identify trends and factors associated with hazing, which in turn will guide the implementation of prevention efforts.¹⁸⁶ Currently, hazing incidents are only being tracked on an individual service level on a limited basis.¹⁸⁷ Additionally, each military branch collects data using a different method.¹⁸⁸ The report proposed developing a Department of Defense-wide system to track hazing incidents.¹⁸⁹ It suggested the Defense Sexual Assault Database as a model for the hazing database.¹⁹⁰ The report concluded that in order to address hazing prevention in the armed forces, a military-wide system that can track hazing incidents must be implemented. This system would be utilized to determine where training efforts need to be focused and to understand the depth and magnitude of hazing in the military.

¹⁷⁵ *Id.* at 50–52.

¹⁷⁶ *Id.* at 52–53.

¹⁷⁷ *Id.* at 52.

¹⁷⁸ *Id.* at 53.

¹⁷⁹ *Id.*

¹⁸⁰ *Id.* at 58.

¹⁸¹ *Id.*

¹⁸² *Id.* at 58–59.

¹⁸³ *Id.* at 59.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.* at 63.

¹⁸⁶ *Id.* at 64.

¹⁸⁷ *Id.* at 64–65.

¹⁸⁸ *Id.* at 66.

¹⁸⁹ *Id.* at 73.

¹⁹⁰ *Id.* at 79.

IV. INDIVIDUAL-LEVEL FACTORS AMONG MILITARY PERSONNEL

In this section, we investigate the various factors that come to bear on individuals and their decision to haze others. First, we explore why military personnel may haze others when the hazers do not have information on the harmful effects of hazing. Second, we explore why hazers continue even once provided with information about hazing's harmful effects. In both of these contexts, cognitive biases influence hazers' judgment and decision-making. Finally, we explore a range of other factors that undergird and propel hazing among military personnel.

A. WHY MEMBERS HAZE IN THE FACE OF LIMITED INFORMATION

Above and in other writings, scholars and commentators have underscored hazing's deleterious effects. What is uncommon is an acknowledgment of hazing's utility, especially in reaching its desired ends of bonding among individuals and commitment to an organization or institution. In this section, we explore how and why hazing helps people and organizations meet their desired ends of bonding and commitment, despite its harmful effects. We also explore why hazing perpetrators fixate on the former and ignore the latter in many instances, especially when they have limited information on the negative effects of hazing.

1. Hazing is Harmful, but It Seems to Work

Several theories support the contention that challenging experiences either commit individuals to others who share in that experience, to organizations to which they seek membership, or evoke such strong emotions that the victim misperceives them in a way that makes the precipitating event not seem as bad as it actually may be. In the following subsection, we explore how hazing encourages group loyalty while solidifying its power structure through social dependence, fostered by maltreatment and its subsequent effects.

a. Hazing and the Cultivation of Group Skills

Hazing predicts the cultivation of valuable group skills. Caroline Keating and colleagues proposed that "threatening initiation practices such as hazing rituals function to support and maintain groups in at least three ways: by promoting group-relevant skills and attitudes, by reinforcing the group's status hierarchy, and by stimulating cognitive, behavioral, and affective forms of social dependency in-group members."¹⁹¹ As Keating explained, hazing, ranging from mild to severe, is typically a complex event and can have fun, embarrassing, disgusting, painful, and challenging facets.¹⁹² Adopting a functional perspective, Keating posited that pursuance

¹⁹¹ Caroline F. Keating et al., *Going to College and Unpacking Hazing: A Functional Approach to Decrypting Initiation Practices Among Undergraduates*, 9 *GROUP DYNAMICS: THEORY, RES., & PRAC.* 104, 105 (2005).

¹⁹² See *id.* at 110 (citation omitted).

of particular goals orchestrates specific initiation processes.¹⁹³ Keating and colleagues found that initial compliance with early forms of hazing typically makes subsequent compliance more likely, even with costly and violent consequences.¹⁹⁴ Contrived threats, including hazing activities (e.g., physical challenges and social deviance), help create group identity, and inspire obedience and devotion among group members.¹⁹⁵ The first proposition, that initiations cultivate group-relevant skills and attitudes, was tested by “unpacking” the initiation practices of college athletic teams and Greek Life Organizations (both fraternities and sororities).¹⁹⁶ Keating posited that the second function of member initiation is to create and maintain the group’s hierarchical authority and power structure, which requires that initiation rituals tune initiates’ deferential responses to themselves.¹⁹⁷

Keating argued that initiations provide a third function: promotion of the cognitive, behavioral, and affective forms of social dependency.¹⁹⁸ She posited that dissonance theory is the standard explanation for why “initiation experiences that induce threat, duress, or discomfort rally rather than discourage the loyalties of those who endure them.”¹⁹⁹ Keating proposed that “attachment theory,” which proposes that humans are motivated to seek proximity to significant others in times of danger, stress, or novelty, explained individual attachments to social groups.²⁰⁰ She proposed that “a unique aspect of the attachment system, maltreatment effects, applies to human connections with groups” and can help explain how group initiations function to promote behavioral, cognitive, and emotional forms of “social dependency.”²⁰¹ She described “maltreatment effects” as the “phenomenon whereby harsh conditions trigger goal-directed responses in organisms seeking refuge from duress.”²⁰² Accordingly, “[w]hen maltreatment is connected to involvement with a defined group, the social dependency it fuels may be manifested cognitively, emotionally, and behaviorally.”²⁰³ At the cognitive and emotional levels, the need to defend the sense of self against threat and uncertainty can be remedied by transforming the personal concept of the self into a group identity.²⁰⁴ At the behavioral level, dependency generated by maltreatment is likely displayed through compliance with group norms and attraction to group members.²⁰⁵

Keating discovered that initiations create social dependency. The level of importance the individuals in her study ascribed to the group they identified with was predicted by perceptions of both fun and initiation difficulty.²⁰⁶ Accordingly, the researchers concluded that “social identity is a social-cognitive consequence of social dependency”²⁰⁷ In her other

¹⁹³ *See id.* at 106.

¹⁹⁴ *See id.* at 105.

¹⁹⁵ *See id.*

¹⁹⁶ *See id.*

¹⁹⁷ *See id.*

¹⁹⁸ *Id.* at 107.

¹⁹⁹ *Id.*

²⁰⁰ *See id.*

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ *Id.* at 108.

²⁰⁴ *Id.* at 107 (citation omitted).

²⁰⁵ *Id.* at 108 (citations omitted).

²⁰⁶ *Id.* at 114.

²⁰⁷ *Id.* at 123.

work, Keating tested whether relatively severe inductions spawned conformity and attraction to group members as manifestations of social dependency,²⁰⁸ and the results, taken together, confirmed the dependence interpretation. In summary, Keating and colleagues contend that the overarching function of an initiation is to enhance dependency on the group. The dependency elicited from the maltreatment is expressed cognitively, behaviorally, and emotionally. These needs can be met by transforming individuated identity into a group identity, conforming to group norms, and remaining in close proximity to group members.²⁰⁹

b. External Threat, Self-Sacrifice, and Group Cohesion

The external threat and self-sacrifice within groups that come along with hazing may aid group cohesion. Research on the development of cohesion, which refers to the factors that cause group members to remain in the group, suggests that several factors may be important.²¹⁰ First, simply assembling people into a group may be sufficient to produce some cohesion, and the more time people spend together, the stronger the cohesion becomes.²¹¹ Second, cohesion is stronger in groups whose members like one another.²¹² Third, groups that are more rewarding to their members are more cohesive.²¹³ Fourth, external threats to a group can increase the group's cohesiveness, but only when everybody in the group is affected, and people believe that they can cope with such threats more effectively by working together.²¹⁴ Fifth, groups are more cohesive when leaders encourage feelings of warmth among followers.²¹⁵ One positive effect of cohesion is that the group is easier to maintain.²¹⁶ Studies also reveal a positive relationship between group cohesion and performance.²¹⁷ Research also supports that the presence of cohesion is associated with member behavior.²¹⁸ Researchers found that sacrificial behavior—individual behavior that involves giving up prerogative or privilege for the sake of another person or persons without regard to reciprocity—was positively associated with task and group cohesion.²¹⁹ Moreover, the researchers found that individual sacrificial behavior leads to increased social sacrifice, which in turn contributed to increased conformity to group norms.²²⁰

²⁰⁸ *Id.* at 117.

²⁰⁹ Contra Judy L. Van Raalte et al., *The Relationship Between Hazing and Team Cohesion*, 30 J. SPORT BEHAV. 491, 499, 503 (2007) (finding that hazing was negatively correlated with less attraction to group tasks, less bonding, and less group closeness).

²¹⁰ Albert J. Lott & Bernice E. Lott, *Group Cohesiveness as Interpersonal Attraction*, 64 PSYCHOL. BULL. 259, 259–60 (1965) (citations omitted).

²¹¹ *Id.* at 260–62.

²¹² See *id.* at 261–70 (discussing examples such as propinquity, competence, real or perceived similarity).

²¹³ *Id.* at 284 (citations omitted).

²¹⁴ See *id.* at 246–66.

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ *Id.* at 277.

²¹⁸ See Harry Prapavessis & Albert V. Cannon, *Sacrifice, Cohesion, & Conformity to Norms in Sport Teams*, 1 GROUP DYNAMICS: THEORY, RES. & PRAC. 231, 231 (1997).

²¹⁹ *Id.* at 231, 235.

²²⁰ *Id.*

c. Shared Pain as Social Glue

The shared pain that hazing victims experience within groups may serve as “social glue” within those groups. Brock Bastian and colleagues sought to examine the social effects of pain; specifically, the potential for painful experiences to promote cooperation within social groups.²²¹ The study was comprised of three experiments; pain was induced by asking participants in experimental groups to insert their hands in ice water, perform leg squats, or eat a hot chili pepper. Experiment one examined whether sharing a painful experience in a small group of strangers promoted greater bonding than groups that did not experience pain. Results showed a medium-sized effect: groups that shared a painful experience bonded relatively more than groups that shared a non-painful experience.²²² Experiment two sought to determine if this increased perceived level of bonding extended to cooperation.²²³ Results demonstrated that pain had a medium- to large-sized effect on level of cooperation.²²⁴ Experiment three sought to demonstrate the enhanced cooperation induced by sharing painful experiences, as opposed to sharing non-painful experiences. Results revealed that pain had a medium-sized effect on cooperation. In conclusion, all three experiments supported the authors’ hypothesis that sharing painful experiences increases perceived group bonding and promotes cooperation. The authors argue that painful experiences promote cooperation because they are highly salient and demand immediate attention, thereby focusing awareness on the present painful event. Furthermore, sharing painful experiences enhances the saliency of the people themselves who shared the event, making pain an especially powerful form of bonding.

d. Misattribution of Arousal

The heightened emotional arousal that takes place during hazing may result in victims mistakenly assuming what causes them to feel such emotions—e.g., confusing fear with deep emotional commitment. The perception of emotion is comprised of two parts: physiological arousal, which allows a person to perceive an emotion, and the emotional label of that arousal.²²⁵ Misattribution theory suggests that when people are highly aroused, they are more attracted to another person because they attribute the source of their arousal to the presence of the other person. Previous research highlights that individuals’ emotional behavior is influenced by the source to which they attribute their state of arousal.²²⁶ Schachter and Singer find that an emotional state may be considered a function of physiological arousal and of a cognition appropriate to the arousal.²²⁷ The cognition exerts a “steering function”; moreover, it arises from an “immediate situation as interpreted by past experience[s, which] provide the framework within which one

²²¹ Brock Bastian et al., *Pain as Social Glue: Shared Pain Increases Cooperation*, 25 *ASS’N FOR PSYCHOL. SCI.* 2079, 2079–85 (2014).

²²² *Id.* at 2080.

²²³ *Id.* at 2080–81.

²²⁴ *Id.* at 2082.

²²⁵ John L. Cotton, *A Review of Research on Schachter’s Theory of Emotion and the Misattribution of Arousal*, 11 *EUR. J. SOC. PSYCHOL.* 365, 365–97 (1981).

²²⁶ J. Loftis et al., *Effects of Misattribution of Arousal upon the Acquisition and Extinction of a Conditioned Emotional Response*, 30 *J. PERSONALITY & SOC. PSYCHOL.* 673, 680 (1974).

²²⁷ Cotton, *supra* note 225, at 366.

understands and labels his feelings.”²²⁸ The study found that in conditions where subjects were injected with epinephrine and told what they would feel and why they proved relatively immune to any effects of the manipulated cognitions.²²⁹ Schachter’s theory states that different emotions are “simply different cognitions about the same arousal.”²³⁰ Cotton, who examined Schachter’s theory and the resulting research, ultimately concluded that Schachter’s theory is not supported by data, yet many social psychologists still tend to accept the misattribution paradigm.²³¹

In their work, Juan Pastor and colleagues also sought to understand the impact of followers’ arousal on ratings of a leader’s charisma.²³² The researchers believed that followers’ arousal (e.g., intensity of emotion) increases the “flammability of followers by raising the propensity of followers to perceive the leader as charismatic”²³³ The authors found support for their response-facilitation hypothesis (e.g., “moderate to high ratings of charisma are potential responses to a leader with some charismatic appeal to begin with, whereas low ratings of charisma are the potential response to a less charismatically appealing leader”).²³⁴ Misattribution theory requires variability in the salience of the source of arousal, but response-facilitation theory requires variability in the charismatic appeal of the leader.²³⁵ To provide a test of both hypotheses, researchers designed two studies that examined: (a) arousal from two sources with different levels of salience; and (b) leaders with different degrees of charismatic appeal. The results seem to be consistent with response facilitation, which suggests that the effects of arousal on ratings of charisma are particularly strong when, to begin with, the leader has a certain degree of charisma.²³⁶

Gregory White and colleagues conducted a study analyzing whether misattribution of arousal facilitates romantic attraction.²³⁷ Previous research argues that high arousal, regardless of its source, will produce passionate love “as long as one attributes his agitated state to passion.”²³⁸ The passionate-love hypothesis has not generally been supported by research; therefore, White’s study was designed to offer a more critical test of previous hypotheses.²³⁹ Results found that arousal and confederate attractiveness interacted to either enhance attraction when the subject was aroused, and the confederate was attractive or depressed attraction when the subject was aroused, and the confederate was unattractive.²⁴⁰ Further, the misattribution

²²⁸ Stanley Schachter & Jerome E. Singer, *Cognitive, Social, and Physiological Determinants of Emotional State*, 69 *PSYCHOL. REV.* 379, 380 (1962).

²²⁹ *Id.* at 396.

²³⁰ Cotton, *supra* note 225, at 366.

²³¹ *Id.* at 367, 389.

²³² Juan Carlos Pastor et al., *Adding Fuel to Fire: The Impact of Followers’ Arousal on Ratings of Charisma*, 92 *J. APPLIED PSYCHOL.* 1584, 1585 (2007).

²³³ *Id.*

²³⁴ *Id.* at 1586.

²³⁵ *Id.* at 1593.

²³⁶ *Id.*

²³⁷ See generally G. L. White et al., *Passionate Love and the Misattribution of Arousal*, 41 *J. PERSONALITY & SOC. PSYCHOL.* 56 (1981).

²³⁸ *Id.* at 56 (quoting E. Walster, *Passionate Love*, in *THEORIES OF ATTRACTION AND LOVE* 85, 91 (B.I. Murstein ed., 1971)).

²³⁹ *Id.* at 57.

²⁴⁰ *Id.* at 60.

effect can be obtained under conditions of either negative or positive arousal.²⁴¹ Regardless of valence of the source of arousal, aroused subjects liked the attractive confederate more, and the unattractive confederate less than did unaroused subjects.²⁴²

e. Severity of Initiation on Organizational Liking

Classic research started in the 1950s by Elliott Aronson and Judson Mills, suggests that more severe initiations facilitate greater liking for a group.²⁴³ There are a number of psychological perspectives that help explain this phenomenon. The research summarized in this section is based upon three theoretical perspectives: (1) cognitive dissonance theory; (2) affiliation theory; and (3) dependence theory. Cognitive dissonance theory holds that under the proper conditions, inconsistency among cognitions causes an uncomfortable psychological tension.²⁴⁴ A person experiencing dissonance seeks to reduce the tension, often by altering one or more cognitions to bring about a greater degree of consonance.²⁴⁵ Elliott Aronson and Judson Mills were the first to deploy cognitive dissonance theory to explain the effects of severe initiations on liking for a group:²⁴⁶

No matter how attractive a group is to a person it is rarely completely positive, e.g., usually there are some aspects of the group that the individual does not like. If he has undergone an unpleasant initiation to gain admission to the group, his cognition that he has gone through an unpleasant experience for the sake of membership is dissonant with his cognition that there are things about the group that he does not like.²⁴⁷

Dissonance can be reduced either by denying the severity of the initiation or overvaluing the attractiveness of the group.²⁴⁸ Aronson and Mills posited a “severity-attraction hypothesis,” which predicted that individuals who undergo severe initiations find the group more attractive than those who undergo mild or no initiation.²⁴⁹ The findings of the experiment supported the severity-attraction hypothesis that the subjects in the severe initiation condition evaluated the discussion more favorably than did the mild or control subjects.²⁵⁰ In a subsequent study, Harold Gerard and Grover

²⁴¹ *Id.*

²⁴² *Id.* at 61.

²⁴³ Elliott Aronson & Judson Mills, *The Effects of Severity of Initiation on Liking for a Group*, 59 J. ABNORMAL & SOC. PSYCHOL. 177, 177 (1959); Harold B. Gerard & Grover C. Mathewson, *The Effects of Severity of Initiation on Liking for a Group: A Replication*, 2 J. EXPERIMENTAL SOC. PSYCHOL. 278, 278 (1966); John Schopler & Nicholas Bateson, *A Dependence Interpretation of the Effects of a Severe Initiation*, 30 J. PERSONALITY 633, 633 (1962).

²⁴⁴ See LEON FESTINGER, A THEORY OF COGNITIVE DISSONANCE 2 (1957) (discussing and explaining theory of cognitive dissonance).

²⁴⁵ *Id.* at 2–3.

²⁴⁶ See Hein F.M. Lodewijkx & Joseph E.M.M. Syroit, *Severity of Initiation Revisited: Does Severity of Initiation Increase Attractiveness in Real Groups?*, 27 EUR. J. SOC. PSYCHOL. 275, 278 (1997) (“Aronson and Mills . . . were the first to test experimentally the dissonance reduction hypothesis of the effects of a severe initiation on group attractiveness.”).

²⁴⁷ Aronson & Mills, *supra* note 243, at 177.

²⁴⁸ *Id.*

²⁴⁹ *Id.* at 180.

²⁵⁰ *Id.*

Mathewson tested for the possible effects of heightened sexual arousal induced by the embarrassment test in the severe initiation condition.²⁵¹ The results were similar to those reported by Aronson and Mills and confirmed the severity-attraction hypothesis.²⁵² Thus severe initiations facilitate greater liking for a group because they arouse dissonance in the initiates. Dissonance can then be reduced either by denying the severity of the initiation or overvaluing the attractiveness of the group. The more severe the initiation, the more difficult it will be for the individual to believe that the initiation was not very bad, and the more likely it is that he or she will reduce his or her dissonance by overvaluing the attractiveness of the group.

Hein Lodewijkx and Joseph Syroit offered a different interpretation of the severity-attraction relationship. They argued that the severity-attraction relationship could best be explained by Schachter's work on affiliation under threat.²⁵³ According to affiliation theory, individuals who go through stressful or threatening situations will seek the company and comfort of others who have gone through similar situations and who share the same emotional experience.²⁵⁴ People facing threat or danger affiliate in order to compare the appropriateness of their emotional reactions with the reactions of other people.²⁵⁵ Lodewijkx and Syroit's study showed a negative relationship between severity of initiation and attractiveness of the group.²⁵⁶ The results also revealed that severe initiations induce feelings of loneliness, depression, and frustration and that these negative moods lead to lower attractiveness ratings of the group.²⁵⁷ Additionally, they contend that these results are consistent with the earlier findings of John Schopler and Nicholas Bateson.²⁵⁸ The results of both studies contradict the dissonance hypothesis of the effects of a severe initiation and indicate that loneliness, depression, frustration, and embarrassment are all important variables in the severity-attraction relationship because they lead to less favorable cognitions toward the group.²⁵⁹ Low attractiveness of the group does not necessarily mean that newcomers are willing to leave the group, though.²⁶⁰ Other factors newcomers might consider include the "[t]he possibility of future friendship bonds with a few individual members and the likelihood of amelioration after the initiation is over" ²⁶¹

Other interpretations have been offered to explain the results of Aronson and Mills's experiment. For example, Schopler and Bateson contend that the results could be explained in terms of Thibaut and Kelley's interpersonal dependence theory, which holds that all interpersonal relationships involve some degree of dependence and power.²⁶² Dependence is the degree to which an individual relies on a given partner or relationship for the fulfillment of

²⁵¹ Gerard & Mathewson, *supra* note 243, at 278–87; Lodewijkx & Syroit, *supra* note 246, at 279.

²⁵² Gerard & Mathewson, *supra* note 243, at 284–87.

²⁵³ Lodewijkx & Syroit, *supra* note 246, at 276.

²⁵⁴ *Id.* at 280.

²⁵⁵ *See id.* at 281.

²⁵⁶ *Id.* at 286.

²⁵⁷ *Id.* at 287–88, 294–96.

²⁵⁸ *Id.* at 296 (citing Schopler & Bateson, *supra* note 243, at 647).

²⁵⁹ *Id.*

²⁶⁰ *Id.* at 298.

²⁶¹ *Id.*

²⁶² Schopler & Bateson, *supra* note 243, at 634.

important needs or the degree to which an individual “needs” a relationship and is influenced by the partner’s actions.²⁶³ Schopler and Bateson found as Aronson and Mills had before, that subjects who undergo severe initiations for membership in a group are more likely to conform to an experimenter’s expectation that they should like or dislike the group.²⁶⁴ The Schopler and Bateson experiment also revealed results that are inconsistent with the dissonance explanation of the severity-attraction relationship. According to dissonance theory, subjects in the severe initiation condition who felt most embarrassed by the initiation should have rated the discussion group most favorably.²⁶⁵ Contrary to this hypothesis, the opposite relationship was observed; subjects in the severe condition who felt most embarrassed rated the group less favorably than those who felt less embarrassed.²⁶⁶ This finding suggests that subjects in the Aronson and Mills experiment gave a high rating of the discussion group not to reduce dissonance, but to satisfy the experimenter’s implicit expectation that they should like the group.²⁶⁷

f. Stockholm Syndrome

Hazing victims may also experience the Stockholm Syndrome, which may promote bonding with their victimizers. The Stockholm Syndrome is a paradoxical psychological phenomenon wherein affectional bonds develop between hostages and their captors as an automatic, emotional response to trauma.²⁶⁸ It usually consists of three components that may occur separately: “(1) negative feelings on the part of the hostage toward authorities, (2) positive feelings on the part of the hostage toward the hostage-taker, and (3) positive feelings reciprocated by the hostage-taker toward the hostage.”²⁶⁹ A 2005 study by Paul Wong suggests that individuals with any combination of the following characteristics are most vulnerable: lacking a clear set of core values that define one’s identity; lacking a core sense of meaning and purpose for one’s life; lacking a track record of overcoming difficulties; lacking a strong personal faith; feeling that one’s life is controlled by powerful others; feeling unhappy with one’s life circumstances; having a strong need for approval by authority figures; and wishing to be somebody else.²⁷⁰ A recent study by de Fabrique and colleagues examines the factors associated with the development of Stockholm Syndrome. These factors included the duration of captivity, whether the hostage-takers physically abused or verbally threatened the victims, and interpersonal communication and physical proximity.²⁷¹

²⁶³ *Id.* at 633–36.

²⁶⁴ *Id.* at 648.

²⁶⁵ *Id.* at 647.

²⁶⁶ *Id.*

²⁶⁷ *Id.* at 637.

²⁶⁸ See Nathalie De Fabrique et al., *Common Variables Associated with the Development of Stockholm Syndrome: Some Case Examples*, 2 J. VICTIMS & OFFENDERS 91, 92 (2007) [hereinafter De Fabrique et al.]; see also Keating et al., *supra* note 191, at 108 (discussing how severe treatment stimulates the development of Stockholm syndrome in individuals who are taken hostage).

²⁶⁹ De Fabrique et al., *supra* note 267, at 92 (citing Dwayne Fuselier, *Placing the Stockholm Syndrome in Perspective*, 68 FBI L. ENFORCEMENT BULL. 22 (1999)).

²⁷⁰ *Id.* at 98 (citation omitted).

²⁷¹ *Id.*

g. Investment Model

Victims may come to feel too committed to an organization or a set of social relationships to walk away from them, given how much they have invested in that organization or those relationships. This is explained by the investment model, a process-oriented theory that is based on the constructs of traditional exchange theory and extends the basic principles of interdependence theory.²⁷² Interdependence theory holds that satisfaction with and attraction to an association is a function of the discrepancy between the outcome value of the at-issue relationship and the individual's expectations concerning the quality of relationships in general. The goal of the investment model is to predict an individual's degree of satisfaction with, and commitment to, a particular social relationship.²⁷³ Caryl Rusbult and Dan Farrell's investment model posits that satisfaction, quality of alternatives, and investment size work together to produce commitment—e.g., the “likelihood that an individual will stick with a [situation], and feel psychologically attached to it, whether it is satisfying or not.”²⁷⁴ Investment size reflects the amount of resources put into a relationship and can be classified as either intrinsic, which are put directly into the membership or relationship, or extrinsic, which are resources or benefits developed over time as a result of membership or relationships.²⁷⁵ Rusbult and Farrell's work underscore the influence of their investment model in social relationships and organizational contexts.²⁷⁶

h. Evolutionary Psychological Mechanisms

Hazing may also have evolutionary origins, which make it fruitful for group cohesion. Hazing is different from most group inductions because the activities are not relevant to the group's purpose.²⁷⁷ The three macro theories of hazing that may explain its existence are solidarity, dominance, and commitment.²⁷⁸ Solidarity macro theory suggests that individuals who are hazed start to hold the group in higher regard so that they can resolve their cognitive dissonance.²⁷⁹ This increased liking can also be explained by Stockholm Syndrome, where the abused become fond of their abusers.²⁸⁰ Dominance macro theory says that hazers want to establish their superiority over initiates.²⁸¹ Although veteran members try to prove their higher status to newcomers, they still differentiate hazing activities from everyday life, so this theory does not encompass all aspects of hazing.²⁸² Also, after hazing is complete, the newcomer's social status increases, so the perceived

²⁷² Caryl E. Rusbult & Dan Farrell, *A Longitudinal Test of the Investment Model: The Impact on Job Satisfaction, Job Commitment, and Turnover of Variations in Rewards, Costs, Alternatives, and Investments*, 68 J. APPLIED PSYCHOL. 429, 430 (1983).

²⁷³ See *id.* at 437.

²⁷⁴ *Id.* at 430.

²⁷⁵ *Id.* at 430, 431.

²⁷⁶ *Id.* at 436; Caryl E. Rusbult, *Commitment and Satisfaction in Romantic Relationships: A Test of the Investment Model*, 16 J. EXP. SOC. PSYCHOL. 172, 178-80, 182-83 (1979).

²⁷⁷ Aldo Cimino, *The Evolution of Hazing: Motivational Mechanisms and the Abuse of Newcomers*, 11 J. COGNITION & CULTURE 241, 242 (2011).

²⁷⁸ *Id.* at 243.

²⁷⁹ *Id.* at 244.

²⁸⁰ *Id.*

²⁸¹ *Id.* at 245.

²⁸² *Id.* at 250-51.

dominance does not last.²⁸³ Commitment macro theory says that hazing is a way for initiates to prove their desire to benefit the group.²⁸⁴ Hazing is used by veterans to determine the intrinsic valuation of newcomers to avoid recruiting new members who will exploit the group's benefits.²⁸⁵ However, this does not explain all aspects of hazing because coercion, which is often a part of hazing, makes it more difficult to determine intrinsic valuation.²⁸⁶ Also, hazing exists in non-voluntary groups, which would not need to determine intrinsic valuation.²⁸⁷

Commitment theory and dominance theory have many inconsistencies with real-world hazing. Automatic accrual theory is a better way to explain the motivations behind hazing.²⁸⁸ New members are beneficial for groups because they allow the organization to continue, but they are also costly because they increase coordination problems and may be free riders.²⁸⁹ Automatic accrual theory says that hazing derived from the necessity to discourage newcomers from abusing their access to the automatic benefits of the group.²⁹⁰ Automatic benefits come immediately when a member joins a group, whereas non-automatic benefits take more time to be reaped.²⁹¹ The risk of adding a new member to the group is that they will use these benefits without contributing to the group and therefore be a free rider. Hazing evolved as a way to adapt to these risks.

Automatic accrual theory can, therefore, predict four changes in participant's motivations to haze, which were tested in two different experiments that gave the participants the opportunity to express their desire to haze newcomers.²⁹² First, hazing severity will increase as the cooperativity of a group increases because these groups have more automatic benefits.²⁹³ Second, since there is a time lag for non-automatic benefits, changes in non-automatic benefits will not influence hazing severity.²⁹⁴ Third, high contributing members will haze more severely than low contributors because they contribute more automatic benefits to the group.²⁹⁵ Fourth, as the chance of exploitation increases, so will hazing coerciveness.²⁹⁶ In the first experiment, the hypotheses were all met.²⁹⁷ A second experiment was run with more precise group descriptions, and the hypotheses were all met again.²⁹⁸ Although increased contribution increased severity, the result was small and may need to be tested again due to the difficulty of simulating contribution.²⁹⁹ Adjustments need to be made to reflect real-world hazing,

²⁸³ *Id.* at 251.

²⁸⁴ *Id.* at 245.

²⁸⁵ *Id.* at 247.

²⁸⁶ *Id.* at 247–48.

²⁸⁷ *Id.* at 249.

²⁸⁸ *Id.* at 252.

²⁸⁹ *Id.*

²⁹⁰ *Id.*

²⁹¹ *Id.*

²⁹² *Id.* at 253–54.

²⁹³ *Id.*

²⁹⁴ *Id.*

²⁹⁵ *Id.*

²⁹⁶ *Id.*

²⁹⁷ *Id.* at 256–57.

²⁹⁸ *Id.* at 259–60.

²⁹⁹ *Id.* at 261.

such as having participants decide severity *and* duration of hazing.³⁰⁰ Automatic accrual theory may also predict that veterans will lower their contribution if there is no hazing, but this effect still needs to be tested.³⁰¹ In general, it is difficult to test hazing, but it is important to study the motivations behind it in order to create a comprehensive theory that accounts for all of the variations of hazing. This can be done by studying the evolution of hazing through the automatic accrual theory.³⁰²

i. Hypothetical: Bringing It All Together

Army Staff Sergeant Sal Siciliano and a group of other soldiers regularly hazed new recruits. They did so because of a number of beliefs they held about hazing's utility. They believed that given that humans are motivated to seek closeness to significant others in times of danger, stress, or novelty, hazing facilitated group cohesion among victims. Siciliano and the other soldiers also believed that hazing new recruits, if it was mixed with positive engagement by his group, would also facilitate bonds between the hazers and the hazed. Moreover, given that hazing victims had to reconcile why they allowed themselves to be hazed, they would justify it by believing that it was because the Army was such a great institution that the hazing was worthwhile. More broadly, they believed that the recruits would not be able to distinguish between feelings of fear, anger, resentment, and emotional attachment, often defaulting to the latter in how they evaluated their hazing experience. Moreover, given the balance between the recruits' satisfaction with their experience, quality of alternative organizations and institutions with which they could affiliate, and investment in the Army and their hazing experience, they are likely to feel more committed to the Army and their group of recruits once hazed. In conclusion, Siciliano and his group hazed because they were heavily invested in the Army, saw it as a revered institution, and did not want outsiders free-riding their way into that institution.

2. Values Congruence and Prosocial Org Deviance

In this subsection, we make a fundamental point—hazing perpetrators often engage in such conduct because they believe it fits with the values of and that it is in the best interests of the organization. It may be easy to come to such conclusions when guided by cognitive biases—e.g., bias blind-spot, anchoring and focusing effect, availability heuristic, choice-supportive bias, and the illusory correlation and truth effects—which are “systematic deviations from rational judgment, whereby inferences about other people and situations may be illogically drawn.”³⁰³

In their work, Jeffrey Edwards and Daniel Cable define values as “general beliefs about the importance of normatively desirable behaviors or end states. Individuals draw from their values to guide their decisions and actions, and organizational value systems provide norms that specify how

³⁰⁰ *Id.*

³⁰¹ *Id.*

³⁰² *Id.* at 262.

³⁰³ Gregory S. Parks, *Race, Cognitive Biases, and the Power of Law Student Teaching Evaluations*, 51 U.C. DAVIS L. REV. 1039, 1054 (2018).

organizational members should behave and how organizational resources should be allocated.”³⁰⁴ Values congruence is typically examined in the context of organizations. Cheri Ostroff and colleagues define values congruence as “the fit between employees’ values and organizational values.”³⁰⁵ Ashley Tull and Christine Medrano explore values congruence among student affairs professionals.³⁰⁶ They explain that “[s]tudent affairs professionals have . . . the responsibility of outlining and communicating values important to life within the college or university.”³⁰⁷ These values can often be communicated in intangible ways, such as through symbols, rituals, traditions, and role modeling.³⁰⁸ “All colleges and universities hold and communicate institutional values, whether intentionally or unintentionally, to members of their cultures and subcultures. These are used to shape members’ behaviors and as a means for understanding organizational culture.”³⁰⁹ Along these same lines, supervisors are transmitters of an institution’s espoused values.³¹⁰ The role of supervisors as transmitters is especially significant when socializing new members into the organization.³¹¹ “Value shaping begins in the recruiting process and is carried through the hiring and training processes in the ways in which a supervisor interacts with employees daily.”³¹² Burnett and colleagues explore the role of values congruence for female students joining college sororities.³¹³ They found that female students were concerned with values congruence when choosing a sorority.³¹⁴ Female students’ organizational value preferences did not change by going through the “rush” process, but they did try to find a sorority whose values most closely matched their own.³¹⁵ Girls obtained information on the values of a sorority from printed material, rush leaders, and observed interactions among organization members.³¹⁶ The use of these resources increased as perceived fit increased.³¹⁷ Similar dynamics likely manifest themselves in other organizations such as the military. This may be the case, particularly where military personnel see the organizational values of bonding, commitment, etcetera as best being actualized by hazing.

Similarly, research on organizational deviance may explain why military personnel may haze. Organizational deviance occurs when an “organization’s customs, policies, or internal regulations are violated by an

³⁰⁴ Jeffrey R. Edwards & Daniel M. Cable, *The Value of Value Congruence*, 94 J. APPLIED PSYCHOL. 654, 655 (2009).

³⁰⁵ Cheri Ostroff et al., *Multiple Perspectives of Congruence: Relationships Between Value Congruence and Employee Attitudes*, 26 J. ORG. BEHAV. 591, 592 (2005).

³⁰⁶ ASHLEY TULL & CHRISTINE MEDRANO, VALUES CONGRUENCE AS AN EXAMINATION OF PERSON-ORGANIZATION FIT FOR STUDENT AFFAIRS ADMINISTRATORS 2 (2006), <https://characterclearinghouse.fsu.edu/sites/g/files/upcbnu1416/files/pictures/Values-Congruence-as-an-Examination-of-Person-Organization-Fit-for-Student-Affairs.pdf>.

³⁰⁷ *Id.* at 5.

³⁰⁸ *Id.* at 7.

³⁰⁹ *Id.* (citing JOHN A. WAGNER & JOHN R. HOLLENBECK, ORGANIZATIONAL BEHAVIOR: SECURING COMPETITIVE ADVANTAGE (4th ed., 2002)).

³¹⁰ *Id.* at 8.

³¹¹ *Id.*

³¹² *Id.* at 8–9 (citing RANDY L. DESIMONE ET AL., HUMAN RESOURCE DEVELOPMENT (3rd ed., 2002)).

³¹³ Jennifer Burnett et al., *The Importance of Person-Organization Value Congruence for Female Students Joining College Sororities*, 38 J. C. STUDENT DEV. 297, 297–300 (1997).

³¹⁴ *Id.* at 298.

³¹⁵ *Id.* at 299–300.

³¹⁶ *Id.* at 300.

³¹⁷ *Id.*

individual or a group that may jeopardize the well-being of the organization or its citizens.”³¹⁸ Organizational deviance can have significant effects on an organization, including legal consequences.³¹⁹ It appears that, at the individual level, deviant behavior within organizations distills to a combination of social psychological variables and organizational factors.³²⁰ After Edward Sagarin’s research found only two nonnegative definitions of deviance in comparison to over forty negative definitions,³²¹ David Dodge broadened the study of organizational deviance to include “positive deviance,”³²² defined as “intentional behaviors that depart from the norms of a referent group in honorable ways.”³²³ These behaviors entail actions with honorable intentions, irrespective of the outcomes,³²⁴ and may consist of behaviors that organizations do not authorize yet help the organization reach its overall goals.³²⁵ The growing interest in the study of positive organizational behavior partially derives from the increasing acknowledgment of positive organizational scholarship.³²⁶ Positive organizational scholarship focuses on the “dynamics that lead to developing human strength, producing resilience and restoration, fostering vitality, and cultivating extraordinary individuals, units and organizations.”³²⁷

a. *Bias Blind-spot*

Hazing perpetrators may recognize that people are influenced by cognitive biases but not recognize how it influences their own judgment and decision-making in the context of hazing. The bias blind-spot is a person’s tendency to think that biases are more prevalent in other people rather than in themselves.³²⁸ Studies completed by Richard West and colleagues and Emily Pronin and colleagues look at the effects of bias blind-spot. Notably, Emily Pronin and colleagues’ studies show, like previous research, that individuals can see the existence and procedure of cognitive and motivational biases more so in others than themselves.³²⁹ In the first study, they asked participants via three surveys to indicate how much they

³¹⁸ Gregory S. Parks et al., *Belief, Truth, and Positive Organizational Deviance*, 56 HOWARD L. J. 399, 407 (2013).

³¹⁹ See generally Regina A. Robson, *Crime and Punishment: Rehabilitating Retribution as a Justification for Organizational Criminal Liability*, 47 AM. BUS. L.J. 109 (2010) (exploring the question of whether business organizations can be held criminally liable).

³²⁰ Dane K. Peterson, *Deviant Workplace Behavior and the Organization’s Ethical Climate*, 17 J. BUS. & PSYCHOL. 47, 48 (2002).

³²¹ Gretchen M. Spreitzer & Scott Sonenshein, *Toward the Construct Definition of Positive Deviance*, 47 AM. BEHAV. SCIENTIST 828, 830 (2004) (citing EDWARD SAGARIN, *DEVIANTS & DEVIANCE: AN INTRODUCTION TO THE STUDY OF DISVALUED PEOPLE* (1975)).

³²² David Dodge, *The Over-Negativized Conceptualization of Deviance: A Programmatic Exploration*, 6 DEVIANT BEHAV. 17, 18 (1985).

³²³ Gretchen M. Spreitzer & Scott Sonenshein, *Positive Deviance and Extraordinary Organizing*, in POSITIVE ORGANIZATIONAL SCHOLARSHIP: FOUNDATIONS OF A NEW DISCIPLINE 207, 209 (Kim S. Cameron et al. eds., 2003).

³²⁴ *Id.*

³²⁵ Steven H. Appelbaum et al., *Positive and Negative Deviant Workplace Behaviors: Causes, Impacts, and Solutions*, 7 CORP. GOVERNANCE 586, 587 (2007).

³²⁶ For more on positive organizational scholarship, see OXFORD HANDBOOK OF POSITIVE PSYCHOLOGY AND WORK (P. Alex Linley et al. eds., 2009).

³²⁷ Appelbaum et al., *supra* note 325, at 587.

³²⁸ Richard F. West et al., *Cognitive Sophistication Does Not Attenuate the Bias Blind Spot*, 103 J. PERSONALITY & SOC. PSYCHOL. 506, 506 (2012).

³²⁹ Emily Pronin et al., *The Bias Blind Spot: Perceptions of Bias in Self Versus Others*, 28 PERSONALITY & SOC. PSYCHOL. BULL. 369, 369 (2002).

displayed several specific biases.³³⁰ In surveys, participants reported themselves as less susceptible to these biases than the average American. Interestingly, they also rated their parents as less susceptible to each bias than the average American.³³¹ Survey Two asked participants to rate their susceptibility to specific biases relative to their fellow students in a seminar course; participants still reported themselves as less biased. Survey three explored the role of social desirability and cognitive ability in producing the bias blind-spot.³³² Similarly to the previous two surveys, participants viewed themselves as less susceptible to biases deemed low in social desirability but equally susceptible to those of high social desirability.³³³ Even immediate experience with the bias and familiarity with its definition were not sufficient to induce claims of bias susceptibility.³³⁴

b. Anchoring/Focusing Illusion

Hazing perpetrators may believe that hazing is more valuable than detrimental because the first information they hear about or experience with respect to hazing is cast in positive light. Such anchoring reflects a person's over-reliance on the first piece of information offered—e.g., physical appearance—when making decisions. Cognitive psychologists Amos Tversky and Daniel Kahneman were the first researchers to determine that when asked a comparative question, “different starting points [or anchors] yield different estimates, which are biased toward the initial values.”³³⁵ Such judgmental anchoring impacts judgments in general knowledge, probability estimates, legal judgment, pricing decisions, and negotiation.³³⁶ This can lead to what is called focusing illusion, or the tendency for people to exaggerate the importance of a single event on their wellbeing.³³⁷ In decision-making, it often causes individuals to misjudge the predicted impact of an event³³⁸ and make errors by focusing on a limited range of options rather than the broader context of their lives.³³⁹ Research has operationalized the focusing illusion by showing that individuals tend to focus on alternatives when they are explicitly stated, and tend not to produce other possibilities.

Cherubini and colleagues argue that individuals should, in fact, be able to consider alternatives that are relevant, even if those alternatives are not explicitly stated, and conducted three experiments to examine the focusing

³³⁰ *Id.* at 370. These biases included: self-serving attributions for successes versus failures; dissonance reduction after free choice; positive halo effect; biased assimilation of new information; reactive devaluation of proposals from one's negotiation counterparts; and perceptions of hostile media bias toward one's group or cause. *Id.*

³³¹ *Id.* at 371.

³³² *Id.* at 373.

³³³ *Id.* at 374.

³³⁴ *Id.*

³³⁵ Amos Tversky & Daniel Kahneman, *Judgment Under Uncertainty: Heuristics and Biases*, 185 *SCI.* 1124, 1128 (1974) [hereinafter Tversky & Kahneman, *Judgment Under Uncertainty*].

³³⁶ Thomas Mussweiler & Fritz Strack, *The Semantics of Anchoring*, 86 *ORGANIZATIONAL BEHAV. & HUM. DECISION PROCESSES* 234, 234–35 (2001).

³³⁷ Daniel Kahneman et al., *Would You Be Happier If You Were Richer? A Focusing Illusion*, 312 *Sci.* 1908 (2006).

³³⁸ Edsel L. Beja Jr., *The Focusing Illusion and Happiness: Evidence Using College Basketball Championship*, 121 *Soc. Indicators Res.* 873, 873 (2015).

³³⁹ Peter A. Ubel et al., *Do Nonpatients Underestimate the Quality of Life Associated with Chronic Health Conditions Because of a Focusing Illusion?*, 21 *Med. Decision Making* 190, 191, 197 (2001).

illusion.³⁴⁰ The first experiment looked at the effect of the focusing illusion where participants were to imagine that they were in their hometown and were asked to do a specified activity versus a tourist context where participants were given a task and told they were visiting a tourist city.³⁴¹ The second experiment investigated whether or not explicitly mentioning an alternative is sufficient for participants to focus on it.³⁴² The third experiment examined whether explicitly mentioning an activity was enough for participants to focus on it.³⁴³ Each experiment showed support for the focusing illusion in that the participants focused on an alternative that was pointed out.³⁴⁴ The focusing illusion has been confirmed by multiple empirical studies; researchers have found that people focus on choices relevant to their lives, whether or not those choices are explicitly mentioned.³⁴⁵

c. Availability Heuristic

Hazing perpetrators may more readily bring to mind instances where hazing has had a positive, as opposed to a negative, outcome. Such an availability heuristic reflects a reliance on immediate examples that come to a given person's mind when engaging in judgment and decision-making. Amos Tversky and Daniel Kahneman were the first to critique and further examine the initial conception of the availability heuristic. Their findings suggest that reliance on the availability heuristic in times of uncertainty often leads to several systematic cognitive biases and, consequently, errors in human judgment.³⁴⁶ One particular example of a cognitive bias mediated by the availability heuristic is an availability cascade. The phenomenon of availability cascades is a "self-reinforcing process of collective belief formation by which an expressed perception triggers a chain reaction that gives the perception of increasing plausibility through its rising availability in public discourse."³⁴⁷ Availability heuristic generates mistaken judgments about the frequency or probability of an occurrence and, as such, availability cascades represent the resulting bias triggered by the interaction between the availability heuristic and social mechanisms.

Availability cascades often cause endorsed perceptions to appear increasingly reasonable or likely, based on increasing availability of such insights within a larger public.³⁴⁸ There are a few predictable biases that impact the validity of the availability heuristic, including biases due to the retrievability of instances, effectiveness of a search set, and those of imaginability, and illusory correlations.³⁴⁹ The cognitive bias resulting from

³⁴⁰ Paolo Cherubini et al., *Rethinking the Focusing Effect in Decision-making*, 113 *Acta Psychologica* 67, 67 (2003).

³⁴¹ *Id.* at 70.

³⁴² *Id.* at 72-73.

³⁴³ *Id.* at 75-76.

³⁴⁴ *Id.* at 78.

³⁴⁵ *Id.* at 78-79.

³⁴⁶ See Amos Tversky & Daniel Kahneman, *Availability: A Heuristic for Judging Frequency and Probability*, 5 *COGNITIVE PSYCHOL.* 207, 207, 231 (1973).

³⁴⁷ Timur Kuran & Cass R. Sunstein, *Availability Cascades and Risk Regulation*, 51 *STAN. L. REV.* 683, 683 (1999).

³⁴⁸ *Id.* at 685.

³⁴⁹ See Tversky & Kahneman, *Judgment Under Uncertainty*, *supra* note 335 at 1127-28.

the retrievability of instances is best explained by an experiment in which subjects listened to lists of personality types of both sexes and were then asked to determine whether the lists read aloud contained more names of men or women overall. Certain lists contained relatively more famous male personalities than female personalities, whereas, in others, the opposite was true. With each list, subjects wrongly judged that the sex that had more famous personalities was also more numerous.³⁵⁰ These erroneous assumptions made by individuals in this study based on the use of the availability heuristic also further contribute to our understanding of the development of availability cascades.³⁵¹

d. Choice-Supportive Bias

Hazing perpetrators may believe that hazing is more valuable than detrimental, simply because they chose to engage in it, and thus seek to validate their own “choice” in doing so. In light of such a choice-supportive bias, according to Linda Henkel and Mara Mather, when deciding, individuals generally strive to make the best choice.³⁵² Therefore, after making a choice, it is natural for individuals to assume it was superior to the options they rejected. Motivation plays a key role in this process, whereby when individuals believe they chose to engage in behavior, they feel minimal regret.³⁵³ Accordingly, “after choosing between different options, people tend to remember the features of the options in ways that favour the chosen alternative.”³⁵⁴ This can be attributed to the theory that it is more emotionally gratifying to remember the chosen option as better and that, “[i]n general, memory reconstruction tends to shift memories in an emotionally gratifying and self-enhancing direction.”³⁵⁵ Mara Mather and Marcia Johnson’s research suggests that people demonstrate choice-supportive bias by showing a general tendency for memory errors that favor their choices. Mather and Johnson found that subjects attributed positive features to their chosen option and negative features to their rejected option when those features were both correct and incorrect. Furthermore, recognition of the relevant qualities was biased in favor of the chosen option.³⁵⁶

Kristen Benney and Linda Henkel’s work suggests that individuals who chose their own option and those who were told an option was selected in their best interest elicited memory attributions that supported their option.³⁵⁷ This suggests that free choice is not the only condition that can induce choice-supportive bias. A choice made in your best interest can cause the same bias.³⁵⁸ However, subjects who were simply assigned an option and not informed about how or why the decision was made did not elicit the choice-supportive bias. Furthermore, “assignment to an option actually prompted

³⁵⁰ *Id.* at 1127.

³⁵¹ *See id.* at 1127–28.

³⁵² Linda A. Henkel & Mara Mather, *Memory Attributions for Choices, How Beliefs Shape Our Memories*, 57 J. MEMORY & LANGUAGE 163, 163 (2007).

³⁵³ *Id.*

³⁵⁴ Kristen Stoll Benney & Linda Henkel, *The Role of Free Choice in Memory for Past Decisions*, 14 MEMORY 1001, 1001 (2006).

³⁵⁵ Mara Mather & Marcia K. Johnson, *Choice-supportive Source Monitoring: Do Our Decisions Seem Better to Us as We Age?*, 15 PSYCH. & AGING 596, 603 (2000).

³⁵⁶ *Id.*

³⁵⁷ Benney & Henkel, *supra* note 354, at 1001.

³⁵⁸ *Id.*

participants to slightly favour the forgone option.”³⁵⁹ Mather and colleagues made a similar finding. In their experimentation, subjects who were assigned an option showed no choice-supportive bias but were influenced by varying heuristics.³⁶⁰ “In recalling past choices, people expect the chosen option to contain more positive and fewer negative features than do its competitors.”³⁶¹ In contrast, in recalling past assignments, “people expect the assigned option to be remembered better than the unassigned alternatives.”³⁶² “This vividness heuristic leads to systematic misattribution of new features to unassigned alternatives, but not in a manner supportive of the assigned option.”³⁶³ This experiment suggests that choice-supportive biases are not only due to the motivation to believe that the subject’s option is better but also are attributable to beliefs regarding the attractiveness of chosen options over unchosen options.³⁶⁴

e. Illusions: Correlation and Truth

Hazing perpetrators may believe that hazing yields positive dividends even as there might not be as much support for that belief as they assume. This may be because of illusory correlation—e.g., an individual believing there to be a correlation between two objects that are not in fact correlated, less strongly correlated than reported, or correlated in the opposite direction as reported.³⁶⁵ David Hamilton and Robert Gifford investigated the role of illusory correlation in determining frequency of behavior.³⁶⁶ Participants observed two groups of people: group A and group B. The ratio of desirable to undesirable behaviors exhibited by the groups was equal, the only difference being that more actions were observed from group A.³⁶⁷ This ratio was also weighted so that the groups performed desirable behaviors two-thirds of the time and undesirable behaviors one-third of the time.³⁶⁸ After observing the behaviors, the participants were asked to determine how many of the behaviors described members of group A or group B and how many of those statements had described undesirable behavior. The dependent variable, in this case, was the attribution of undesirable behavior to an individual group.³⁶⁹ The results of the study showed that participants attributed significantly more undesirable behavior to group B than group A, even though the ratios of desirable to undesirable behavior were the same for each group.³⁷⁰ These findings show that, in forming stereotypes, individuals

³⁵⁹ *Id.* at 1007.

³⁶⁰ Mara Mather et al., *Remembering Chosen and Assigned Options*, 31 *MEMORY & COGNITION* 422, 422 (2003).

³⁶¹ *Id.*

³⁶² *Id.*

³⁶³ *Id.*

³⁶⁴ *Id.*

³⁶⁵ Loren J. Chapman, *Illusory Correlation in Observational Report*, 6 *J. VERBAL LEARNING & VERBAL BEHAV.* 151, 151 (1967).

³⁶⁶ See David L. Hamilton & Robert K. Gifford, *Illusory Correlation in Interpersonal Perception: A Cognitive Basis of Stereotypic Judgments*, 12 *J. EXPERIMENTAL SOC. PSYCHOL.* 392, 392–407 (1976).

³⁶⁷ See *id.* at 394–95.

³⁶⁸ See *id.* at 394 (“[F]or both Groups A and B, there was a 9:4 ratio of desirable to undesirable behaviors.”).

³⁶⁹ See *id.* at 396.

³⁷⁰ *Id.* at 399.

can find an illusory correlation between negative behaviors and a minority group.

Hazing perpetrators may believe the positive narrative they hear about hazing, especially if they are repeatedly exposed to such narratives. This may be because of the illusory truth effect—e.g., the tendency to believe information to be correct after repeated exposure because such repeated information gives the illusion of truth.³⁷¹ As seen in multiple psychological studies dating back to 1977, participants consistently judge repeated statements as relatively true compared to unfamiliar statements,³⁷² regardless of the actual veracity or repetition of the statements.³⁷³ When people are faced with judging the truthfulness of a trivia statement, they tend to use heuristic cues,³⁷⁴ such as traits of the source of the statement, characteristics of the context in which it was presented, and attributes of the statement itself.³⁷⁵ The “illusory truth effect” occurs where the major heuristic cue that people use is the familiarity of a statement; hence, if a statement is repeatedly presented, it is more likely to be believed due to the familiarity that is misattributed to truth.³⁷⁶ Ian Begg and colleagues suggest that peoples’ perceptions of the truthfulness of a statement is influenced by both source recollection and statement familiarity, but the two are independent of one another.³⁷⁷

f. Hypothetical: Bringing It All Together

Terri Inman was a Training Instructor for the United States Airforce. She bought into the Airforce’s ethos of teamwork to advance the military and nation. As such, she believed that hazing recruits was necessary to effectuate that end. She recognized that other people could be influenced by subconscious attitudes, beliefs, and biases. However, she thought she was smart enough not to be so influenced. However, despite the Airforce’s anti-hazing training, Terri was influenced by a range of cognitive biases to continue hazing recruits. She believed that hazing was of significant utility in facilitating teamwork among recruits despite the anti-hazing training because she heard about hazing’s utility many years before from her Training Instructor. Also, from her casual observations, she found that recruits who were hazed tended to be better team members. Given that Terri, herself, had been hazed she believes that hazing is more valuable than detrimental, simply because she chose to engage in it and thus sought to validate her own “choice” in doing so. Terri also believed that hazing resulted in positive outcomes, even though there was not as much support for that belief as she

³⁷¹ See Frederick T. Bacon, *Credibility of Repeated Statements: Memory for Trivia*, 5 J. EXPERIMENTAL PSYCHOL. 241, 251 (1979) (finding that statements judged to be repeated were perceived as true, regardless of whether they were actually repeated, actually true, or even contradictory).

³⁷² See, e.g., *id.* at 241 (discussing the first of such studies finding that repeated statements were rated true more frequently than new statements and received higher truth ratings upon subsequent exposure).

³⁷³ *Id.* at 241, 251.

³⁷⁴ See Alice Dechêne et al., *The Truth About the Truth: A Meta-Analytic Review of the Truth Effect*, 14 PERSONALITY & SOC. PSYCHOL. REV. 238, 239 (2010) (citing a finding that repeated statements are believed more than new statements in the trivia context).

³⁷⁵ *Id.* at 238.

³⁷⁶ See Alice Dechêne et al., *Mix Me a List: Context Moderates the Truth Effect and the Mere-Exposure Effect*, 45 J. EXPERIMENTAL SOC. PSYCHOL. 1117, 1117 (2009).

³⁷⁷ Ian Maynard Begg et al., *Disassociation of Processes in Belief: Source Recollection, Statement Familiarity, and the Illusion of Truth*, 121 J. EXPERIMENTAL PSYCHOL. 446, 455 (1992).

might have assumed. Even more, she believed in hazing's utility because of repeated exposure to the narrative that it had utility.

B. WHY MEMBERS HAZE IN THE FACE OF CONTRADICTIONARY EVIDENCE

A reasonable person can argue that combating common misconceptions can be easily achieved simply by exposure to accurate, truthful information. However, research suggests this might not be enough.³⁷⁸ According to multiple studies, people's mindsets when they consider factual beliefs may also contribute to misconceptions regarding controversial issues in the political and social spheres.³⁷⁹ Directionally-motivated reasoning, which refers to biases in information processes that occur when one wants to reach a specific conclusion, seems to be the principal way in which people conduct reasoning.³⁸⁰ Misconceptions of this type can then sit well in people's minds because they seem to confirm prior beliefs. A wide array of studies confirms that "objective" sources of information that pin arguments against each other seem more "ambiguous" than a report from a source that, in the minds of citizens, is omniscient—making it difficult for people to prefer an objective report rather than a biased one.³⁸¹

Two theories—heuristics theory and cultural cognitive theory—attempt to explain why so many Americans hold misbeliefs about important political issues. Heuristics theory explains the prevalence of misbeliefs with the following explanation: people with sufficient political knowledge who "receive" political news can filter out opponents' political messages while "accepting" those of political allies. This results in a reasonably consistent set of considerations that can be "sampled" when one is asked to express political opinions.³⁸² On the other hand, cultural cognitive theory proposes that deep-seated values determine the formation of a wide array of beliefs, meaning that cultural beliefs can drive the development of political ones.³⁸³

1. Motivated Cognition

Hazing perpetrators may emotionally desire to believe that hazing yields more positive, as opposed to negative outcomes; as such, they search for information to support this belief and ignore or downplay information that undermines it. Such motivated cognition is displayed when decision-makers

³⁷⁸ BRENDAN NYHAN & JASON REIFLER, THE ROLES OF INFORMATION DEFICITS AND IDENTITY THREAT IN THE PREVALENCE OF MISCONCEPTIONS 1 (2016), available at <https://www.dartmouth.edu/~nyhan/opening-political-mind.pdf> ("Exposure to accurate information may not be enough, however.").

³⁷⁹ *Id.*

³⁸⁰ *Id.*

³⁸¹ *E.g.*, Brendan Nyhan & Jason Reifler, *When Corrections Fail: The Persistence of Political Misperceptions*, 32 POL. BEHAV. 303 (2010).

Instead, people typically receive corrective information within "objective" news reports pitting two sides of an argument against each other, which is significantly more ambiguous than receiving a correct answer from an omniscient source. In such cases, citizens are likely to resist or reject arguments and evidence contradicting their opinions—a view that is consistent with a wide array of research (e.g. Lord, Ross, and Lepper 1979; Edwards and Smith 1996; Redlawsk 2002; Taber and Lodge 2006). *Id.* at 304.

³⁸² J. Reedy & J. Gastil, *How Voters Become Misinformed: An Investigation of the Emergence and Consequences of False Factual Beliefs*, 95 SOC. SCI. Q. 1399, 1418 (2014).

³⁸³ *Id.*

prefer a particular outcome vis-a-vis an evaluative task. Such a preference leads them to arrive at that desired conclusion by inadvertently engaging in biased processes for “accessing, constructing, and evaluating beliefs.”³⁸⁴ In short, social cognition research indicates the ways in which “hot” or “emotional” concepts have motivational influence over cognition.³⁸⁵ Challenges to one’s preexisting beliefs trigger a negative effect, which in turn results in an increased intensity of cognitive processing.³⁸⁶ This more intense processing may result in a search for new evidence that is more fitting with one’s already-held beliefs. When new information affirms the already-held belief, the urgency dissipates, and the decision-making process ends.³⁸⁷

Ziva Kunda found that people may conduct either a selective, internal search through their memory or an external search of available information to find existing facts, beliefs, or rules that support the outcome they prefer.³⁸⁸ Alternatively, people may “creatively combine accessed knowledge to construct new beliefs that could logically support the desired conclusion.”³⁸⁹ In this process, preference-inconsistent information is evaluated in a more critical manner than information that is consistent with the decision-maker’s preferred outcome.³⁹⁰ People may even search for desired features during the visual perception process, or their visual systems might “lower the threshold” required for a perceptual determination to be consistent with their desired result.³⁹¹

Motivated reasoning is self-deceptive and lies outside conscious awareness.³⁹² As Kunda notes:

[P]eople do not realize that the process is biased by their goals, that they are accessing only a subset of their relevant knowledge, that they would probably access different beliefs and rules in the presence of different directional goals, and that they might even be capable of justifying opposite conclusions on different occasions.³⁹³

Accordingly, this phenomenon is not a deliberate form of outcome-driven decision-making. In many ways, any number of cognitive biases—some already described above—are implicated in motivated reasoning. For example, an individual may be fixated on certain information due, in part, to anchoring, availability heuristic, confirmation bias, congruence bias, illusory

³⁸⁴ Ziva Kunda, *The Case for Motivated Reasoning*, 108 PSYCHOL. BULL. 480, 480 (1990).

³⁸⁵ See Shelley E. Taylor & Curtis D. Hardin, *Motivated Cognition: Phenomena in Search of Theory*, 10 PSYCHOL. INQUIRY 75, 75–76 (1999).

³⁸⁶ Leonard S. Newman, *Motivated Cognition and Self-Deception*, 10 PSYCHOL. INQUIRY 59, 60 (1999).

³⁸⁷ *Id.*

³⁸⁸ Kunda, *supra* note 384, at 483.

³⁸⁹ *Id.*

³⁹⁰ Peter H. Ditto & David F. Lopez, *Motivated Skepticism: Use of Differential Decision Criteria for Preferred and Nonpreferred Conclusions*, 63 J. PERSONALITY & SOC. PSYCHOL. 568, 568 (1992); Shailendra Pratap Jain & Durairaj Maheswaran, *Motivated Reasoning: A Depth-of-Processing Perspective*, 26 J. CONSUMER RES. 358, 364–65 (2000).

³⁹¹ Emily Balcetis & David Dunning, *See What You Want to See: Motivational Influences on Visual Perception*, 91 J. PERSONALITY & SOC. PSYCHOL. 612, 613 (2006) (“[P]eople literally are prone to see what they want to see.”); Ditto & Lopez, *supra* note 390, at 568.

³⁹² Emily Balcetis, *Where the Motivation Resides and Self-Deception Hides: How Motivated Cognition Accomplishes Self-Deception*, 2 SOC. & PERSONALITY PSYCHOL. COMPASS 361, 361 (2008).

³⁹³ Kunda, *supra* note 384, at 483.

correlation, and/or selective perception. They may also reject new and more accurate information due to the conservatism bias, as discussed above.

2. Confirmation Bias and Congruence Bias

Consistent with motivated cognition, hazing perpetrators may look for information that supports their overall positive beliefs about hazing and resist counter-information to maintain their positive beliefs about hazing. This may occur because of confirmation bias or congruence bias. Confirmation bias is the tendency to selectively search for information that confirms prior beliefs or hypotheses.³⁹⁴ Consider findings from research on confirmation bias in the medical field—e.g., medical professionals tend to confirm a preliminary diagnosis without seeking out contradictory evidence to rule out wrong diagnoses.³⁹⁵ Specifically, some psychiatrists and medical students show signs of confirmation bias in their search for additional information, and that confirmation bias leads to poorer diagnostic accuracy.³⁹⁶ Similarly, congruence bias is likely to occur when people oversimplify the given problem, do not extensively search for competing evidence, or only consider a single hypothesis.³⁹⁷ Because individuals more frequently encounter truth than falsity, human beings have become biased to expect truth when encountering a certain set of conditions. Therefore, individuals have difficulty evaluating negated relationships and are more likely to prefer or choose the positive form of the relationship, thereby exhibiting some form of congruence bias in their responses.³⁹⁸

3. Selective Perception

Hazing perpetrators may only attend to information about hazing that supports their prior, positive beliefs about it. Such selective perception requires one to attend to relevant information while ignoring irrelevant information, allowing a person to manage the allocation of his or her limited processing capacities to what is most significant for his or her goals and behaviors.³⁹⁹ However, an individual's ability to do so may be compromised. Many factors can influence selective perception.⁴⁰⁰ A study by Jon Maner and Saul Miller demonstrates evidence for selective perception in the context of out-group (those not members of core group) men.⁴⁰¹ The authors suggest that perceptual vigilance may be a useful evolutionary tool developed from

³⁹⁴ R. Mendel et al., *Confirmation Bias: Why Psychiatrists Stick to Wrong Preliminary Diagnoses*, 41 *PSYCHOL. MED.* 2651, 2651 (2011); see SCOTT PLOUS, *THE PSYCHOLOGY OF JUDGMENT AND DECISION MAKING* 233–34 (1993).

³⁹⁵ Mendel et al., *supra* note 394, at 2655–56.

³⁹⁶ *Id.*

³⁹⁷ See Jonathan Baron et al., *Heuristics and Biases in Diagnostic Reasoning*, 42 *ORGANIZATIONAL BEHAV. & HUM. DECISION PROCESSES* 88, 108–09 (1988) (concluding that congruence heuristics may involve a failure to carry out different “checks” on an initial decision to ask a question).

³⁹⁸ See Peter C. Wason, *Reasoning About a Rule*, 20 *Q.J. EXPERIMENTAL PSYCHOL.* 273, 273–74 (1968).

³⁹⁹ Maria J. S. Guerreiro et al., *Age-Equivalent Top-Down Modulation During Cross-Modal Selective Attention*, 26 *J. COGNITIVE NEUROSCIENCE* 2827, 2827 (2014).

⁴⁰⁰ *Id.*

⁴⁰¹ See generally Jon K. Maner & Saul L. Miller, *Adaptive Attentional Attunement: Perceptions of Danger and Attention to Outgroup Men*, 31 *SOC. COGNITION* 733 (2013) (assessing attentional biases to find that people who perceived the outgroup as dangerous had their attention captured selectively by images of outgroup males). Outgroup is defined as: “a category of person who, throughout evolutionary history, has often posed dangers in the context of intergroup conflict.” *Id.* at 734.

a long history of intergroup conflict and that self-protective motives promote cognitive vigilance toward out-group men.⁴⁰² Maner and Miller hypothesized that perceptions of interpersonal danger would be associated with heightened attention to male out-group members during a computerized task, and that attention would not be heightened for in-group members.⁴⁰³ Results from the study confirmed that participants thought the out-group was more dangerous than the in-group. The out-group was also perceived as more boring, rude, and stupid.⁴⁰⁴ There was a significant interaction effect between target group membership and participant danger ratings for male targets.⁴⁰⁵ Participants with lower perceptions of out-group danger had a marginally significant tendency to attend more to in-group males than out-group males.⁴⁰⁶ The more dangerous the out-group seemed to participants, the more powerfully out-group men initially captured and held participants' attention.⁴⁰⁷ This pattern, observed for perceptions of out-group danger, did not generalize to other traits ascribed to the out-group.⁴⁰⁸ This study suggests that selective perception is promoted and can occur when people feel threatened by out-group males.⁴⁰⁹

4. Backfire Effect

Hazing perpetrators may double-down on their pro-hazing beliefs in the face of contrary information. This, the backfire effect, occurs when a person misconstrued beliefs appear to strengthen or increase when they are faced with contradictory, factual evidence.⁴¹⁰ David Redlawsk found that subjects who were not given a subliminal prime came to view their preferred candidate in a mock election more positively after being exposed to negative information about the candidate.⁴¹¹ After researchers established the "backfire effect" with an array of studies, efforts focused on why and how this mechanism works or comes into effect. Some researchers interpret the backfire effect as resulting from unfavorable information as being in agreement with their pre-existing beliefs.⁴¹² Others, like Brendan Nyhan and Jason Reifler, Milton Lodge and Charles Tabor, and Redlawsk, interpret the backfire effect as a possible result of the process by which individuals counter-argue preference-incongruent information to bolster pre-existing beliefs.⁴¹³ "[I]f people counterargue unwelcome information vigorously enough, they may end up with 'more attitudinally congruent information in

⁴⁰² *Id.* at 733.

⁴⁰³ *Id.* at 737.

⁴⁰⁴ *Id.* at 739.

⁴⁰⁵ *Id.* at 740.

⁴⁰⁶ *Id.*

⁴⁰⁷ *See id.*

⁴⁰⁸ *See id.* at 740–41 (finding no significant interaction between target gender, target group membership, and outgroup ratings when perceptions of danger were replaced with perceptions of how "boring, rude, and stupid" the outgroup was perceived to be).

⁴⁰⁹ *Id.* at 741.

⁴¹⁰ Nyhan & Reifler, *supra* note 381, at 311.

⁴¹¹ David P. Redlawsk, *Hot Cognition or Cool Consideration? Testing the Effects of Motivated Reasoning on Political Decision Making*, 64 J. OF POL. 1021, 1021–44 (2002).

⁴¹² Nyhan & Reifler, *supra* note 381, at 311.

⁴¹³ MILTON LODGE & CHARLES S. TABOR, *THE RATIONALIZING VOTER* 151 (2013); Nyhan & Reifler, *supra* note 381, at 309; Redlawsk, *supra* note 411, at 1021.

mind than before the debate,”⁴¹⁴ leading people to report more extreme or stronger opinions than before.

It is important to point out that the backfire effect does not always impede persons from accepting information that counters their beliefs.⁴¹⁵ Whether counter-information changes people’s opinions will vary depending on the amount of information, clarity of information, and extent to which an individual has been exposed to similar information beforehand.⁴¹⁶ The backfire effect is also involved in attempts to debunk myths and correct instances of misinformation.⁴¹⁷

5. Conservatism Bias

Hazing perpetrators may change their pro-hazing beliefs but insufficiently vis-à-vis the evidence due to conservatism bias, the tendency to revise one’s belief insufficiently when presented with new evidence.⁴¹⁸ For example, Carlos Alós-Ferrer and Sabine Hügelschäfer’s work measured the extent to which intuitiveness factors into decision-making. Specifically, they tested whether intuitive decision-making runs in contrast with proper implementation of Bayes Rule.⁴¹⁹ Bayes Rule asserts that “[w]hen confronted with uncertain outcomes, a rational decision-maker will make use of all available information to update prior beliefs”⁴²⁰ For example, if a doctor were attempting to determine the likelihood of the presence of cancerous cells in a person, information such as age, diet, or habits would be influential in the ultimate judgment. However, there are instances when individuals deviate from such decision-making approaches and rely on what “feels right” or make decisions based on a gut feeling,⁴²¹ thereby failing to use all available information and, in turn, failing to implement Bayes Rule. Alós-Ferrer and Hügelschäfer found that people not only frequently fail to use Bayes Rule when analyzing new information but also sacrifice standards favored by Bayes Rule for those of conservatism (meaning, in this context, the over-reliance on, or favoring of, prior information over newly discovered facts).

6. Self-justification Bias

Hazing perpetrators may believe that their hazing of others is appropriate simply as a way to justify what, in their heart they know is wrong, as a way to deal with internal conflict about it. Such self-justification bias is the

⁴¹⁴ Nyhan & Reifler, *supra* note 381, at 308 (quoting M. Lodge & C.S. Taber, *Three Steps Toward a Theory of Motivated Political Reasoning*, in *ELEMENTS OF REASON: UNDERSTANDING AND EXPANDING THE LIMITS OF POLITICAL RATIONALITY* (A. Lupia et al. eds., 2000)).

⁴¹⁵ *Id.*

⁴¹⁶ *Id.*

⁴¹⁷ JOHN COOK & STEPHAN LEWANDOWSKY, *THE DEBUNKING HANDBOOK 1* (Skeptical Science ed., 2011), https://www.skepticalscience.com/docs/Debunking_Handbook.pdf.

⁴¹⁸ See Ward Edwards, *Conservatism in Human Information Processing*, in *JUDGMENT UNDER UNCERTAINTY: HEURISTICS AND BIASES* 359 (Daniel Kahneman et al. eds., 1982) (finding that it takes “two to five observations to do one observation’s worth of work” to induce people to change their opinion).

⁴¹⁹ See Carlos Alós-Ferrer & Sabine Hügelschäfer, *Faith in Intuition and Behavioral Biases*, 84 *J. ECON. BEHAV. & ORG.* 182, 182 (2012).

⁴²⁰ *Id.*

⁴²¹ See *id.* at 183 (discussing experiments that relate a general measure of intuitive behavior to specific behavioral biases associated with failure to implement Bayes rule).

product of cognitive dissonance, the driving internal tension to align actions and beliefs. Dissonance is heightened, especially when a belief or action threatens an important component of an individual's identity. "[W]hen an individual experiences [a state of] dissonance he attempts to reduce it by changing one or both of his cognitions, adding new cognitions, etc."⁴²² Self-justification also allows an individual to overcome internal conflict by charging others with blame, trivializing the weight of their actions, or nullifying the impact of dissonance on their self-conception. The method of self-justification varies based on the individual or scenario. Accordingly, research on self-justification bias is rooted in dissonance theory. The foundation of cognitive dissonance theory is fixated on the psychological discomfort resulting from contradictory cognitions.⁴²³ However, as more research has been conducted, specifically by Cooper and Fazio, "dissonance theory . . . [has become] more focused on the protection of a positive self-image."⁴²⁴ Steele's 1988 study offered similar evidence that individuals often justify their actions in order to maintain a positive and cohesive self-image by engaging in self-affirmation or positive thinking. Central to Steele's self-affirmation theory is the understanding that in order to avert the negative effects of dissonance, one strives to "maintain global conceptions of self-adequacy and not necessarily to resist specific self-threats."⁴²⁵

Accordingly, Rob Holland and colleagues predicted that individuals who possess higher self-esteem are less likely to engage in self-justifying behaviors and may use different justification strategies than low self-esteem individuals.⁴²⁶ It is reasoned that high self-esteem individuals have access to more affirmational resources.⁴²⁷ Holland and colleagues tested this assertion by conducting a field experiment on self-justification strategies on drivers to analyze the influence of self-esteem on internal and external self-justification strategies.⁴²⁸ Internal self-justification strategies shift "the way people perceive and evaluate their actions and the consequences associated with it."⁴²⁹ In terms of this experiment, an internal, self-justifying change in attitude would include subjects trivializing negative outcomes through statements like, "The damage to the environment as a result of car-driving is overstated."⁴³⁰ In contrast, external self-justification strategies justify "a person's actions . . . by referring to external sources that should solve the problems or diminish personal responsibility."⁴³¹ Whether internal or external self-justification strategies are used depends on the type of dissonance experienced.⁴³² When hedonistic or moral dissonance is aroused, people justify their behavior through internal strategies likely because of the

⁴²² Elliot Aronson & J. Merrill Carlsmith, *Effect of the Severity of Threat on the Devaluation of Forbidden Behavior*, 66 J. ABNORMAL & SOC. PSYCHOL. 584, 584 (1963).

⁴²³ Rob W. Holland et al., *Dissonance on the Road: Self-Esteem as a Moderator of Internal and External Self-Justification Strategies*, PERSONALITY & SOC. PSYCHOL. BULL. 1713, 1713-24 (2002).

⁴²⁴ *Id.* at 1713.

⁴²⁵ *Id.* at 1714 (quoting C.M. Steele, *The Psychology of Self-Affirmation: Sustaining the Integrity of the Self*, 21 ADVANCES EXPERIMENTAL SOC. PSYCHOL. 261, 289 (1988)).

⁴²⁶ *Id.* at 1713.

⁴²⁷ *Id.* at 1714.

⁴²⁸ *Id.* at 1714-15.

⁴²⁹ *Id.*

⁴³⁰ *Id.*

⁴³¹ *Id.* at 1715.

⁴³² *Id.* at 1721.

negative consequences of their behavior to themselves.⁴³³ Through the justification of specific behavior, individuals can make perceived adverse consequences appear less negative.

However, self-justification is just one avenue for overcoming inner turmoil resulting from dissonance. The use of self-affirmations is another method to reduce the need to explain dissonant behavior. Claude Steele and colleagues offered an alternative to Festinger's original theory of cognitive dissonance—that dissonance arousal motivates individuals to engage in dissonance reduction behaviors—contending that dissonance manifests when one's global self-evaluation is threatened.⁴³⁴ Steele's alternative theory of cognitive dissonance argues that dissonance can be reduced or wholly eliminated by actions that do not directly address dissonance-evoking behavior. Steele contended that “because the disturbing thing about dissonant behavior is its ego threat, any self-affirming activity may reduce dissonance even when it does not resolve or dismiss the particular provoking inconsistency.”⁴³⁵ Prior research on the effect of self-affirmations on dissonance has neglected to study the impact of reaffirming aspects of oneself that are relevant to the source of the dissonance.

7. Hypothetical: Bringing It All Together

Cannon Cane is a senior and a member of State University's Corps of Cadets. He likes to haze the new cadets because he thinks it is fun. As such, he has a deep emotional commitment to hazing new cadets. Cannon tries to only attend to and look for information that supports his overall positive beliefs about hazing. He resists counter-information and does not search for competing evidence so that he can maintain his positive beliefs about hazing. When Cannon is confronted with negative information or facts about hazing, at best, he revises his beliefs but insufficiently given the weight of the information or facts; at worse, he doubles-down on his beliefs. In the end, Cannon believes that his hazing of cadets is appropriate because it justifies what, in his heart he may know is wrong, as a way to deal with internal conflict about it.

C. BROADER CONCEPTUAL ISSUES

In this section, we shift from our analysis of ways in which cognitive biases shape hazing to how a range of other factors do as well. Specifically, we explore the roles of denialism, displaced aggression, misperceived norms, risk appraisal, rational ignorance, personality, impulsivity, and moral development on hazing.

1. Denialism

Hazing perpetrators may deny the validity of negative information about hazing by trying to call its underlying premises into question. As such,

⁴³³ *Id.*

⁴³⁴ Hart Blanton et al., *When Bad Things Happen to Good Feedback: Exacerbating the Need for Self-Justification with Self-Affirmations*, 23 PERSONALITY & SOC. PSYCHOL. BULL. 684, 684–92 (1997).

⁴³⁵ *Id.* at 685 (quoting Claude Steele et al., *Dissonance Processes as Self-Affirmation*, 45 J. PERSONALITY & SOC. PSYCHOL. 5, 18 (1983)).

denialism is the practice typically utilized in the scientific community of falsely representing a situation as being highly debated to reject widely accepted facts. According to scientist Ana-Gabriela Benghiac, all varieties of denialism operate under five similar characteristics: (1) conspiracy theories; (2) fake experts; (3) selectivity; (4) impossible expectations of what research can deliver; and (5) misrepresentation and logical fallacies.⁴³⁶ In practice, the first element, conspiracy theories, involves the discrediting of scientific research under the accusation that scientists have conspired with each other and agreed to share the same results rather than doing legitimate research independently. People who believe this view the peer review process as a tool by which scientists “suppress dissenters,” rather than evaluate peer research.⁴³⁷ The second element is the use of and reliance upon fake experts. The third element, selectivity, is defined as the misrepresentation of contemporary research by selecting and highlighting specific papers that oppose the consensus to discredit the entire body of research.⁴³⁸ Selectivity is also performed when the weakest papers on a specific topic are pulled out, and their flaws are publicized. The fourth characteristic is the possession of impossible expectations of what research can deliver. The fifth characteristic is misrepresentation and logical fallacies. This is more of an umbrella category, as it contains many different logical fallacies such as red herrings, straw men, false analogy, and excluded middle fallacy.⁴³⁹ An example of logical fallacies, described by Pascal Diethelm and Martin McKee, is the use of red herrings in arguments. Red herrings are “deliberate attempts to change the argument”⁴⁴⁰ In sum, denialists “replace the rigorous and open-minded skepticism of science with the inflexible certainty of ideological commitment.”⁴⁴¹ In doing so, it helps people cope with truths that are difficult to accept, to reject reality for comfortable lies.⁴⁴²

2. Displaced Aggression

Hazing perpetrators may engage in said conduct because they were hazed and cannot retaliate against their hazers. Instead, they retaliate against the next group of “underlings.” In doing so, they engage in displaced aggression—e.g., “aggress[] against a substitute target: A person has an impulse to attack his or her provocateur but attacks someone else instead.”⁴⁴³ Similar to displaced aggression is triggered displaced aggression (“TDA”). Vasquez and colleagues describe TDA:

⁴³⁶ SANA LOUE, MENTAL HEALTH PRACTITIONER’S GUIDE TO HIV/AIDS 185–87 (2013).

⁴³⁷ Pascal Diethelm & Martin McKee, *Denialism: What Is It and How Should Scientists Respond?*, 19 EUR. J. PUB. HEALTH 2, 2 (2009).

⁴³⁸ *Id.* at 3.

⁴³⁹ *Id.*

⁴⁴⁰ *Id.*

⁴⁴¹ MICHAEL SPECTER, DENIALISM: HOW IRRATIONAL THINKING HARMS THE PLANET AND THREATENS OUR LIVES 2-3 (2010).

⁴⁴² *Id.* at 3.

⁴⁴³ William C. Pedersen et al., *Kicking the (Barking) Dog Effect: The Moderating Role of Target Attributes on Triggered Displaced Aggression*, 34 J. PERSONALITY & SOC. PSYCHOL. BULL. 1382, 1382 (2008) (citing A. Marcus-Newhall et al., *Displaced Aggression is Alive and Well*, 78 J. PERSONALITY & SOC. PSYCHOL. 670 (2000)).

The TDA paradigm . . . conceptually describes circumstances in which a minor provocation, the trigger, can elicit a retaliatory response of greater magnitude than is warranted by the tit-for-tat matching rule that generally governs social interaction. It identifies the experience of a previous, more intense provocation as a critical antecedent for this effect.⁴⁴⁴

TDA is often explained in terms of the Cognitive Neoassociation Model (“CNA”).⁴⁴⁵ The CNA proposes that “aversive events produce negative affect,” which activates various “thoughts, memories, physiological responses, and motor reactions contained within an associative network.”⁴⁴⁶ Once a construct is processed, activation spreads along the network links and primes or activates associated and related constructs.⁴⁴⁷ An aversive stimulus can lead to anger and aggression through two stages.⁴⁴⁸ The first stage is the creation of negative affect by an aversive event, which activates associative networks, and is manifested as fight or flight.⁴⁴⁹ Whether the subject chooses either fight or flight is determined by various situational influences.⁴⁵⁰ The second stage of the model involves higher-order cognitive processes.⁴⁵¹ Appraisal and attributional processes become relevant as the subject considers what happened as well as possible consequences.⁴⁵² These processes either elaborate, intensify, or suppress initial reactions. Alternatively, these processes may also never be activated.⁴⁵³

When subjects do not fear the provocateur, a different trend is observed. When unable to retaliate against the initial provocateur, subjects aggress against targets most similar to the initial provocateur despite the subject’s immediate goal being retaliation against the actual provocateur.⁴⁵⁴ Valerie Melburg and James Tedeschi attribute this to impression management, as subjects were embarrassed by their provocateur and wanted to protect their identity through retaliation.⁴⁵⁵ However, target similarity is not a determinant of displaced aggression. Allan Fenigstein and Arnold Buss presented provoked subjects with a choice to exhibit “less intense aggression . . . against a target associated with the anger instigator versus more intense aggression against a target not associated with the instigator.”⁴⁵⁶ Subjects chose to exhibit more intense aggression irrespective of target similarity.

⁴⁴⁴ Eduardo A. Vasquez et al., *Personalization and Differentiation as Moderators of Triggered Displaced Aggression Towards Out-group Targets*, 37 EUR. J. SOC. PSYCHOL. 297, 297 (2007).

⁴⁴⁵ Norman Miller et al., *A Theoretical Model of Triggered Displaced Aggression*, 7 PERSONALITY & SOC. PSYCHOL. REV. 75, 75 (2003).

⁴⁴⁶ *Id.* at 80.

⁴⁴⁷ *Id.*

⁴⁴⁸ *Id.* at 80-81.

⁴⁴⁹ *Id.*

⁴⁵⁰ *Id.* at 81.

⁴⁵¹ *Id.* at 81.

⁴⁵² *Id.*

⁴⁵³ Norman Miller et al., *A Theoretical Model of Triggered Displaced Aggression*, 7 PERSONALITY & SOC. PSYCHOL. REV. 75, 75 (2003).

⁴⁵⁴ *Id.*; Valerie Melburg & James T. Tedeschi, *Displaced Aggression: Frustration or Impression Management*, 19 EUR. J. SOC. PSYCHOL. 139, 142-43 (1989).

⁴⁵⁵ Melburg & Tedeschi, *supra* note 454, at 143-44 Miller et al., *supra* note 448, at 82.

⁴⁵⁶ Allan Fenigstein & Arnold H. Buss, *Association and Affect as Determinants of Displaced Aggression*, 7 J. RES. PERSONALITY 306, 307 (1974).

Group membership is another important moderator of displaced aggression. Out-group status is associated with negativity; out-group targets, who are commonly members of ethnic minorities, are therefore more likely to elicit displaced aggression.⁴⁵⁷ In-group status is assigned a positive attribute, thereby evading the priming effect. Reijntjes and colleagues explore displaced aggression amongst Dutch youth (in-group) as opposed to Moroccan youth (out-group), a stigmatized minority in the Netherlands.⁴⁵⁸ In response to a provocation, subjects showed more displaced aggression toward Moroccan targets than toward Dutch targets, although no such aggression occurred absent a provocation. Reijntjes and colleagues suggest that aggression against out-groups is interpersonally meaningful and only occurs following provocation.⁴⁵⁹

Although fear of the initial provocateur can cause displaced aggression, similar cognitive processes are in displaced aggression following defeat.⁴⁶⁰ When faced with a hypothetical military defeat, subjects were more willing to wage retaliatory war against a weak foe than either a strong foe or the original adversary. “Because defeat may increase the fear of losing in subsequent campaigns, we contended that following defeat, people would opt to target relatively easy prey that would increase their likelihood of victory and with it the restoration of group esteem.”⁴⁶¹ This displaced retaliation arises from a sense of in-group importance, and protection of the in-group often results in displaced aggression against the weak out-group. This is often done in order to deter future aggressors. However, Tsachi Ein-Dor and Gilad Hirschberger note that “defeat does not lower an adversary’s motivation for violence but may increase it and draw into the conflict third parties toward which aggression was displaced.”⁴⁶²

3. Misperceived Norms

Hazing perpetrators may misperceive the norms around hazing within their peer group—assuming that they are more positively disposed towards hazing. Accordingly, social norms are the informal rules that govern group and societal behavior.⁴⁶³ A large scope of research literature on the misperception of norms has generated critical implications for addressing the alcohol and substance use of youth and college students.⁴⁶⁴ The social norms approach, first suggested by researchers Berkowitz and Perkins, posits that the tendency of individuals to overestimate the frequency and intake of others influences individuals to consume more than they normally would. Multiple researchers suggest that false consensus and pluralistic ignorance are other enhancing reinforcers for the tendency of individuals to conform or shift their own behaviors or attitudes to approximate the misperceived

⁴⁵⁷ Miller et al., *supra* note 448, at 90.

⁴⁵⁸ See generally Albert Reijntjes, *Youths’ Displaced Aggression Against In- and Out-Group Peers: An Experimental Examination*, 115 CHILD PSYCHOL. 180 (2013).

⁴⁵⁹ *Id.* at 185.

⁴⁶⁰ Tsachi Ein-Dor & Gilad Hirschberger, *Sore Losers: On Perceptions of Defeat and Displaced Retaliation*, 4 SOC. PSYCHOL. & PERSONALITY SCI. 355, 355–56 (2013).

⁴⁶¹ *Id.* at 360.

⁴⁶² *Id.* at 360–61.

⁴⁶³ Shelly Campo, Book Review, 12 J. HEALTH COMM. 417, 417 (2007).

⁴⁶⁴ *Id.*

behavioral norms.⁴⁶⁵ In an integrative research study representing the responses of 53,825 college students regarding the magnitude of influence of self-other discrepancies, results showed that when evaluating self-behaviors or self-attitudes toward the approval of drinking, scores were typically lower when comparing the judgments of themselves versus others.⁴⁶⁶ This meta-analytic study yielded gender, reference group, question specificity, campus size, and norm type as strong predictors of self-other discrepancies. Results across research literature show that college students overestimate the drinking and substance use of their peers.⁴⁶⁷

According to the Social Comparison Theory and Social Impact Theory, the closer the proximity of reference groups, the greater the influence on the behavior of an individual.⁴⁶⁸ Researchers find that the perceptions of peers, or even best friends, are better predictors of alcohol consumption in college students; hence, drinking among college students is of great concern.⁴⁶⁹ A slew of research findings demonstrate that individuals are more greatly influenced by in-group than out-group sources; in-group sources are more integral to one's identity.⁴⁷⁰ For instance, members of Greek organizations, athletes, and students living in dormitories are specific reference groups linked to high-episodic drinking compared to the general student population.⁴⁷¹ Research findings adduce that members of sororities or fraternities who live in a Greek house display higher drinking rates than those who live elsewhere.⁴⁷² Moreover, researchers Wechsler and colleagues found that 29 percent of male and 24 percent of female college athletes reported having engaged in heavy-episodic drinking three or more times in the past two weeks.⁴⁷³ Throughout research literature, males have consistently been reported to engage in higher alcohol consumption than females.⁴⁷⁴

4. Risk Appraisal

Hazing perpetrators may not adequately appreciate the risks associated with hazing others, and out of their ignorance harm hazing victims. Not surprisingly, as a person's "risk perception" rises, his or her willingness to engage in risky behavior decreases.⁴⁷⁵ Risk perception or risk appraisal is a person's belief about his or her vulnerability to a negative outcome.⁴⁷⁶ One

⁴⁶⁵ H. Wesley Perkins, *Misperception Is Reality: The "Reign of Error" About Peer Risk Behaviour Norms Among Youth and Young Adults*, in *THE COMPLEXITY OF SOCIAL NORMS* 11–16 (M. Xenitidou & B. Edmonds eds., 2014).

⁴⁶⁶ Brian Borsari & Kate B Carey, *Descriptive and Injunctive Norms in College Drinking: A Meta-Analytic Integration*, 64 *J. STUD. ON ALCOHOL* 331, 335 (2008).

⁴⁶⁷ E.g., Melissa Lewis & Clayton Neighbors, *Social Norms Approaches Using Descriptive Drinking Norms Education: A Review of the Research on Personalized Normative Feedback*, 54 *J. AM. C. HEALTH* 213 (2006).

⁴⁶⁸ *Id.* at 215.

⁴⁶⁹ *Id.* at 216.

⁴⁷⁰ *Id.*

⁴⁷¹ *Id.* at 215–16.

⁴⁷² *Id.* at 215.

⁴⁷³ *Id.* at 216.

⁴⁷⁴ *Id.* at 217.

⁴⁷⁵ See Paschal Sheeran et al., *Does Heightening Risk Appraisals Change People's Intentions and Behavior? A Meta-Analysis of Experimental Studies*, 140 *PSYCHOL. BULL.* 511, 511, 512 (2014).

⁴⁷⁶ *Id.*

study examining risk perception and sensation-seeking⁴⁷⁷ determined that high sensation seekers generally do not view their environment leading to negative consequences.⁴⁷⁸ Thus, certain individuals might be predisposed to engage in risky actions because they do not appraise situations as threatening.⁴⁷⁹ In another study, researchers focused, in part, on the relationship between risk appraisal and criminal behavior.⁴⁸⁰ The results indicated that “[h]igh personal risk appraisal was associated with low levels of risky behavior in the area[] of crime”⁴⁸¹ The researchers found that the riskier an activity was judged to be, the less likely a person was to engage in the activity, particularly if the negative outcome is clearly defined—such as with criminal penalties.⁴⁸²

Other studies indicate the relationship between knowledge and risky behavior might vary amongst individuals⁴⁸³ based on reward bias, which is the tendency to rate a risky activity as more of a good idea.⁴⁸⁴ In one study, researchers found that this “reward bias was higher in adolescence than in either adulthood or preadolescence,”⁴⁸⁵ and that “the relation between reward bias and law-breaking behavior was significantly stronger in middle adolescence”⁴⁸⁶ Similarly, a quantitative study used individual studies of how heightening risk appraisal affects individuals’ subsequent behavior in finance, crime, and health as data points.⁴⁸⁷ Researchers concluded that risk appraisal plays a causal role in changing behavior; more knowledge of risk decreases the likelihood an individual will perform an action.⁴⁸⁸ They found that as risk perception increased, there was a reliable impact on behavioral outcomes across scientific studies.⁴⁸⁹ The meta-analysis concluded that risk appraisal plays a causal role in changing behavior; more knowledge of risk decreases the likelihood an individual will perform an action.⁴⁹⁰

A majority of studies conclude that a relationship exists, which is affected by both the type of legal consciousness held by the individual⁴⁹¹ and the type of law applied.⁴⁹² Legal consciousness is “the way[] people understand and use the law”⁴⁹³ and “participat[e] in the process of

⁴⁷⁷ Jonathan W. Roberti, *A Review of Behavioral and Biological Correlates of Sensation Seeking*, 38 J. RES. PERSONALITY 256, 257 (2004).

⁴⁷⁸ *Id.* at 269.

⁴⁷⁹ *See id.*

⁴⁸⁰ Paula Horvath & Marvin Zuckerman, *Sensation Seeking, Risk Appraisal, and Risky Behavior*, 14 PERSONALITY & INDIVIDUAL DIFFERENCES 41, 44 (1993).

⁴⁸¹ *Id.* at 47.

⁴⁸² *Id.* at 50.

⁴⁸³ Elizabeth Shulman & Elizabeth Cauffman, *Reward-Biased Risk Appraisal and Its Relation to Juvenile Versus Adult Crime*, 37 L. & HUM. BEHAV. 412, 419 (2013).

⁴⁸⁴ *Id.* at 413.

⁴⁸⁵ *Id.* at 416.

⁴⁸⁶ *Id.*

⁴⁸⁷ Horvath & Zuckerman, *supra* note 480, at 47.

⁴⁸⁸ Shulman & Cauffman, *supra* note 483, at 420.

⁴⁸⁹ *Id.*

⁴⁹⁰ *See id.*

⁴⁹¹ *See* Erik D. Fritsvold, *Under the Law: Legal Consciousness and Radical Environmental Activism*, 34 L. & SOC. INQUIRY 799, 804–07 (2009).

⁴⁹² *See* Russell B. Korobkin, *Behavioral Analysis and Legal Form: Rules vs. Standards Revisited*, 79 OR. L. REV. 23, 26–30 (2000).

⁴⁹³ Fritsvold, *supra* note 491, at 803 (quoting SALLY MERRY, GETTING JUSTICE AND GETTING EVEN: LEGAL CONSCIOUSNESS AMONG WORKING CLASS AMERICANS 5 (1990)).

constructing legality.”⁴⁹⁴ Erik Fritsvold describes four categories of legal consciousness: before the Law, with the Law, against the Law, and under the Law.⁴⁹⁵ Individuals with before the Law consciousness view the law as “an abstract entity, removed from the everyday experiences of life.”⁴⁹⁶ They perceive it as an unbiased, static system that uses rational methods to run society, and views all individuals as equals “before the law.”⁴⁹⁷ Those who have a “with the law” consciousness consider the law to be a game that is meant to be strategically won.⁴⁹⁸ These individuals attempt to advance their legal proficiency in order to maximize their advantage in the game,⁴⁹⁹ but they are unlikely to engage in resistance.⁵⁰⁰ “Under the law consciousness” is demonstrated where individuals choose more radical methods of retaliation,⁵⁰¹ by making their point by openly and purposefully challenging the social order.⁵⁰² Fourth, “Against the law consciousness” individuals perceive the law as a “commodity of power.”⁵⁰³ These four categories of legal consciousness, as well as the type of law under which an individual is forming their perception,⁵⁰⁴ have unique effects on people’s choice of deviant behavior.⁵⁰⁵ The question remains as to whether knowledge of different legal forums affects people’s analysis and behavior.

There are two relevant perspectives: the rules versus standards approach and the economic⁵⁰⁶ analysis versus behavioral analysis approach.⁵⁰⁷ According to Larry Alexander, laws come in the form of rules and standards.⁵⁰⁸ “Standards” are considered to be legal norms that “enjoin us to ‘do the right thing’” and require rational behavior,⁵⁰⁹ but the line is drawn on a case by case basis.⁵¹⁰ Once the law is understood, individuals weigh compliance versus punishment with the law.⁵¹¹ Ideally, bright-line rules are implemented with ease, but the flaws of rules can “discourag[e] desirable behavior or [fail] to discourage undesirable behavior.”⁵¹² The more complex a rule becomes, the more it resembles a standard. The economic analysis focuses on the individual’s cost-benefit analysis of rules and standards.⁵¹³ Similarly, behavioral analysis does not definitively favor one legal forum.⁵¹⁴ It follows the Rational Choice Theory that individuals “act so as to maximize

⁴⁹⁴ *Id.* (quoting PATRICIA EWICK & SUSAN SILBEY, *THE COMMON PLACE OF LAW: STORIES FROM EVERYDAY LIFE* 35 (1998)).

⁴⁹⁵ *Id.* at 804–07.

⁴⁹⁶ *Id.* at 804.

⁴⁹⁷ *Id.*

⁴⁹⁸ *Id.*

⁴⁹⁹ *Id.*

⁵⁰⁰ *Id.* at 818.

⁵⁰¹ *Id.* at 807.

⁵⁰² *Id.*

⁵⁰³ *Id.* at 804–05.

⁵⁰⁴ Korobkin, *supra* note 492, at 26–30.

⁵⁰⁵ Fritsvold, *supra* note 491, at 804–07, 818–19.

⁵⁰⁶ Korobkin, *supra* note 492, at 23; Scott J. Shapiro, *Rationality of Rule-Guided Behavior: A Statement of the Problem*, 42 SAN DIEGO L. REV. 55, 55 (2005).

⁵⁰⁷ See Korobkin, *supra* note 492, at 23.

⁵⁰⁸ Larry Alexander, *Introduction to the Symposium on the Rationality of Rule-Following*, 42 SAN DIEGO L. REV. 53, 53 (2005).

⁵⁰⁹ *Id.*

⁵¹⁰ Korobkin, *supra* note 492, at 37–38.

⁵¹¹ *Id.*

⁵¹² *Id.* at 35.

⁵¹³ *Id.* at 30–43.

⁵¹⁴ *Id.* at 58.

their expected utility subject to external constraints, have fixed and stable preferences that are independent of law, and act in their self-interest.”⁵¹⁵ Additionally, several studies suggest that rules based on community norms require less work because law-abiding citizens naturally seek to adhere to what is socially acceptable.⁵¹⁶ These community norms are described as “extra-legal sanctions,” which, if not followed, result in “loss of interpersonal or community respect and social disapproval”⁵¹⁷ Korobkin called this concept “norm compliance theory,” which suggests that individuals will sometimes put the customs of society above their own personal desires.⁵¹⁸

5. Rational Ignorance

Hazing perpetrators, given the range of things they must know and learn for work and other interests, may have little incentive to learn much about hazing, which—in turn—could augment the way they think about the issue and their behavior. Accordingly, rational ignorance is the notion that it would be detrimental to an individual to gather and process all possible information.⁵¹⁹ Assuming that all information has a value and a cost and that all people are rational beings, sometimes the expected cost of acquiring knowledge is higher than its expected value.⁵²⁰ Additionally, there are also issues with having too much knowledge and biased information. As a society, we place a negative stigma on ignorance, even though ignorance and closed-mindedness are just decisions not to consider a new fact or argument.⁵²¹ Therefore, as rational beings, there are some things a person is better off not knowing. Because a person who is rationally ignorant must choose what they want to learn, they need to have knowledge of what they do not know.⁵²²

There is an infinite set of questions a rationally ignorant person can choose from. However, the potential questions that fall into this category also have criteria. They must not presuppose anything that does not exist, and there may not be an infinite number of answers that fit.⁵²³ Once the person chooses a question that has a measurable and finite answer, he or she must truly have some state of ignorance about the issue.⁵²⁴ This separates a person who is rationally ignorant from someone who just does not know something. “What is the universe?” is not a question that a rationally ignorant person can hope to answer.

Information has diminishing returns; at some point, acquiring more information is not worth the cost of finding or processing it. In addition, once knowledge is acquired, it is not easily forgotten. The new information could

⁵¹⁵ *Id.* at 44.

⁵¹⁶ *Id.* at 54 (describing community norms as actions that are socially acceptable or those that if not done are seen as unacceptable—for example, removing a hat inside a building).

⁵¹⁷ Kirk R. Williams & Richard Hawkins, *Perceptual Research on General Deterrence: A Critical Review*, 20 L. & SOC’Y REV. 545, 558 (1986).

⁵¹⁸ Korobkin, *supra* note 492, at 54.

⁵¹⁹ Shawn J. Bayern, *Rational Ignorance, Rational Closed-Mindedness, and Modern Economic Formalism in Contract Law*, 97 CAL. L. REV. 943, 943 (2009).

⁵²⁰ *Id.* at 945.

⁵²¹ *Id.* at 947.

⁵²² *Id.* at 948.

⁵²³ *Id.* at 949.

⁵²⁴ *Id.*

bias a person's decision-making in an irreparable way.⁵²⁵ As such, there is also an avoidance of new information due to bias. It would be rational for a person to avoid information to protect their personal outlook on a situation. However, being rational in ignoring biased information that is inexpensive to process cannot always be justified, especially if the bias is known. By becoming educated by the bias, it diminishes the effects of the prejudice and could potentially add another dimension to information already known.⁵²⁶

6. Personality

Hazing perpetrators may, simply, be more predisposed to take risks. This is supported by research on personality—e.g., the manner in which individuals think, feel, and behave.⁵²⁷ Personality has a biological basis, is relatively stable over time,⁵²⁸ but is also influenced by one's social environment.⁵²⁹ Studying personality can provide insights into why individuals engage in different kinds of criminal behavior.⁵³⁰ Moreover, personality also helps explain the stability of criminal (and related antisocial) behavior over the course of one's life and the versatility of criminal behaviors committed by offenders.⁵³¹ In addition, the relationship between criminal behavior and personality was found to exist across a variety of methods (e.g., self-reports and other reports of personality, official versus self-reports of offending), countries, sexes, and races.⁵³² Han Eysenck's 1977 research posited three biological dimensions of human personality,⁵³³ proposing that (1) psychoticism, (2) extraversion, and (3) neuroticism (collectively, the "PEN Model") contribute to the formation of antisocial behavior.⁵³⁴ Eysenck's studies, backed by those of his successors, suggested that people with antisocial behavior were more likely to commit future crimes than those without.⁵³⁵ His research suggested that high levels of all three traits were indicative of criminal behavior and tendencies, with psychoticism as the most significant factor and extraversion as the least significant.⁵³⁶ Alternatively, Boduszek and colleagues conducted research to determine what percentage of individual variance in criminal behavior was explained

⁵²⁵ *Id.* at 948.

⁵²⁶ *Id.*

⁵²⁷ Joshua D. Miller & Donald Lynam, *Structural Models of Personality and Their Relation to Anti-Social Behavior: A Meta-Analytic Review*, 39 CRIMINOLOGY 765, 765 (2001).

⁵²⁸ Brent Roberts & Wendy F. DelVecchio, *The Rank-Order consistency of Personality Traits from Childhood to Old Age: A Quantitative Review of Longitudinal Studies*, 126 PSYCHOL. BULL. 3, 20 (2000).

⁵²⁹ Brent W. Roberts et al., *The Kids are Alright: Growth and Stability in Personality Development from Adolescence to Adulthood*, 81 J. PERSONALITY & SOC. PSYCHOL. 670, 670 (2001).

⁵³⁰ Miller & Lynam, *supra* note 527, at 784.

⁵³¹ *Id.* at 784–85.

⁵³² Avshalom Caspi et al., *Are Some People Crime-prone?: Replications of the Personality-Crime Relationship Across Countries, Genders, Races, and Methods*, 32 CRIMINOLOGY 163, 185 (1994).

⁵³³ Joan A. Reid, *Crime and Personality: Personality Theory and Criminality Examined*, 3 INQUIRIES J./STUDENT PULSE 1, 3 (2011), <http://www.inquiriesjournal.com/articles/1690/crime-and-personality-personality-theory-and-criminality-examined>.

⁵³⁴ Jane L. Ireland & Carol A. Ireland, *Personality Structure Among Prisoners: How Valid Is the Five-Factor Model, and Can It Offer Support for Eysenck's Theory of Criminality?*, 21 CRIM. BEHAV. & MENTAL HEALTH 35, 36 (2011).

⁵³⁵ Daniel Boduszek et al., *Eysenck's Personality Model and Criminal Thinking Style Within a Violent and Nonviolent Offender Sample: Application of Propensity Score Analysis*, 34 DEVIANT BEHAV. 483, 483 (2013) (citing Alexander M. Holsinger, *Assessing Criminal Thinking: Attitudes and Orientations Influence Behavior*, 61 CORRECTIONS TODAY 22, 22–25 (1999)).

⁵³⁶ Reid, *supra* note 533, at 3.

by the Big Five model of personality,⁵³⁷ which includes (1) conscientiousness, (2) agreeableness, (3) neuroticism, (4) openness to experience, and (5) extraversion.⁵³⁸

Boduszek and colleagues first provided previous results on Eysenck's PEN Model. Citing to previous studies, they found that those exhibiting criminal behavior tended to score high on psychoticism.⁵³⁹ Secondly, they provided that extraversion was often questionably effective in predicting criminal behavior, which paralleled Eysenck's findings.⁵⁴⁰ Lastly, they noted that neuroticism was a weaker predictor of criminal behavior but a stronger predictor of recidivism.⁵⁴¹ Eysenck proposed that the "prisonization" of criminal identity, where criminals who live together interact more and increase their levels of extraversion, as a result, led to skewed results.⁵⁴² Contrastingly, the interactions between criminals incarcerated together may not be reflective of their interactions in the outside world, which indicates a limitation of self-reporting trait levels.⁵⁴³ Ultimately, Boduszek and colleagues found that five factors significantly explained 49 percent of the variance in individuals with criminal thinking and behavior.⁵⁴⁴ These were (1) psychoticism, (2) extraversion, (3) neuroticism, (4) criminal social identity, and (5) association with criminal friends.⁵⁴⁵ Psychoticism was the strongest predictor of criminal thinking and behavior, consistent with the results from Eysenck's PEN Model and the Big Five model.⁵⁴⁶ Boduszek and colleagues also found an association with criminal friends, which can be linked to extraversion, and criminal social identity to be significant predictors of criminal thinking and behavior.⁵⁴⁷ Association with criminal friends was found to be a weak predictor of criminal behavior.⁵⁴⁸

In one study, which took a prospective, rather than retrospective, look at personality and criminal behavior, researchers administered two tests to two thousand boys to examine the development and progression of antisocial behavior and to see if it led to criminal behavior.⁵⁴⁹ Researchers found that criminal offenses were positively and significantly related to neuroticism and were negatively rated to agreeableness, conscientiousness, and cognitive ability.⁵⁵⁰ When grade point average ("GPA") was added, cognitive ability and conscientiousness lost their significant values, and antisocial behavior itself was not significantly indicative of criminal behavior.⁵⁵¹ Researchers theorized that GPA might be a separate result of personality; it may be

⁵³⁷ Boduszek et al., *supra* note 535, at 483 (citing Jeremy F. Mills et al., *The Measures of Criminal Attitudes and Associates (MCAA): The Prediction of General and Violent Recidivism*, 31 CRIM. JUST. BEHAV. 717 (2004)).

⁵³⁸ *Id.*

⁵³⁹ *Id.* at 484.

⁵⁴⁰ *Id.*

⁵⁴¹ *Id.*

⁵⁴² *Id.* at 484, 491.

⁵⁴³ *Id.* at 491.

⁵⁴⁴ *Id.* at 489.

⁵⁴⁵ *Id.*

⁵⁴⁶ *Id.* at 489–90.

⁵⁴⁷ *Id.* at 491.

⁵⁴⁸ *Id.*

⁵⁴⁹ René Möttus et al., *Longitudinal Associations of Cognitive Ability, Personality Traits and School Absence with Antisocial Behavior*, 26 EUR. J. PERSONALITY 56, 56–58 (2012).

⁵⁵⁰ *Id.* at 59.

⁵⁵¹ *Id.*

affected by personality but not lead to criminal behavior.⁵⁵² Therefore, the researchers prospectively found that high neuroticism and high psychoticism are predictive of future criminal behavior. Additionally, recent studies have added nuance to our understanding of a personality's factor structure.⁵⁵³ For example, a 2011 study investigated inmates to compare the Five-Factor Model of Personality to Eysenck's original PEN Model to determine whether one test was a stronger predictor of criminal behavior than the other.⁵⁵⁴ Researchers tried several different models before finding an acceptable fit.

While the results of the new test closely paralleled those of other Big-Five studies, researchers found distinctions in other areas. First, they found that agreeableness was the most commonly reported trait.⁵⁵⁵ Secondly, the five core traits found closely paralleled those used under the Five-Factor Model, ultimately supporting that the five traits most commonly used are the strongest indicators of individual variances in the development of criminal behavior. Additionally, scholars studied the overall effect size of multiple studies aggregated together. A study by Miller and Lynam included forty-five previous studies looking at the Five-Factor Model, the PEN Model, and the Three-Factor Model.⁵⁵⁶ The patterns of results provided a personality profile of the typical offender: someone who is antagonistic, argumentative, aggressive, impulsive, and sensation seeking.⁵⁵⁷ A second meta-analysis performed by Shayne Jones and colleagues included fifty-three previous studies⁵⁵⁸ and focused exclusively on the Five-Factor Model.⁵⁵⁹ They found that individuals who engage in criminal behavior scored higher on anger hostility, impulsiveness, and excitement seeking⁵⁶⁰ and scored lower on numerous traits, including warmth, trustworthiness, straightforwardness, altruism, compliance, modesty, competence, dutifulness, and deliberation.⁵⁶¹ Collectively, both meta-analyses support the use of the Five-Factor Model.⁵⁶² It is important to note that, as Davison proposed, personality disorders and antisocial behavior do not completely explain criminal behaviors. There are often comorbid symptoms, such as drug use, social environments, and context.⁵⁶³ In sum, although genetic levels of the Big Five may predispose one towards criminal behavior, other factors and conditions may make the difference in why some exhibiting criminal behavior.

7. Impulsivity

Some perpetrators may be inclined to engage in hazing because they are impulsive. Impulsivity, or impulsive behavior, is widely defined as “a predisposition toward rapid, unplanned reactions to internal or external

⁵⁵² *Id.* at 60.

⁵⁵³ See Ireland & Ireland, *supra* note 534, at 38.

⁵⁵⁴ *Id.* at 37.

⁵⁵⁵ *Id.* at 48.

⁵⁵⁶ Miller & Lynam, *supra* note 527, at 796–98.

⁵⁵⁷ See *id.* at 776–77.

⁵⁵⁸ Shayne E. Jones et al., *Personality, Antisocial Behavior, and Aggression: A Meta-Analytic Review*, 39 J. CRIM. JUST. 329, 335–37 (2011).

⁵⁵⁹ *Id.* at 330.

⁵⁶⁰ *Id.* at 333.

⁵⁶¹ See *id.* at 332.

⁵⁶² *Id.* at 333, 335.

⁵⁶³ Sophie Davison & Aleksandar Janca, *Personality Disorder and Criminal Behavior: What is the Nature of the Relationship*, 25 CURRENT OPINION PSYCHIATRY 39, 43 (2012).

stimuli without regard to the negative consequences of these reactions to the impulsive individual or to others.”⁵⁶⁴ Criminal behavior and impulsivity research has ranged from focusing on delinquents,⁵⁶⁵ incarcerated criminals,⁵⁶⁶ gender differences,⁵⁶⁷ mental disorders,⁵⁶⁸ brain functioning,⁵⁶⁹ and sociological factors.⁵⁷⁰ Delinquency is an important factor because it offers insight into predisposing factors that may contribute to criminal behavior and allows the researcher to track criminal activity to see commonalities correlated with delinquency and subsequent criminal behavior. Delinquency has been defined as the behavior of minors that violates the law and leads to direct court action, although not necessarily incarceration.⁵⁷¹ Specifically, delinquent youths have been a targeted group to study because children under the age of fifteen account for about 30 percent of all juvenile arrests in the United States.⁵⁷² In addition, delinquent youths “are two to three times more likely to become serious, violent[,] and chronic offenders than adolescents whose delinquent behavior begins in their teens.”⁵⁷³ Studies have found an established relationship and a positive correlation between delinquent criminal behavior and impulsivity.⁵⁷⁴ One study found that deviants are, in fact, more impulsive than non-deviants.⁵⁷⁵ Another study concluded that impulsivity and low self-control are consistent predictors of delinquency.⁵⁷⁶ Further, “adolescents who exhibit high levels of impulsivity are also likely to demonstrate high levels of delinquency.”⁵⁷⁷ The relationship between criminal behavior and impulsivity of incarcerated criminals is often linked to the study of aggression amongst the incarcerated.⁵⁷⁸

Aggressive inmates have been found to have higher levels of both anger and impulsivity.⁵⁷⁹ Specifically, in male offenders, “impulsivity has been shown to be a strong predictor of institutional aggression [and] violence . . .

⁵⁶⁴ Charles W. Mathias et al., *Behavioral Measures of Impulsivity and the Law*, 26 BEHAV. SCI. & L. 691, 693 (2008) (quoting F. G. Moeller et al., *Psychiatric Aspects of Impulsivity*, 158 AM. J. PSYCHIATRY 1783, 1784 (2001)).

⁵⁶⁵ See, e.g., Francis J. Kelly & Donald J. Veldman, *Delinquency and School Dropout Behavior as a Function of Impulsivity and Nondominant Values*, 69 J. ABNORMAL & SOC. PSYCHOL. 190, 190 (1964); Michael L. Vitulano et al., *Delinquent Peer Influence on Childhood Delinquency: The Moderating Effect on Impulsivity*, 32 J. PSYCHOPATHOLOGY BEHAV. ASSESSMENT 315, 315 (2010).

⁵⁶⁶ See, e.g., Irina Komarovskaya et al., *The Role of Impulsivity in Antisocial and Violent Behavior and Personality Disorders Among Incarcerated Women*, 34 CRIM. JUST. & BEHAV. 1499, 1499 (2007).

⁵⁶⁷ See, e.g., Greta M. Massetti et al., *Preventing Youth Violence Perpetration Among Girls*, 20 J. WOMEN'S HEALTH 1415, 1415 (2011); Elizabeth A. Yeater et al., *Predictors of Sexual Aggression Among Male Juvenile Offenders*, 27 J. INTERPERSONAL VIOLENCE 1242, 1243 (2011).

⁵⁶⁸ See, e.g., Komarovskaya et al., *supra* note 566, at 1500; James A. Seager, *Violent Men: The Importance of Impulsivity and Cognitive Schema*, 32 CRIM. JUST. & BEHAV. 26, 31 (2005).

⁵⁶⁹ See Benjamin J. Shannon et al., *Premotor Functional Connectivity Predicts Impulsivity in Juvenile Offenders*, 108 PROC. NAT'L ACAD. SCI. 11241, 11241 (2011).

⁵⁷⁰ See Vitulano et al., *supra* note 565, at 315.

⁵⁷¹ Kelly & Veldman, *supra* note 565, at 191.

⁵⁷² Vitulano et al., *supra* note 565, at 315.

⁵⁷³ *Id.* (citing H. Snyder, *Epidemiology of Official Offending*, in CHILD DELINQUENTS: DEVELOPMENT, INTERVENTION, AND SERVICE NEEDS (Loeber & Farrington eds., 2001)).

⁵⁷⁴ See, e.g., *id.* (finding that “[i]mpulsivity is an individual characteristic that has been found to be positively associated with child delinquency”); Kelly & Veldman, *supra* note 565, at 193 (finding that “deviants are more impulsive than nondeviants”).

⁵⁷⁵ Kelly & Veldman, *supra* note 565, at 193.

⁵⁷⁶ Komarovskaya et al., *supra* note 566, at 1502.

⁵⁷⁷ Vitulano et al., *supra* note 565, at 316.

⁵⁷⁸ Komarovskaya et al., *supra* note 566, at 1501–02.

⁵⁷⁹ *Id.* at 1502.

.⁵⁸⁰ In a study of incarcerated female offenders, researchers found a correlation between higher levels of impulsivity and aggressive behavior.⁵⁸¹ However, there did not seem to be a significant relationship between women incarcerated for violent crimes and impulsivity.⁵⁸² Additionally, men have been found to participate in more impulsive and risky behavior, and are responsible for about “76 percent of all criminal arrests in the United States, committing 89 percent of homicides and 82 percent of all violent crime.”⁵⁸³ The results of one study suggest that the differences in impulsivity between genders may be related to “punishment and reward sensitivity.”⁵⁸⁴ This likely relates to the greater prevalence of male criminal behavior, as higher levels of impulsivity have been directly correlated with criminal behavior.⁵⁸⁵

Impulsivity has also been found to play a role in sexual aggression in men and women.⁵⁸⁶ One study found that the difference in impulsivity between males and females “mediates the relationship between sex and social representation of aggression.”⁵⁸⁷ One study concluded that “a substantial proportion of assaultive behavior is a result of impulsive . . . retaliatory aggression.”⁵⁸⁸ Additionally, men are more likely than women to suffer from certain mental disorders that affect impulsivity.⁵⁸⁹

As previously noted, studies have also found a link between mental disorders, psychopathy, and impulsivity as related to criminal behavior. The Diagnostic and Statistical Manual of Mental Disorders has listed impulsivity as a “behavioral component of several disorders, including attention-deficit/hyperactivity disorder [“(ADHD”)], borderline personality disorder, and antisocial personality disorder.”⁵⁹⁰ Specifically, children with ADHD tend to be “more susceptible to deviant peer groups” and drug use, which are also related to criminal behavior.⁵⁹¹ Conduct Disorder, a “persistent pattern of behavior in which the basic rights of others or major age-appropriate societal norms or rules are violated,” has also been linked to criminal behavior and impulsivity.⁵⁹² Other studies conclude that “[i]mpulsivity is a key component of psychopathy, a form of personality disorder with a specific pattern of interpersonal, affective, and behavioral symptoms characterized by a grandiose, arrogant, callous, superficial, and manipulative interpersonal

⁵⁸⁰ *Id.*

⁵⁸¹ *Id.* at 1513.

⁵⁸² *Id.*

⁵⁸³ See, e.g., Catharine P. Cross et al., *Sex Differences in Impulsivity: A Meta-Analysis*, 137 PSYCHOL. BULL. 97, 97 (2011).

⁵⁸⁴ *Id.* at 121.

⁵⁸⁵ Shayne Jones & Donald R. Lynam, *In the Eye of the Impulsive Beholder: The Interaction Between Impulsivity and Perceived Informal Social Control on Offending*, 36 CRIM. JUST. & BEHAV. 307, 307, 316 (2009) (finding that “impulsivity is a robust correlate of offending”).

⁵⁸⁶ Daniel Strüber et al., *Sex, Aggression and Impulse Control: An Integrative Account*, 14 NEUROCASE 93, 104 (2008).

⁵⁸⁷ *Id.* at 103.

⁵⁸⁸ Seager, *supra* note 568, at 46.

⁵⁸⁹ Cross et al., *supra* note 583, at 97.

⁵⁹⁰ Komarovskaya et al., *supra* note 566, at 1501; Matthew S. Stanford & Alan R. Felthous, *Introduction to this Issue: Impulsivity and the Law*, 26 BEHAV. SCI. & L. 671, 671 (2008) (citing AMERICAN PSYCHIATRIC ASSOCIATION, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (4th ed. 2000)).

⁵⁹¹ Vitulano et al., *supra* note 565, at 316.

⁵⁹² Mathias et al., *supra* note 564, at 696 (quoting AMERICAN PSYCHIATRIC ASSOCIATION, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS 93 (4th ed. 2000)).

style.”⁵⁹³ It follows, then, that mental disorders that affect impulsivity affect criminal behavior as well.⁵⁹⁴ Researchers have also found a correlation between specific regions of the brain and their effect on impulsivity and, thus, criminal behavior.⁵⁹⁵ A study on the relationship between premotor functional connectivity and impulsivity resulted in a finding that more-impulsive incarcerated juveniles tended to have functional connectivity that correlated with areas of the brain “associated with spontaneous, unconstrained, self-referential cognition,” as compared to less-impulsive juveniles.⁵⁹⁶

Another study focusing on the link between aggression and impulsivity observed: “strong evidence that structural or functional pre-frontal impairments are associated with a heightened risk of impulsive aggression . . .”⁵⁹⁷ Data further supported a correlation between impulsivity and function in specific areas of the brain.⁵⁹⁸ Researchers have also observed a connection between certain neurotransmitter levels and impulsivity.⁵⁹⁹ Additionally, low levels of serotonin have “long been associated with increased impulsivity,”⁶⁰⁰ with this relationship being stronger in men than women.⁶⁰¹ Cortisol has also been linked to impulsivity, as it may “moderate the relationship between impulsive aggression and testosterone in delinquent male adolescents . . .”⁶⁰² The established correlation between impulsivity and criminal behavior indicates that if certain areas of the brain affect levels of impulsivity and aggression, these changes likely affect criminal behavior as well. Additionally, various sociological factors have relationships with impulsivity and criminal behavior.⁶⁰³ Race was implicated in a study of delinquent youths, which found that minorities tend to exhibit higher levels of impulsivity.⁶⁰⁴ Intelligence and impulsivity are also correlated with criminal behavior; research shows male adolescents with low IQs and high impulsivity tend to have high rates of criminal offense.⁶⁰⁵ Family and social relationships also play a role, with researchers observing that “impulsivity is more weakly related to offending when parental support is high.”⁶⁰⁶ In another study, researchers found that “social bond and impulsivity correlates were the only two significant re-offending risk factors for juvenile violent probationers.”⁶⁰⁷

⁵⁹³ Komarovskaya et al., *supra* note 566, at 1502 (discussing previous research by Hare in 1996 and 2006).

⁵⁹⁴ See Mathias et al., *supra* note 564, at 700, 703.

⁵⁹⁵ Shannon et al., *supra* note 569, at 11241.

⁵⁹⁶ *Id.*

⁵⁹⁷ Strüber et al., *supra* note 586, at 97.

⁵⁹⁸ *Id.* at 104.

⁵⁹⁹ *Id.* at 104, 108.

⁶⁰⁰ *Id.* at 104.

⁶⁰¹ *Id.* at 105.

⁶⁰² *Id.* at 110.

⁶⁰³ See, e.g., Rolf Loeber et al., *Findings from the Pittsburgh Youth Study: Cognitive Impulsivity and Intelligence as Predictors of the Age-Crime Curve*, 51 J. AM. ACAD. CHILD & ADOLESCENT PSYCHIATRY 1136, 1138–41 (2012); Vitulano et al., *supra* note 565, at 319.

⁶⁰⁴ Vitulano et al., *supra* note 565, at 318.

⁶⁰⁵ Loeber et al., *supra* note 603, at 1146.

⁶⁰⁶ Jones & Lynam, *supra* note 585, at 308.

⁶⁰⁷ Heng Choon (Oliver) Chan & Wing Hong Chui, *Psychological Correlates of Violent and Non-violent Hong Kong Juvenile Probationers*, 30 BEHAV. SCI. & L. 103, 115 (2012).

Other factors such as violence or abuse,⁶⁰⁸ neglect, rejecting or hostile mothers, a chaotic childhood family, and parental reinforcement of immediate gratification have also been correlated with impulsive behavior.⁶⁰⁹ Finally, impulsivity has a stronger effect on the delinquency of male adolescent boys from homes with low socioeconomic status.⁶¹⁰ Poor housing has also been considered a predictor of adolescent aggression and teenage violence. Additionally, large family size (five or more children) has been used to predict teenage violence and convictions for violence.⁶¹¹ This study found that the most important predictor of aggression and violence included elements of impulsivity,⁶¹² which were “more strongly related to offending among young adults who perceived their neighborhoods as lacking in informal social control.”⁶¹³ Drug use, often considered criminal behavior in itself, has also been correlated with impulsivity.⁶¹⁴ Overall, the lack of premeditation and sensation-seeking elements of impulsivity bore the strongest relationship to criminal behavior.⁶¹⁵ Another study found a positive correlation between hard drug use, the frequency of alcohol and marijuana use, elements of impulsivity, and sexual aggression and harassment.⁶¹⁶ In addition, higher levels of impulsivity have been found amongst those with substance-abuse disorders.⁶¹⁷ In each of the various levels of drug use and abuse studied, some form of impulsivity was found to be linked to the criminal behavior.⁶¹⁸

8. Moral Development

Hazing perpetrators may inappropriately make decisions between what the right and wrong thing to do is in a hazing situation. Accordingly, moral development is a process by which people reason through ethical dilemmas and justify social decisions based on ideals of justice, fairness, and right and wrong.⁶¹⁹ Lawrence Kohlberg, an influential researcher in moral development theories, created the moral judgment interview,⁶²⁰ and used the findings to develop a hierarchy of moral development comprised of six ordered stages.⁶²¹ These stages, Kohlberg claimed, were universal to all

⁶⁰⁸ Strüber et al., *supra* note 586, at 96.

⁶⁰⁹ Seager, *supra* note 568, at 45.

⁶¹⁰ Jones & Lynam, *supra* note 585, at 309.

⁶¹¹ David P. Farrington, *Early Predictors of Adolescent Aggression and Adult Violence*, 4 VIOLENCE & VICTIMS 79, 87 (1989).

⁶¹² *Id.* at 97 (finding that the most important predictors from ages eight to ten of aggression and violence include hyperactivity-impulsivity-attention deficit (psychomotor impulsivity, daring, lack of concentration or restlessness)).

⁶¹³ Jones & Lynam, *supra* note 585, at 316.

⁶¹⁴ See, e.g., Donald R. Lynam & Joshua D. Miller, *Personality Pathways to Impulsive Behavior and Their Relations to Deviance: Results from Three Samples*, 20 J. QUANTITATIVE CRIMINOLOGY 319, 335 (2004).

⁶¹⁵ *Id.* at 336.

⁶¹⁶ Yeater et al., *supra* note 567, at 1250.

⁶¹⁷ Komarovskaya et al., *supra* note 566, at 1499.

⁶¹⁸ See, e.g., *id.*; Lynam & Miller, *supra* note 614, at 335; Yeater et al., *supra* note 567, at 1252.

⁶¹⁹ Aleksey Martynov, *Agents or Stewards? Linking Managerial Behavior and Moral Development*, 90 J. BUS. ETHICS 239, 242 (2009); Eveline Van Vugt et al., *Moral Development and Recidivism: A Meta-analysis*, 55 INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY 1234, 1237 (2011).

⁶²⁰ C.P. Woods, *Gender Differences in Moral Development and Acquisition: A Review of Kohlberg's and Gilligan's Models of Justice and Care*, 24 SOC. BEHAV. & PERSONALITY 375, 376 (1996).

⁶²¹ William J. Niles, *Effects of a Moral Development Discussion Group on Delinquent and Predelinquent Boys*, 33 J. OF COUNSELING PSYCHOL. 45, 45 (1986).

humans in that people advanced through the six stages in the same order, though not always at the same pace.⁶²² Additionally, Kohlberg did not believe that all individuals ceased development at the same stage, and his research suggested that men consistently reach higher stages of moral development than women.⁶²³ Carol Gilligan believed Kohlberg's stages seriously misrepresented women. Kohlberg conducted his original longitudinal studies only on Western males and, therefore, Gilligan argues the results should not be generalized to female or non-Western populations.⁶²⁴ Further, Gilligan claims that the differing way women define themselves—specifically, in terms of their relationships—causes female morality to appear less advanced and makes Kohlberg's methods inadequate to measure female morality. Intimacy, knowledge of care, and nurturing are often more consistent with the concept of morality in females, while males tend to be more justice-oriented in their morality.⁶²⁵ Similarly, Leming suggests that increased variation in further moral development research by varying gender and culture and examining moral development in different situations.⁶²⁶ Nonetheless, the majority of moral development research draws from Kohlberg's stages.

The six hierarchical stages are organized into three levels: pre-conventional, conventional, and post-conventional. In the pre-conventional stage, children evaluate morality in terms of personal consequences; actions are viewed as positive when they lead to personal rewards and negative when they lead to punishment.⁶²⁷ The conventional level values social relationships and upholds social and legal responsibilities, even when there is no direct personal benefit. Correct behavior does not disrupt social order and may cause positive effects on others.⁶²⁸ The post-conventional level is not obtained by everyone, according to Kohlberg,⁶²⁹ and is governed by universalistic principles of rights and justice⁶³⁰ that focus on benefiting an ideal society.⁶³¹ Martynov predicted an association between level of moral development, as defined by Kohlberg, and the tendency for managers to behave like agents or stewards. Agent-like behavior is defined as actions that contribute to an individual's personal well-being, while steward-like behavior benefits the principal or stakeholder.⁶³² According to Martynov, conventional and pre-conventional morality are related to agent-like behaviors, while post-conventional morality is related to steward-like actions.⁶³³ The highest stage of moral development may even lead to managers serving third-party interests if that action subscribes to a universal moral principle.

⁶²² Woods, *supra* note 620, at 376.

⁶²³ *Id.* at 377.

⁶²⁴ *Id.* at 378.

⁶²⁵ *Id.*

⁶²⁶ James Leming, *Cheating Behavior, Situational Influence, and Moral Development*, 71 J. EDUC. RES. 214, 216 (1978).

⁶²⁷ Maureen Ambrose et al. *The Effect of Leader Moral Development on Ethical Climate and Employee Attitudes*, 97 ORG. BEHAV. & HUM. DECISION PROCESSES 135, 136 (2005).

⁶²⁸ *Id.*

⁶²⁹ Woods, *supra* note 620, at 376.

⁶³⁰ Ambrose et al., *supra* note 627, at 136.

⁶³¹ *Id.*

⁶³² Martynov, *supra* note 619, at 240.

⁶³³ *Id.*

Those assigned leadership positions in organizations often respond with cruelty rather than fairness.⁶³⁴ Gentry McCreary suggests that hazers are affected by displacement of responsibility.⁶³⁵ Individuals explain their actions by claiming that they only did what they were told or what was expected of them. This relates to conventional morality, which assumes individuals judge actions as “moral” when they conform to social norms. Chung and Hsu examined levels of moral development and honesty in reporting hazing incidents and found that lower levels of moral development lead to more dishonesty in managerial reporting.⁶³⁶ It can be assumed, therefore, that individuals with lower levels of moral development, such as pre-conventional and conventional individuals, will be less likely to report incidents of hazing. Post-conventional individuals are most likely to report honestly because they conceptualize morality as universal principles that ought to be upheld in every situation. This is consistent with McCreary’s study, which found that fraternity members are more likely to have lower measures of moral judgment and higher levels of moral disengagement, which likely leads to a lower likelihood of reporting hazing.⁶³⁷

Moral disengagement is the separation of one’s moral accountability from a harmful action by convincing oneself that a moral standard does not apply to said act.⁶³⁸ It is commonly associated with large-scale inhumanities and consequential moral circumstances.⁶³⁹ However, moral disengagement is common across all types of moral predicaments, and all types of people in everyday life.⁶⁴⁰ It occurs cross-culturally; the practices of moral disengagement are employed regardless of age, gender, race, social class, level of transgression, or religious affiliation.⁶⁴¹ People construct their moral standards by drawing on a variety of sources from significant people in their lives, and by how others, whose views they value, react.⁶⁴² While people like to think they are bound to their principles, everyone can think of examples in which one did not follow one’s own moral principles. Individuals are not bound to their moral principles; rather, people use reasoning to justify harmful activities that go against them.⁶⁴³ Often with moral disengagement, justice is used to justify injurious means.⁶⁴⁴ Two characteristics that are associated with moral disengagement are aggressive and antisocial behavior; the greater the moral disengagement, the more frequent the occurrence of these behaviors.⁶⁴⁵

⁶³⁴ Gentry Russell McCreary, *The Impact of Moral Judgement and Moral Disengagement on Hazing Attitudes and Bystander Behavior in College Males* 49 (2012) (unpublished Ph.D. dissertation, The University of Alabama) (on file with ProQuest Dissertations Publishing).

⁶³⁵ *Id.* at 38.

⁶³⁶ Janne Chung & Sylvia Hsu, *The Effect of Cognitive Moral Development on Honesty in Managerial Reporting*, 44 *J. BUS. ETHICS* 291, 310 (2015).

⁶³⁷ McCreary, *supra* note 634, at 90.

⁶³⁸ Albert Bandura, *Moral Disengagement in the Perpetration of Inhumanities*, 3 *PERSONALITY & SOC. PSYCHOL. REV.* 193–209 (1999).

⁶³⁹ ALBERT BANDURA, *MORAL DISENGAGEMENT: HOW PEOPLE DO HARM AND LIVE WITH THEMSELVES* 1 (2016).

⁶⁴⁰ *Id.*

⁶⁴¹ *Id.* at 34.

⁶⁴² *Id.* at 28.

⁶⁴³ *Id.* at 24.

⁶⁴⁴ *Id.* at 25.

⁶⁴⁵ *Id.* at 34.

Bandura developed the concept of moral disengagement grounded within social cognitive theory.⁶⁴⁶ Moral disengagement occurs in three types of agency within social cognitive theory: individual, proxy, and collective agency.⁶⁴⁷ Human agency arises through forethought, self-reaction, and self-reflection, and is rooted in the idea of self-efficacy.⁶⁴⁸ At the level of self-reflectiveness, individuals commonly encounter moral predicaments, and if they act outside of their morals, they then find ways to distance themselves from their conduct.⁶⁴⁹ Social cognitive theory favors interactive causation—triadic determination—in which personal influences, the behavior individuals choose to participate in, and environmental factors all comprise human functioning.⁶⁵⁰ The theory also assumes the perspective that after moral standards are adopted, behavior causes two sets of consequences: social outcomes and self-evaluative reactions.⁶⁵¹

In this subsection, the seven mechanisms of moral disengagement are discussed. These seven psychosocial mechanisms include moral justification, euphemistic labeling, advantageous comparison, displacement of responsibility, diffusion of responsibility, disregarding or distorting consequences, and dehumanization.

a. Moral Justification

Hazing perpetrators may try to justify their conduct with plausibly positive rationale—e.g., hazing builds bonds. In doing so, they engage in social and moral justifications to provide themselves with a way to justify their harmful actions.⁶⁵² These justifications, despite the harm they inflict, allow people to preserve a positive self-image.⁶⁵³ One of the most common uses of moral and social justification occurs with just-war principles, in which violent force in warfare is justified given a moral cause in which the war is being fought for.⁶⁵⁴ Throughout the Crusades, Pope Urban II proclaimed that “Christ commands it,” giving a religious cause to the war.⁶⁵⁵ Religious extremists use a similar justification.⁶⁵⁶ Economic justifications for harmful practices are also utilized throughout many industries; common examples are industries that manufacture products that are violent or can have detrimental effects.⁶⁵⁷

b. Euphemistic Labeling

Hazing perpetrators may devise benign names for their conduct—e.g., putting victims through a “rites of passage process.” Using such euphemistic labeling, they employ language to shape perceptions and thought patterns, converting negative behavior to behavior that can be viewed benignly.⁶⁵⁸

⁶⁴⁶ *Id.* at 48.

⁶⁴⁷ *Id.* at 13.

⁶⁴⁸ *Id.* at 4.

⁶⁴⁹ *Id.* at 5.

⁶⁵⁰ *Id.* at 6.

⁶⁵¹ *Id.* at 10.

⁶⁵² *Id.*

⁶⁵³ *Id.*

⁶⁵⁴ *Id.* at 49.

⁶⁵⁵ *Id.* at 50.

⁶⁵⁶ *Id.* at 51.

⁶⁵⁷ *Id.* at 53.

⁶⁵⁸ *Id.*

Language can influence what people view as personally and socially acceptable through how it is used to describe an action or behavior. Four techniques used with euphemistic language include giving “sanitized labels” to actions, verbal camouflage, using the passive form, and specialized jargon.⁶⁵⁹ People behave more cruelly when “assaultive actions” are given a “sanitized label” than when they are called aggression.⁶⁶⁰ Verbal camouflage, like sanitized labels, disguises activities that could raise moral concern. One example is the term “equity retreat”—verbal camouflage for a stock market crash.⁶⁶¹ The passive form makes it seem as if harmful acts do not originate from the individual source but instead from a ‘nameless force.’⁶⁶² Lastly, specialized jargon can be used to create a sense of respectability for an illegitimate cause.⁶⁶³

One group of scholars examined leaders to see how they used moral disengagement language to reframe the unethical work of their subordinates.⁶⁶⁴ The researchers executed two studies. Their first study confirmed that observers lower in moral disengagement propensity had higher intentions to ostracize leaders who used larger amounts of moral disengagement language—instances where the leader euphemistically labeled his actions as acceptable.⁶⁶⁵ Their second study showed that observers ostracize leaders with high amounts of moral disengagement language because they view the leader’s actions as unethical. In conclusion, the researchers note that when leaders used ethically questionable language and euphemistically labeled their actions as ethical, observers noticed and judged their leaders harshly for their behavior.⁶⁶⁶

c. Advantageous Comparison

Hazing perpetrators may compare their conduct to arguably more egregious conduct to make it more palatable—e.g., that while they forced their victims to do calisthenics, unlike some other organization, they did not beat their victims. By engaging in such advantageous comparison, people utilize humans’ comparative nature. How behavior is viewed is biased by what it is compared against.⁶⁶⁷ The larger the contrast of injurious actions alongside inhumanities, the more likely it is that the injurious action will appear benevolent.⁶⁶⁸ One example of this is in the corporate world, where some organizations use uplifting comparisons to this effect. For example, Karine Corrion and colleagues assessed athletes’ use of the relation to advantageous comparison in competitive sports.⁶⁶⁹ This study used twelve

⁶⁵⁹ *Id.* at 54.

⁶⁶⁰ *Id.* at 53.

⁶⁶¹ *Id.* at 54.

⁶⁶² *Id.* at 55.

⁶⁶³ *Id.*

⁶⁶⁴ Carolyn T. Dang, Elizabeth E. Umphress & Marie S. Mitchell, *Leader Social Accounts of Subordinates Unethical Behavior: Examining Observer Reactions to Leader Social Accounts with Moral Disengagement Language*, 1 J. APPLIED PSYCHOL. 1448, 1448–61 (2017).

⁶⁶⁵ *Id.* at 1552.

⁶⁶⁶ *Id.* at 1557.

⁶⁶⁷ BANDURA, *supra* note 639, at 56.

⁶⁶⁸ *Id.*

⁶⁶⁹ Karine Corrion, Thierry Long, Alan L. Smith and Fabienne d’Arripe Longueville, *It’s Not My Fault; It’s Not Serious: Athlete Accounts of Moral Disengagement in Competitive Sport*, 23 SPORT PSYCHOLOGIST 388, 388 (2009).

elite fighting athletes in taekwondo and twelve elite basketball players (with equal gender representation in both sports) because these sports “are both propitious to transgressions and moral disengagement.”⁶⁷⁰ Twenty-four “semi-structured” interviews were conducted with each athlete, and the questions were structured into three categories: main questions—focusing on the athletes’ backgrounds and sport history; probe questions—the “most significant transgressive situations” for the athletes; and follow-up questions summarizing the main topics and permitting the athletes to discuss anything that the interview may have overlooked.⁶⁷¹ The “transgressive behaviors associated with moral disengagement mechanisms were using the sport rules to one’s advantage, unintentional fouls, and verbal or physical aggression.”⁶⁷² Advantageous comparison, in particular, was demonstrated in the responses of 20.8 percent of the participants and was typically associated with “using the sport rules to one’s advantage, in particular concealed fouls.”⁶⁷³

d. Displacement of Responsibility

Hazing perpetrators may suggest that their conduct simply reflects them following the directions of superiors to haze the victims. Such displacement of responsibility minimizes or blurs one’s role in causing harm.⁶⁷⁴ One common tactic to do this is placing the agentic role on authorities who give the orders, allowing individuals to claim they are not the agent of their actions.⁶⁷⁵ Because of this, individuals do not place blame or self-condemning reactions on themselves for their behavior.⁶⁷⁶ Displacement of responsibility protects from self-condemning reactions and from a loss of self-respect.⁶⁷⁷ A prime example of this mechanism is institutionally sanctioned genocide, where the self is exempted from whatever its role is in the genocide and can remove its association as the instigator of human cruelty.⁶⁷⁸

Adam Barsky and colleagues looked at displacement of responsibility. The study begins by looking at how and why certain individuals (in this study, employees specifically) may be more inclined to engage in egregious actions.⁶⁷⁹ It looks at cognitive moral development (“CMD”) when examining the likelihood of individuals engaging in corrupt behavior.⁶⁸⁰ It found that individuals, over time, develop moral standards based on observations. Moreover, individuals with higher CMD typically engage in more complex reasoning and are less vulnerable to outside pressures.⁶⁸¹ While individuals with higher CMD may use more complex and sophisticated reasoning to refrain from immoral behavior, they may also use more complex and sophisticated rationalizations to engage in immoral

⁶⁷⁰ *Id.* at 390.

⁶⁷¹ *Id.* at 390–91.

⁶⁷² *Id.* at 399.

⁶⁷³ *Id.* at 397.

⁶⁷⁴ BANDURA, *supra* note 639, at 58.

⁶⁷⁵ *Id.*

⁶⁷⁶ *Id.*

⁶⁷⁷ *Id.* at 60.

⁶⁷⁸ *Id.* at 58.

⁶⁷⁹ Adam Barsky, *Investigating the Effects of Moral Disengagement and Participation on Unethical Work Behavior*, 104 J. BUS. ETHICS 59, 59 (2011).

⁶⁸⁰ *Id.*

⁶⁸¹ *Id.*

behavior.⁶⁸² So, because they have a higher capability for good judgment, individuals also have a higher likelihood of poor judgment and decision-making.⁶⁸³ The Barsky study then explains how displacement of responsibility, a technique of moral disengagement, can interfere with moral reasoning. Research suggests that individuals are most likely to behave ethically if they feel they are the cause of their reactions.⁶⁸⁴ If another individual can take responsibility, people are more likely to behave immorally.⁶⁸⁵ Thus, if individuals are able to deny responsibility and displace the accountability, they will believe the circumstances fall beyond their control. As Tenbrunsel and Messick explain, “we falsely believe that it is someone else’s problem, either because they are to blame or because the responsibility is someone else’s, not ours.”⁶⁸⁶ Displacement of responsibility is also more likely to increase the likelihood of unethical behavior as it has been shown to decrease the moral intensity of the situation.⁶⁸⁷ For example, if an individual perceives the responsibility of his or her actions as being shared among several individuals rather than just one, the decision is then seen as potentially less harmful and more acceptable.⁶⁸⁸

e. Diffusion of Responsibility

Hazing perpetrators may suggest that they played a minimal role in the victimization compared to the many other perpetrators who were present for the victimization. Engaging in such diffusion of responsibility allows people to act more cruelly than when they are holding themselves personally accountable for their actions.⁶⁸⁹ Under group responsibility conditions, members can discredit their personal role, so they are not held responsible.⁶⁹⁰ Diffusion of responsibility in group conditions can occur through a division of labor, or through collective action where the isolated sub-functions each individual plays diminish a sense of responsibility and dissociate the individual from the ultimate harmful act.⁶⁹¹ For example, in an execution by lethal injection, the routinized drug sub-functions are distributed across a team of multiple drug technicians.⁶⁹² In this example, the division of labor shows how one guard could fail to take responsibility for the outcome. Collective action can provide a sense of anonymity to members of the group, providing an avenue for harmful behavior without the fear of judgment from others.⁶⁹³ In a 1975 study regarding the relationship among dehumanization, diffusion of responsibility, and aggression, subjects behaved more punitively when their personal responsibility was obscured than when it was not. It should be noted that the study found dehumanization held greater

⁶⁸² *Id.*

⁶⁸³ *Id.*

⁶⁸⁴ *Id.* at 63.

⁶⁸⁵ *Id.*

⁶⁸⁶ *Id.* (citation omitted).

⁶⁸⁷ *Id.*

⁶⁸⁸ *Id.*

⁶⁸⁹ BANDURA, *supra* note 639, at 62.

⁶⁹⁰ *Id.*

⁶⁹¹ *Id.*

⁶⁹² *Id.*

⁶⁹³ *Id.*

disinhibitory power than the diffusion or masking of responsibility.⁶⁹⁴ Dehumanization, alongside the diffusion of responsibility, is regularly used to weaken objections to something, both by observers and operators.⁶⁹⁵

Moral disengagement, specifically the diffusion of responsibility, has been studied in relation to bullying. In a 2013 study, analyzing moral disengagement and bullying, diffusion of responsibility proved to be a significant predictor in both traditional bullying and cyberbullying.⁶⁹⁶ By employing diffusion of responsibility, the bullies themselves take no personal responsibility for their actions or the actions committed by a group of bullies. Thus, the individual bully feels their role in the situation is of little consequence.⁶⁹⁷ Diffusion of responsibility can also be viewed as shifting the blame and may include the “it’s not my fault” mentality discussed by Corrion and colleagues in their study on sports and moral disengagement.⁶⁹⁸ The study found that diffusion of responsibility is frequently used by athletes to justify transgressions in the game because “everybody does it”—where “everybody” refers to the player’s own team, the opposing team, or even the entire athletic community.⁶⁹⁹ If everyone is doing it, individual players will not view themselves as in the wrong.⁷⁰⁰

f. Disregarding or Misrepresenting Injurious Consequences

Hazing perpetrators may describe harm to victims in positive terms—e.g., calling the victim’s injuries and scars “medals” or “prizes.” The effort to disregard or misrepresent injurious consequences results when individuals disregard, minimize, distort, or dispute the negative effects of their harmful behavior.⁷⁰¹ When people act or behave in ways that bring harm to others, they attempt to find ways of disregarding or distorting the harm they have caused.⁷⁰² This is especially true when they act alone and cannot escape responsibility.⁷⁰³ Cognitive processes such as selective inattention, construing harmful effects that make them appear less harmful, and not remembering, are ways individuals can distort, deny, or disregard the harmful effects they have caused.⁷⁰⁴ Disengaging makes individuals feel greater freedom to disregard the harm they cause.

Another widely studied strategy for disregarding or misrepresenting injurious harm is minimizing the pain of the victim. Two studies researched feelings of responsibility and how people minimize those feelings. Tilker’s study had a participant and two accomplices in a teacher-learner-observer scenario where the teacher administered increasing volts of shock to wrong

⁶⁹⁴ A. Bandura, B. Underwood & M.E. Fromson, *Disinhibition of Aggression Through Diffusion of Responsibility and Dehumanization of Victims*, 9 J. RES. PERSONALITY 253, 253 (1975).

⁶⁹⁵ ALBERT BANDURA, *DISENGAGING MORALITY FROM ROBOTIC WAR* 42–43 (2017) (noting this occurrence in drone warfare).

⁶⁹⁶ See generally Claire Robson & Rivka T. Witenberg, *The Influence of Moral Disengagement, Morally Based Self Esteem, Age, and Gender on Traditional Bullying and Cyberbullying*, 12 J. SCHOOL VIOLENCE 211 (2013).

⁶⁹⁷ *Id.* at 223–25.

⁶⁹⁸ Corrion et al., *supra* note 669, at 399.

⁶⁹⁹ *Id.*

⁷⁰⁰ *Id.*

⁷⁰¹ BANDURA, *supra* note 639, at 3.

⁷⁰² *Id.* at 64.

⁷⁰³ *Id.*

⁷⁰⁴ *Id.* at 66.

answers.⁷⁰⁵ Using varying conditions where different levels of responsibility were given to the participant, and varying amounts of feedback received from the victim, the experimenters measured the participant's protests to the study and whether they interrupted or halted the experiment.⁷⁰⁶ The experimenters found that the more feedback given, the more participants stopped the experiment, the earlier they started protesting the experiment, and the more those participants protested.⁷⁰⁷ People feel less responsible and therefore interfere less with the experiment when the responsibility is not solely theirs, and they are unaware of the victim's feelings or reactions.⁷⁰⁸

Another study by Brock and Buss examined instead how participants minimized the victim's pain.⁷⁰⁹ Their set-up had the participant as the teacher and an accomplice as the learner, who audibly gasped when administered high shocks.⁷¹⁰ Participants were divided into four conditions and asked to administer high shocks, from six to ten, or low shocks, from one to five. They were either given no choice or the choice to administer the level of shock they desired within the given range.⁷¹¹ They found that participants minimized how much pain the victims felt in order to continue with the shocks when they were given the choice; participants usually tried to administer the lowest shock possible, yielding an average of 6.4 in the high shock group.⁷¹² Minimizing the pain felt by the victim is a way of distorting the consequences of a harmful act by making it seem less harmful, which therefore helps the perpetrator continue to administer the shocks.

g. Dehumanization

Hazing perpetrators may label victims with less than human descriptors—e.g., “scabs” or “maggots”—to further justify the victimization. As such, dehumanization serves as the final mechanism of moral disengagement. This involves the perception of the victim to injurious practices.⁷¹³ It is difficult to cause harm to others when a sense of common humanity is instigated through viewing another person as having the same basic needs.⁷¹⁴ However, it is easier to dehumanize strangers than acquaintances.⁷¹⁵ Furthermore, it is easy to inflict suffering without self-censure if people are stripped of their humanness, or if demonic or bestial qualities are attributed to the person.⁷¹⁶ Pope Urban II portrayed Muslims as “despicable, degenerate, and enslaved by demons” as a way to dehumanize the ‘enemy’ of the Crusades.⁷¹⁷ Osama bin Laden portrayed Americans as

⁷⁰⁵ Harvey Tilker, *Socially Responsible Behavior as a Function of Observer Responsibility and Victim Feedback*, 14 J. PERSONALITY & SOC. PSYCHOL. 95, 95 (1970).

⁷⁰⁶ *Id.* at 97.

⁷⁰⁷ *Id.* at 98–99.

⁷⁰⁸ *Id.* at 99.

⁷⁰⁹ Timothy C. Brock & Arnold H. Buss, *Dissonance, Aggression and Evaluation of Pain*, 65 J. ABNORMAL & SOC. PSYCHOL. 197, 197 (1962).

⁷¹⁰ *Id.*

⁷¹¹ *Id.* at 198.

⁷¹² *Id.* at 200.

⁷¹³ BANDURA, *supra* note 639, at 84.

⁷¹⁴ *Id.*

⁷¹⁵ *Id.* at 89.

⁷¹⁶ *Id.* at 84.

⁷¹⁷ *Id.* at 88.

“decadent infidels” and “the most ravenous of animals” in pursuit of his aims.⁷¹⁸

In one study, 189 young people were selected from areas prone to gang violence to study the unknown factors that facilitate violence and gang membership.⁷¹⁹ Initial questions were asked regarding gang affiliation, which was followed by an assessment on a moral disengagement scale that reduces cognitive dissonance from behavior by framing questions related to common forms of group violence.⁷²⁰ Gang members were significantly more likely than non-gang members to use moral justification, euphemistic language, advantageous comparison, displacement of responsibility, attribution of blame, and dehumanization.⁷²¹ From these responses, Alleyne, Fernandes, and Pritchard concluded that dehumanization served as a contributing factor to violent crime associated with gang membership.⁷²²

In their review of the research literature, Tirza van Noorden found that dehumanization was due to limited activity in the medial prefrontal cortex, which is the part of the brain that perceives human emotion in others.⁷²³ Little research has been done to understand dehumanization amongst children, apart from a 2012 study led by Costello and Hodson involving “infracommunication.”⁷²⁴ These results show that children, like adults, deprive out-group individuals of human emotion and faculties in a manner that contrasts the dehumanized out-group with the child’s in-group, whose members are given human attributes.⁷²⁵ In their child study, van Noorden and colleagues explored whether children dehumanize non-friends while attributing to their friends’ human characteristics and emotions.⁷²⁶ The participants included 800 children who answered questions and took part in a Juvenile Dehumanization Measure in which they were given descriptions of “planets” in which inhabitants had either human or non-human emotional aptitudes.⁷²⁷ Students were asked to place where both their friends and non-friends would go according to “planet” descriptions. Planets associated “my friends” or “other children” with either modesty, trustworthiness, and kindness, or with opposing characteristics of pride and dishonesty.⁷²⁸ Results showed that non-friends were dehumanized more than friends in a child’s in-group.⁷²⁹

9. Hypothetical: Bringing It All Together

Darrius Ima is a Drill Instructor in the United States Marines. He hazes new Marines, despite hearing that hazing is problematic because he believes the “so-called” research on the topic is all over the place and up for

⁷¹⁸ *Id.*

⁷¹⁹ Emma Alleyne, Isabel Fernandes & Elizabeth Pritchard, *Denying Humanness to Victims: How Gang Members Justify Violent Behavior*, 17 GROUP PRAC. & INTERGROUP REL. 750, 750 (2014).

⁷²⁰ *Id.* at 754.

⁷²¹ *Id.* at 756.

⁷²² *Id.*

⁷²³ Tirza H.J. van Noorden et al., *Dehumanization in Children: The Link with Moral Disengagement in Bullying and Victimization*, 40 AGGRESSIVE BEHAVIOR 320, 320 (2014).

⁷²⁴ *Id.* at 321.

⁷²⁵ *Id.*

⁷²⁶ *Id.* at 322.

⁷²⁷ *Id.* at 323.

⁷²⁸ *Id.*

⁷²⁹ *Id.*

interpretation and debate. He is also not particularly motivated to learn more about hazing, such that it might augment his behavior in that realm. Darrius was hazed when he was a new Marine and could not take his frustrations out on his Drill Instructor, so now he takes his frustrations out on new Marines. Darrius believes, not only that there is a low probability of him being caught and reprimanded for the hazing but also that, and erroneously so, that the majority of the Marines community values hazing. His hazing is also prompted by personality characteristics like high extraversion, low agreeableness, and low conscientiousness—especially a proneness to impulsive behavior.

In sum, Darrius is morally disengaged around the issue of hazing. He tries to justify his conduct by offering a purely positive rationale for hazing—e.g., that it builds bonds. He offers benign names for his conduct—e.g., putting new Marines through “bonding activities.” Using such euphemistic labeling, they employ language to shape perceptions and thought patterns, converting negative behavior to behavior that can be viewed benignly. Darrius often compares his conduct to arguably more egregious conduct to make it more palatable—e.g., while he makes new Marines do calisthenics, those activities keep them in shape, but he does not force them to drink excessive amounts of alcohol like hazing in fraternities. He suggests that both his conduct simply reflects him following the directions of superiors to haze the victims and that there are many other upper-level Marines engaged in the hazing. Darrius also uses dehumanizing labels for new Marines—e.g., “scabs”—and describes harm to new Marines in positive terms—e.g., calling victims’ bruises as “medals.” Consequently, he has come to see his hazing as non-harmful and justifiable.

V. CONCLUSION

Hazing has been and remains an issue in fraternities and sororities, athletics, marching bands, and even the military. It persists because, despite the harm it causes, it may facilitate the types of organizational and intrapersonal bonding hazers seek to facilitate. Further, hazers see hazing as a valuable experience that serves higher organizational goals than those upon which anti-hazing policies seem to focus. Even when there is evidence that should contradict hazers’ perceptions of the utility of hazing, due to the ways in which the mind skews information—e.g., cognitive biases—hazers may not be able to accurately interpret that information. Lastly, a range of other factors particular to the hazer—e.g., how they perceive and understand the situation, impulses, and personality factors, as well as their moral development—undergird and propel their behavior. This article highlights that hazers are not simply bad people but rather individuals propelled by a host of factors. Understanding these factors should help military personnel—and those in other organizations—identify more effective interventions to address hazing.