

Belief, Truth, and Positive Organizational Deviance

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INTRODUCTION

On November 19, 2011, Robert Champion, a drum major in Florida A&M University's (FAMU) "Marching 100" band, collapsed on a bus following a band performance at the Florida Classic football game between FAMU and Bethune-Cookman.¹ Champion had complained about shortness of breath and failed eye-sight, and had apparently been vomiting before ultimately becoming unconscious.² He was non-responsive when authorities arrived and was later pronounced dead at a nearby hospital.³ An initial emergency caller told the dispatcher that Champion had been vomiting and that "His eyes [were] open but he [wasn't] responding."⁴ A second caller told the dispatcher that Champion was "cold."⁵ Other details pertaining to Champion's death were not immediately released.

By Tuesday, November 22, rumors had circulated on the FAMU campus and via social media that hazing had played a part in Champion's death.⁶ Law enforcement officials stated that they also believed some form of hazing to have occurred before the 911

1. Jordan Culver, *Hazing Rumors Surround Death of Fla. Student*, GARNETT NEWS SERVICE, Nov. 22, 2011, available at <http://web2.westlaw.com> (click "NewsRoom with Reuters" tab; then follow "All News Plus Wires" hyperlink under "Multi-Source News"; then search "hazing rumors surround death of Fla. student"; then follow "1. Hazing rumors surround death of Fla. student" hyperlink).

2. Brent Kallestad, *Fired FAMU Band Director: Hazing Warnings Ignored*, ASSOCIATED PRESS, Nov. 29, 2011, available at <http://web2.westlaw.com> (click "NewsRoom with Reuters" tab; then follow "All News Plus Wires" hyperlink under "Multi-Source News"; then search "fired FAMU band director: hazing warnings ignored"; then follow "4. Fired FAMU band director: hazing warnings ignored" hyperlink).

3. *Id.*

4. Mike Schneider & Gary Fineout, *Vomit in FAMU Student's Mouth Before He Dies*, ASSOCIATED PRESS, Dec. 1, 2011, available at <http://web2.westlaw.com> (click "NewsRoom with Reuters" tab; then follow "All News Plus Wires" hyperlink under "Multi-Source News"; then search "vomit in FAMU student's mouth before he dies"; then follow "2. Vomit in FAMU student's mouth before he dies" hyperlink).

5. *Id.*

6. Culver, *supra* note 1.

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emergency call was placed.⁷ Ultimately, suspicions that hazing had played a role in Champion's death were confirmed when Champion's death was ruled a homicide by the State Medical Examiner's Office in Orlando.⁸ According to that office, Champion's death was resultant of blunt-force trauma suffered during a hazing incident involving some members of FAMU's Marching 100.⁹ Champion endured such severe blows during the incident that he bled out into his soft tissue, particularly in his back, chest, shoulders, and arms. The autopsy further revealed that Champion had been vomiting profusely and had died within an hour from the time he suffered the injuries.¹⁰ Toxicology tests revealed no traces of drugs or alcohol in Champion's system.¹¹

Champion's death prompted a number of criminal and administrative inquiries. The initial investigation into the incident was led by the Orange County Sheriff's Office where, according to spokeswoman Deputy Ginette Rodriguez, more than forty people were interviewed and more than 1,000 man hours were logged by investigators during the course of the inquiry that began in November.¹² FAMU cooperated completely in the investigation and appointed its own independent task force discussed at length above. Ultimately, the investigation into Champion's death was handed over to the state of Florida.¹³ Less than two months later, thirteen people were charged

7. Frieda Frisaro, *Attorney Says Suit Planned in FAMU Band Death*, ASSOCIATED PRESS, Nov. 25, 2011, available at <http://web2.westlaw.com> (click "NewsRoom with Reuters" tab; then follow "All News Plus Wires" hyperlink under "Multi-Source News"; then search "'attorney says suit planned in FAMU band death'"; then follow "1. Attorney says suit planned in FAMU band death" hyperlink).

8. Gary Fineout, *Florida A&M Drum Major's Death Ruled a Homicide*, AUGUSTA CHRON., Dec. 17, 2011, at A4, available at <http://web2.westlaw.com> (click "NewsRoom with Reuters" tab; then follow "All News Plus Wires" hyperlink under "Multi-Source News"; then search "'Fla. A&M drum major's death ruled a homicide'"; then follow "1. Florida A&M drum major's death ruled a homicide" hyperlink).

9. *Id.*

10. Paul Flemming, *Autopsy: FAMU Drum Major Died Within One Hour of Hazing*, GANNETT NEWS SERVICE, Dec. 22, 2011, available at <http://web2.westlaw.com> (click "NewsRoom with Reuters" tab; then follow "All News Plus Wires" hyperlink under "Multi-Source News"; then search "'autopsy: FAMU drum major died within one hour of hazing'"; then follow "1. Autopsy: FAMU drum major died within one hour of hazing" hyperlink).

11. *Id.*

12. Jordan Culver, *Fla. Gets Death Investigation of FAMU Drum Major*, GANNETT NEWS SERVICE, Mar. 26, 2012, available at <http://web2.westlaw.com> (click "NewsRoom with Reuters" tab; then follow "All News Plus Wires" hyperlink under "Multi-Source News"; then search "'Fla. gets death investigation of FAMU drum major'"; then follow "1. Fla. gets death investigation of FAMU drum major" hyperlink).

13. *Id.*

with hazing crimes related to Champion's death.¹⁴ State Attorney Lawson Lamar said that eleven people were accused of death by hazing, a third-degree felony that can carry up to six years for defendants with no criminal record.¹⁵ Two others were charged with misdemeanor hazing.¹⁶ According to hazing expert Richard Sigal, an attorney and expert on hazing, to his knowledge, there are no other hazing cases that have resulted in that number of people being charged.¹⁷

Robert Champion's death merely reflects what has taken place within the very organizations that historically black college and university bands—as well as some other black student organizations—have mimicked, that being African American fraternities and sororities or black Greek-letter organizations (BGLOs). Consider the following stories:

Story 1: Karen Mills is a forty-eight year-old state trial court judge. She is in the third year of her four-year term as the National Head of Black Sorority. The sorority has 35,000 financially active members. Approximately sixty-five percent of that membership is alumnae members who attend monthly chapter meetings, volunteer for service projects, and engage in philanthropic endeavors within their communities. During Black Sorority's annual, National Convention, while in her hotel suite, Judge Mills calls the hotel room of the chapter president—Maureen Student—from Southern College and asks her to report to the judge's suite. When Ms. Student arrives, Judge Mills informs her that Kim Mills, the judge's daughter, intends to seek membership in Black Sorority through the Southern College chapter. Judge Mills instructs Ms. Student, "Make sure my daughter is made right—the old fashioned way. I want to make sure that she shares with me the same stories of overcoming adversity and bonding as I was able to share with my mother, who is also a member of Black Sorority." In short, Judge Mills instructed Ms. Student to make sure that Kim Mills was hazed and that the Southern College Black Sorority chapter members violate the anti-hazing statute in the state where their university is located.

14. Mike Schneider, *13 Charged in Hazing Death of Fla. Band Member*, ASSOCIATED PRESS, May 3, 2012, available at <http://web2.westlaw.com> (click "NewsRoom with Reuters" tab; then follow "All News Plus Wires" hyperlink under "Multi-Source News"; then search "'13 charged in hazing death of Fla. band member'"; then follow "1. 13 charged in hazing death of Fla. band member" hyperlink).

15. *Id.*

16. *Id.*

17. *Id.*

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Story 2: Ulysses Manigold was a 2L at a Top-Fifteen Law School. He heard that a friend of his, Peter Summers, was pledging a Black Fraternity, Manigold's fraternity. One evening, Manigold and the members of his undergraduate chapter visited the pledge session of Summers and his pledge (line) brothers. When Manigold entered the room, he instructed Summers to step out of the lined-up formation in which the pledges were ordered. Manigold asked Summers if he knew the poem "Invictus" by William Ernest Henley. In typical fashion, Summers responded, "We know the poem." Manigold then instructed Summers to remove his sweatshirt and T-Shirt; he further instructed Summers to recite the poem with intensity. As Summers proceeded, Manigold repeatedly struck him across the back with slaps, using as much force as he could muster. Manigold never stammered, and recited the poem flawlessly. Manigold demanded that Summers recite the poem again, only this time backwards. As he proceeded, Manigold again struck him across the back while another fraternity brother struck him across the chest. Summers proceeded more slowly this time, as not to make a mistake. By the time he was done, Summers chest was completely black and blue. The following year, while a 3L at a Top-Fifteen Law School, Manigold served as assistant dean of pledges for his undergraduate chapter. That semester, of the six members of the pledge line, five suffered injuries—one a broken jaw, one a broken hand, one a broken leg, one a hernia, and the final one a sprained back. The sole pledge who remained relatively healthy found himself paddled nightly with a cricket bat, swung often by Manigold.

Story 3: Neil Bryson graduated from a Top University and then a Top-Five Law School. By twenty-nine, he was a mid-level associate at an Elite Law Firm in a Big City. One day, he received a telephone call, informing him that his Black Fraternity chapter at a Top University had a pledge line. Bryson went back to the Top University for the weekend to "see" the pledges. What happened that weekend remains a mystery, but his chapter's moniker is "Merciless," and it is widely known within the fraternity for its brutal pledge sessions. When Bryson returned to the law firm on Monday morning, he had a message waiting for him from Bartholomew Neugent—a partner at the firm and also a fraternity brother of Mr. Bryson's who also pledged at the Top University. Mr. Neugent asked that Mr. Bryson stop by his office, noting that the matter was urgent. Mr. Bryson hastened to Mr. Neugent's office, entered, closed the door, and sat down. Mr.

Neugent asked if Mr. Bryson had gone to see the pledge line that past weekend, to which he answered in the affirmative. In response, Mr. Neugent did not suggest that anything was wrong with hazing the pledges. Instead, he encouraged Mr. Bryson to be more mindful of the fact that he has much more at risk now that he's a professional than he did as an undergraduate if a pledge were to be injured or report the hazing.

Each of these stories highlights a particular element of the culture within certain, elite black organizations—i.e., violent hazing. It is an element that puts lives at risk and yet persists and has persisted for generations. This is so despite the possibility of civil and criminal sanctions. As such, it raises the question: why does the law not constrain certain types of behavior, especially within organizations?

This Article extends the research on organizational behavior, organizational deviance, and more specifically, positive organizational deviance to non-corporate entities—i.e., BGLOs. Emotionally, financially, and physically active BGLO alumni make BGLOs particularly salient subjects of inquiry.¹⁸ In addition, BGLO membership has long-defined contemporaneous membership in the black middle- and upper-class.¹⁹ What makes these organizations appealing as an area of legal scholarship, aside from the crucial role that they and their collegiate and alumni members played in African Americans' quest for civil rights and social justice,²⁰ is violent hazing within their

18. See, e.g., Marcia D. Hernandez, *Sisterhood Beyond the Ivory Tower: An Exploration of Black Sorority Alumnae Membership*, in BLACK GREEK-LETTER ORGANIZATIONS IN THE 21ST CENTURY: OUR FIGHT HAS JUST BEGUN 253, 253 (Gregory S. Parks ed., 2008).

19. See E. FRANKLIN FRAZIER, BLACK BOURGEOISIE 94-95, 202-03 (1997); LAWRENCE OTIS GRAHAM, OUR KIND OF PEOPLE: INSIDE AMERICA'S BLACK UPPER CLASS 84 (1999).

20. See Marybeth Gasman, *Passive Activism: African American Fraternities and Sororities and the Push for Civil Rights*, in BLACK GREEK-LETTER ORGANIZATIONS 2.0: NEW DIRECTIONS IN THE STUDY OF AFRICAN AMERICAN FRATERNITIES AND SORORITIES 27, 27 (Matthew W. Hughey & Gregory S. Parks eds., 2011); Jessica Harris & Vernon C. Mitchell Jr., *A Narrative Critique of Black Greek-Letter Organizations and Social Action*, in BLACK GREEK-LETTER ORGANIZATIONS IN THE TWENTY-FIRST CENTURY 143, 143 (Gregory S. Parks ed., 2008); Robert L. Harris Jr., *Lobbying Congress for Civil Rights: The American Council on Human Rights, 1948-1963*, in AFRICAN AMERICAN FRATERNITIES AND SORORITIES: THE LEGACY AND THE VISION 213, 213 (Tamara L. Brown et al. eds., 2d ed. 2012); Robert E. Weems Jr., *Alpha Phi Alpha, the Fight for Civil Rights, and the Shaping of Public Policy*, in ALPHA PHI ALPHA: A LEGACY OF GREATNESS, THE DEMANDS OF TRANSCENDENCE 233, 233 (Gregory S. Parks & Stefan M. Bradley eds., 2012). For a review of mentor-mentee relationships of BGLO fraternity men around issues of social justice, see MURALI BALAJI, THE PROFESSOR AND THE PUPIL: THE POLITICS OF W.E.B. DU BOIS AND PAUL ROBESON (2007); RAWN JAMES, JR., ROOT AND BRANCH: CHARLES HAMILTON HOUSTON, THURGOOD MARSHALL, AND THE STRUGGLE TO END SEGREGATION (2010).

ranks.²¹ We explore the issue of hazing within the framework of positive organizational deviance—positive intentional deviations from the behavior of a referent group at the organizational level—with two overarching questions in mind: what are the beliefs among BGLO members that undergird violent hazing within these groups, despite the constraint that the law seeks to place on such behaviors? And, to what extent are these beliefs well-founded? The latter question raises a broader inquiry about the complexity of prophylactic measures needed to minimize, if not eradicate, hazing within BGLOs.

In Section I, we examine the methods by which societies and organizations seek to control the behavior of their members. In Section II, we explore how the law has sought to constrain hazing, focusing on BGLO hazing as an exemplar. In Section III, we analyze the relationship between belief-systems about BGLO hazing among BGLO members and how those beliefs serve to perpetuate violent hazing within these organizations. In Section IV, we explore the various theories and research that explain the beliefs of BGLO hazing proponents as well as empirical tests of those theories. In Section V, we provide the results of our empirical research that explores (1) the beliefs that BGLO members have about the utility of hazing within their ranks and (2) the extent to which those beliefs are warranted. We close by trying to reconcile our empirical findings with BGLOs' organizational needs and the law.

I. SOCIAL CONTROL AND ORGANIZATIONAL DEVIANCE

Social control has been defined as “a process by which individuals are socialized and oriented towards norms.”²² Noted sociologist Donald Black built upon this proposition, arguing that the law itself is a form of social control.²³ One way that the law serves as a means of social control is by punishment.²⁴ “The infliction of punishment is a deliberate act intended to chastise or deter.”²⁵ Accordingly, there are

21. *See, e.g.*, RICKY L. JONES, BLACK HAZE: VIOLENCE, SACRIFICE, AND MANHOOD IN BLACK GREEK-LETTER FRATERNITIES 1 (2004).

22. Spencer Millham et al., *Social Control in Organizations*, 23 BRIT. J. SOC. 406, 410 (1972) (quoting R.J. LAMBERT ET AL., A MANUAL TO THE SOCIOLOGY OF THE SCHOOL (1970)).

23. DONALD BLACK, THE BEHAVIOR OF LAW 6 (1976).

24. By way of example, for a review of social control theories that underlie criminal law, see DAVID GARLAND, PUNISHMENT AND MODERN SOCIETY: A STUDY IN SOCIAL THEORY 3-22 (1990).

25. *Duckworth v. Franzen*, 780 F.2d 645, 652 (7th Cir. 1985).

three ways in which punishment acts as a means for social control: (1) to deter the deviant by threatening the values he holds dear; (2) to act as a learning device and force the deviant to internalize the values of the law; and (3) to serve, through the publicity of punishment, as a reinforcement of the values of non-deviants.²⁶

However, there are many conditions where the law as punishment might be ineffective.²⁷ One is where the punishments established by the law cannot reach basic values of the deviant.²⁸ Also, where society has conflicting values, both the innocent and the guilty may suffer by punishment.²⁹ If there is a deviant group rather than a deviant individual, punishment could lead to a martyr effect and cause further deviation.³⁰ Certain value systems also have principles in place which lead to the refusal of the innocent party through collusion and perjury to press punishment.³¹ The law as punishment may also fail if the simple learning theory implied is not sufficient to bring about changes in values of the deviant.³² Lastly, the law as a punishment may not act as a deterrent if the deviant feels there is little chance of getting caught no matter how efficient the law may be.³³

Focusing on tort law, one study in particular examined the rate of likelihood that first-year law students would engage in a potentially tortious behavior after being presented with a series of vignettes.³⁴ The researchers hypothesized that the threat of tort liability serves only as a moderate deterrent, one that is weaker than criminal sanctions but stronger than a system with no social control at all.³⁵ The researchers concluded that the threat of criminal fines significantly reduced the respondents' willingness to engage in tortious behavior.³⁶ This was particularly surprising due to the fact that previous research has shown that criminal sanctions have a moderate deterrence ef-

26. Eugene Litwak, *Three Ways in Which Law Acts as a Means of Social Control: Punishment, Therapy, and Education*, 34 *SOC. FORCES* 217, 218 (1953).

27. *Id.* at 219.

28. *Id.*

29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.*

33. *Id.*

34. W. Jonathan Cardi et al., *Does Tort Law Deter Individuals? A Behavioral Science Study*, 9 *J. EMPIRICAL L. STUD.* 567, 571 (2012).

35. *Id.*

36. *Id.* at 587-88.

fect.³⁷ While the researchers did not reach a sweeping conclusion that tort law does not deter, their findings were consistent with the view.³⁸

Adding layer and nuance to the application of social norms, other scholars have explored the juncture at which social control and organizations meet.³⁹ Organizational behavior research suggests that societal norms are not necessarily penultimate in affecting organizational deviance.⁴⁰ Rather, dynamics and values internal to organizations may also have significant cache amongst organization members.⁴¹ As such, where law may serve as a norm-orienting factor in the lives of individuals, it may play a less significant role in shaping organization members' behavior—given organizational beliefs, culture, and needs.

While the juncture at which law and organizations meet has been fertile ground for scholarly inquiry,⁴² little legal scholarship focuses on the organizational behavior construct of “organizational deviance.” Organizational deviance occurs when an “organization’s customs, policies, or internal regulations are violated by an individual or a group that may jeopardize the well-being of the organization or its citizens.”⁴³ Organizational deviance can have a significant effect on an organization, including a legal effect.⁴⁴ It appears that at the individual level, deviant behavior within organizations distills to a combination of social psychological variables and organizational factors.⁴⁵

While considerable scholarly attention has been paid to organizational deviance, organizational behavior research pays scant attention

37. *Id.* at 591.

38. *Id.* at 598.

39. See, e.g., Diane Vaughan, *Rational Choice, Situated Action, and the Social Control of Organizations*, 32 *LAW & SOC'Y REV.* 23, 23-24 (1998).

40. See Jennifer Dunn & Maurice E. Schweitzer, *Why Good Employees Make Unethical Decisions: The Role of Reward Systems, Organizational Culture, and Managerial Oversight*, in *MANAGING ORGANIZATIONAL DEVIANCE* 39–68 (Roland E. Kidwell, Jr. & Christopher L. Martin eds., 2005).

41. See, e.g., Marne L. Arthaud-Day et al., *Direct and Contextual Effects of Individual Values on Organizational Citizenship Behavior in Teams*, 97 *J. APPLIED PSYCHOL.* 792, 792 (2012).

42. For example, in 1985, the *Oxford University Press* began publishing *The Journal of Law, Economics, & Organizations*. See *Archive of All Online Content*, *J.L. ECON. & ORG.*, <http://jleo.oxfordjournals.org/content/by/year> (last visited Feb. 12, 2013).

43. Mahmood A. Bodla & Rizwan Oaiser Danish, *Moderating Rome of Social Exchange Perceptions Between Perceived Organizational Politics and Antisocial Behavior*, 3 *J. ECON. & BEHAV. STUD.* 279, 281 (2011) (quoting Sandra L. Robinson & Rebecca J. Bennett, *A Typology of Deviant Workplace Behaviors: A Multidimensional Scaling Study*, 38 *ACAD. MGMT. J.* 555, 556 (1995)).

44. 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).

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

to how deviance may be defined by positive sets of behavior in addition to negative ones.⁴⁶ While Sagarin's research found over forty different definitions of deviance with only two being nonnegative,⁴⁷ Dodge broadened the study of organizational deviance to include "positive deviance."⁴⁸ In short, positive deviance is defined as "intentional behaviors that depart from the norms of a referent group in honorable ways."⁴⁹ In essence, positive deviant behaviors entail actions with honorable intentions, irrespective of the outcomes.⁵⁰ Positive deviant behaviors may consist of behaviors that organizations do not authorize, yet help the organization reach its overall goals.⁵¹

The growing interest in the study of positive organizational behavior derives, at least in part, from the increasing acknowledgment of positive organizational scholarship.⁵² As Cameron and colleagues describe, 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."⁵³ While most positive organizational scholarship focuses on corporate entities, some organizational behavior scholars have turned their attention to other types of organizations. Case in point: Roberts and Wooten analyzed BGLOs through a positive organizational scholarship lens.⁵⁴

II. BGLO HAZING AND THE LAW

Hazing is defined as "the practice of subjecting initiates, whether to a fraternity, a service club, a school, or an interscholastic, collegiate

46. Gretchen M. Spreitzer & Scott Sonenshein, *Toward the Construct Definition of Positive Deviance*, 47 AM. BEHAV. SCIENTIST 828, 829 (2004).

47. *Id.* at 830 (citing EDWARD SAGARIN, *DEVIANTS AND DEVIANCE: AN INTRODUCTION TO THE STUDY OF DISVALUED PEOPLE* 830 (1975)).

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

49. 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).

50. *Id.*

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

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

53. Appelbaum et al., *supra* note 51, at 587 (quoting Kim Cameron et al., *What Is Positive Organizational Scholarship?*, UNIV. OF MICH.-ROSS SCH. OF BUS. (2005), <http://www.bus.umich.edu/positive/whatispos/>).

54. Laura Morgan Roberts & Lynn P. Wooten, *Exploring Black Greek-Letter Organizations Through a Positive Organizing Lens*, in *BLACK GREEK-LETTER ORGANIZATIONS IN THE 21ST CENTURY: OUR FIGHT HAS JUST BEGUN* 273, 273 (Gregory S. Parks ed., 2008).

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or professional sports team, to effortful, painful, or embarrassing rituals.”⁵⁵ Many policies and laws are now in place to curtail hazing. Forty-four states prohibit hazing by criminal statute requiring a specific mens rea that is either “knowingly,” “intentionally,” “willfully,” or “recklessly.”⁵⁶ These states make hazing punishable as a misdemeanor and, in a few instances, as a felony, depending on the severity of the harm.⁵⁷ Courts frequently wrangle with the issue of hazing under tort or negligence law and often find for the plaintiffs.⁵⁸

Nonetheless, hazing remains a pervasive problem in a variety of group settings.⁵⁹ The types of hazing incidents vary within each group. Some of the common activities initiates experience include beatings with paddles, binge drinking, sexual conquest assignments, performing tedious tasks, and running fool’s errands.⁶⁰ The hallmark of BGLO hazing, however, has been its brutality, resulting in injuries, deaths, civil suits, and criminal prosecutions.⁶¹ While brutality within BGLO initiatory practices dates back to just a decade after the founding of these organizations,⁶² the deadly outcomes and legal significance of them did not emerge until many decades later. Between the 1970s and 2000s, a handful of hazing deaths served to illuminate the challenges presented by hazing within BGLOs.

Robert Brazile. In 1977, Robert Brazile, a nineteen year-old sophomore pre-med student at the University of Pennsylvania, sought to join the university’s Omega Psi Phi Fraternity.⁶³ While pledging, he

55. Judy L. Van Raalte et al., *The Relationship Between Hazing and Team Cohesion*, 4 J. SPORT BEHAV. 491, 491 (2007), available at 2007 WLNR 23854782.

56. Richard J. Reddick et al., *The Harms and Hazards of Hazing: Medical, Sociocultural, and Legal Perspectives*, in ALPHA PHI ALPHA: A LEGACY OF GREATNESS, THE DEMANDS OF TRANSCENDENCE 279, 294 (Gregory S. Parks & Stefan M. Bradley eds., 2011).

57. *Id.*

58. *Id.* at 298.

59. See, e.g., 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, 106 (2005) (discussing the widespread practice of hazing in military units, athletic teams and Greek Letter Organizations (GLOs)); Raalte et al., *supra* note 55 (discussing the prevalence of hazing in athletics and noting that such activity puts the athletes at physical and psychological risk).

60. See Keating et al., *supra* note 59, at 106.

61. See generally Matthew W. Hughey, *Brotherhood or Brothers in the “Hood”: Debunking the “Educated Gang” Thesis as Black Fraternity and Sorority Slander*, 11 RACE, ETHNICITY, & EDUC. 443 (2008) (exploring the controversial characterization of BGLOs as “educated gangs”).

62. Gregory S. Parks & Tamara L. Brown, “*In the Fell Clutch of Circumstance*”: *Pledging and the Black Greek Experience*, in AFRICAN AMERICAN FRATERNITIES AND SORORITIES: THE LEGACY AND THE VISION 437, 440 (Tamara L. Brown et al. eds., 2005).

63. Judith Valente, *Student’s Death During Hazing Is Investigated*, WASH. POST, Apr. 25, 1977, at A1.

“survived” the first seven weeks of the process despite sleeping for only a few hours most nights.⁶⁴ However, in April that year, he endured the Fraternity’s “Hell Week”—a final initiation where pledges were beaten and forced to do strenuous running.⁶⁵ Brazile collapsed in the fraternity house meeting room and died a few hours later at the campus hospital center.⁶⁶ Brazile’s death was later linked to a previously undetected heart ailment; however, the stigma associated with the pledge process persisted.⁶⁷

Nathaniel Swinson. In February 1978, Nathaniel Swinson, a twenty year-old Omega Psi Phi pledge died at North Carolina Central University during an off-campus initiation.⁶⁸ His death occurred after he was forced to run several miles and complete a battery of grueling exercises.⁶⁹ The autopsy revealed Swinson had sickle cell anemia and died from excessive physical stress.⁷⁰ While the North Carolina Central chapter was not officially recognized by the national body of Omega Psi Phi, members had appropriated the name during the pledge process at issue.⁷¹ No charges were filed in this incident.⁷²

Van Watts. In 1983, Van Watts, a junior from Birmingham, Alabama, died from alcohol poisoning following an initiation ceremony of the Omega Psi Phi chapter of Tennessee State University.⁷³ His blood-alcohol level was 0.52, five times the legal limit.⁷⁴ Watts had been coerced into drinking the alcohol and carried bruises on his dead body.⁷⁵ The party goers awoke in the morning to find Watts dead.⁷⁶ That morning, other initiates were observed leaving the home stagger-

64. *Id.*

65. *Id.*

66. *Id.*

67. Fawn Vrazo, *Their Bond Is More than a Fraternity*, PHILA. INQUIRER, Oct. 23, 1983, at K1.

68. 2 *N.C. Central Students Injured in Fraternity Hazing Incident*, CHARLOTTE OBSERVER, Feb. 24, 1989, at 3C, available at 1989 WLNR 1068518.

69. *Id.*

70. *Id.*

71. *Id.*

72. HANK NUWER, *WRONGS OF PASSAGE: FRATERNITIES, SORORITIES, HAZING, AND BINGE DRINKING* 246 (2001).

73. Amy Green, *TSU Student’s Death Tied to Hazing Is Latest in Series for Fraternity*, COM. APPEAL, Mar. 31, 2001, at B3.

74. *Id.*; *Tenn. Fraternity Banned After Drinking Death*, PHILA. DAILY NEWS, Dec. 14, 1983, at 22.

75. *Tenn. Fraternity Banned After Drinking Death*, *supra* note 74.

76. *Fraternity Pledge Dies of Drinking*, MIAMI HERALD, Dec. 2, 1983, at 12A, available at 1983 WLNR 188448; *Ban on Fraternity in Death*, N.Y. TIMES, Dec. 15, 1983, at B14, available at 1983 WLNR 454815.

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ing and supporting each other, most likely due to the same punishment Watts received the night before.⁷⁷

Joel Harris. In the fall of 1989, Joel Harris, an eighteen year-old sophomore at Morehouse College, collapsed during an Alpha Phi Alpha fraternity ritual and later died at the hospital.⁷⁸ The ritual required the pledges to recite historical events of the fraternity.⁷⁹ Pledges that erred in their recitation were punished with an array of physical abuse.⁸⁰ One option was “Thunder and Lightning,” which involved getting hit in the chest and slapped in the face.⁸¹ Another method, called “Free Fall,” involved elbows, slaps, and punches to the chest.⁸² Harris eventually collapsed during a ritual involving slaps, blows, and punches.⁸³ The ritual lasted between three and five hours, and the post-mortem examination revealed two abrasions on Harris’s chest that looked like fingernail marks and may have come from a beating, although members denied striking Harris.⁸⁴ Harris died of an abnormal heart rhythm linked to congenital heart disease.⁸⁵

In honor of her late son, Harris’ mother, Adrienne C. Harris, vowed to crusade against hazing.⁸⁶ The National Pan-Hellenic Council, which represents eight traditionally black fraternities and sororities, responded within four months of Harris’s death by banning all “traditional” BGLO pledging.⁸⁷ At their summit, which took place just four months after Harris’s death, the council voted unanimously to eliminate pledging and related activities, including dressing alike, head shaving, and walking in straight lines.⁸⁸ The name of the initiation process was changed from “pledging” to “membership intake process,” and now involves merely making an application for mem-

77. *Ban on Fraternity in Death*, *supra* note 76.

78. Margaret L. Usdansky, *Judge’s Ruling Will Let Morehouse Hold New Hearing in Hazing*, ATLANTA J. & CONST., Nov. 3, 1989, at B3.

79. W. Steven Ricks, *Slaps, Blows a Part of Hazing Ritual*, *Examiner Reports*, ATLANTA J. & CONST., Oct. 26, 1989, at D5.

80. *Id.*

81. *Id.*

82. *Id.*

83. *Id.* at D1.

84. *Id.*

85. *Id.*

86. Andy Miller, *Mother of Morehouse Student Who Died Vows to Begin Crusade Against Hazing*, ATLANTA J. & CONST., Oct. 20, 1989, at B9.

87. Lisa Frazier, *Rites of Passage: College Greeks Shun Hazing*, TIMES-PICTAYUNE, Sept. 9, 1991, at A1.

88. *Id.*

bership and being accepted without enduring the rigors of hazing and pledging.⁸⁹

Harold Thomas. Harold Thomas, a student at Lamar University, applied for membership to the University's Omega Psi Phi Fraternity.⁹⁰ During a pledge exercise, Harold died from heart failure following a six-mile run.⁹¹ His mother brought suit against the University, Omega Psi Phi, and David Smith, the individual fraternity member who had allegedly directed the hazing.⁹² The trial court granted summary judgment in favor of the University and the fraternity.⁹³ The appellate court, however, remanded the case with regards to the fraternity's liability—finding that there were genuine issues of material fact.⁹⁴ The existence of evidence that Thomas was pursuing membership in the group, that David Smith was acting for the organization, and that members had knowledge of Smith's activities and held him out as an authority figure to pledges (despite Omega's claim that Smith is not an official member) created issues that should be determined by a jury.⁹⁵

Michael Davis. In February 1994, Michael Davis and four other individuals were being initiated as brothers to the Southeast Missouri State chapter of Kappa Alpha Psi.⁹⁶ For seven consecutive days, fraternity members subjected the pledges to repeated physical abuse.⁹⁷ Davis and the other young men were slapped on their necks and backs, caned on their buttocks and feet, and beaten with heavy books and cookie sheets.⁹⁸ Active fraternity members kicked, punched, and body-slammed the five pledges.⁹⁹ By the final day of the initiation process, two of the five pledges dropped out, and the remaining three were put through a seven-station circuit of physical abuse.¹⁰⁰ At some

89. Cynthia Mitchell, *College Hazing Fails Every Test: Black Greek Letter Groups Meet, Vow to End Violence*, ATLANTA J. & CONST., July 14, 1990, at A9; see Rosemary Banks Harris, *Black Frats Give Up Pledging Issues of Hazing and Commitment Divide Members*, ORLANDO SENTINEL, Oct. 4, 1990, at E1.

90. *Thomas v. Lamar Univ.-Beaumont*, 830 S.W.2d 217, 218 (Tex. App. 1992).

91. *Id.*

92. *Id.*

93. *Id.*

94. *Id.* at 218-19.

95. *Id.* at 219.

96. *State v. Allen*, 905 S.W.2d 874, 875 (Mo. 1995).

97. *Id.*

98. *Id.*

99. *Id.*

100. *Id.*

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point during this abuse, Davis passed out.¹⁰¹ He would never regain consciousness, and he died the following day.¹⁰² The autopsy revealed that Davis had suffered broken ribs, a lacerated kidney, a lacerated liver, and multiple bruises—the cause of death: subdural hematoma of the brain.¹⁰³

Missouri prosecutors charged Keith Allen, one of the active members, on five counts of hazing, which was a misdemeanor offense.¹⁰⁴ A jury found Allen guilty on all five counts, and he appealed, claiming that Missouri's hazing statute violated the First (right to association), Fifth, and Fourteenth (equal protection and due process) Amendments.¹⁰⁵ The Missouri Supreme Court affirmed his conviction, holding that the statute was valid.¹⁰⁶ In dicta, the Court observed that Allen's appeal was "little more than a casserole of constitutional catch phrases, unadorned by legal analysis."¹⁰⁷

Kristin High and Kenitha Saafir. In September 2002, Kenitha Saafir and Kristin High both drowned during a hazing episode brought about by the sorority members of Alpha Kappa Alpha.¹⁰⁸ The hazing incident required the sorority sisters to blindfold their pledges; dress them in black sweat suits, socks, and tennis shoes; and drive them to the beach late in the evening.¹⁰⁹ While still blindfolded and fully dressed, the pledges were forced to participate in exhausting calisthenics, and were then directed towards the ocean.¹¹⁰ Saafir's hands were tied and she protested that she could not swim, but she was still made to walk into the surf.¹¹¹ One local resident recalling the weather from that evening said "the ocean was ferocious that night Any reasonable person wouldn't have gone anywhere near that water."¹¹² Witnesses observed a large wave, which crashed and pulled Saafir under.¹¹³ Likewise, Kristin High also died as a result of

101. *Id.*; Tim Bryant, *Kick Sent Victim Down, Fraternity Brother Says*, ST. LOUIS POST DISPATCH, Aug. 26, 1994, at 2C, available at 1994 WLNR 681338.

102. *Allen*, 905 S.W.2d at 875.

103. *Id.*

104. *Id.*

105. *Id.* at 875-78.

106. *Id.* at 879.

107. *Id.* at 876.

108. Vincent Cinisomo-Lara, *Husband Sues Over Alleged Hazing Death—Courts: 2 Cal State L.A. Women Drowned Last Sept. in Reported Sorority Ritual*, LONG BEACH TELEGRAM, June 26, 2003, at A3.

109. *Id.*

110. *Id.*

111. *Id.*

112. Kristal Brent Zook, *Swept Away*, ESSENCE, Sept. 2003, at 185.

113. *Id.* at 182.

rough seas coupled with bound hands.¹¹⁴ High attempted to rescue Saafir, but was taken under in the process.¹¹⁵

High's family filed a \$100 million lawsuit against Alpha Kappa Alpha.¹¹⁶ However, two pledges who survived the hazing incident were unwilling to discuss any details about the night of High and Saafir's deaths.¹¹⁷ When High's car was discovered, all AKA paraphernalia and her mandatory pledge journal were missing.¹¹⁸ Her family says there is evidence she was a "slave," having to perform duties such as paint fingernails, buy and cook food, chauffeur, run errands, and braid hair for the big sisters.¹¹⁹ High's mother described her daughter as having lost "close to 30 pounds" by the time of her death.¹²⁰ No criminal charges were filed in the matter.¹²¹

Joseph Green. In January 2001, Joseph T. Green collapsed while being forced to jog around a track during an initiation ritual for the Tennessee State University chapter of Omega Psi Phi Fraternity.¹²² Green ran daily and was in good health with no history of asthma; however, following that early morning run, he was rushed to the hospital after suffering from cardiopulmonary distress and a temperature of 103.7 degrees.¹²³ He died at the hospital where it was determined he died from environmentally induced hyperthermia and an acute asthma attack.¹²⁴ Green's parents filed a \$15 million lawsuit against Omega Psi Phi and individual members, alleging that fraternity members ordered Green and seven other pledges to commit illegal hazing activities.¹²⁵ Green's parents settled out of court with the fraternity for a confidential sum.¹²⁶

114. *Coroner Confirms CSLA Students Drowned*, SAN GABRIEL VALLEY TRIB., Sept. 18, 2002.

115. Zook, *supra* note 112, at 182.

116. Derek Montgomery, *Alleged Hazing Incident at Cal State Leaves 2 Dead*, BADGER HERALD, Sept. 25, 2002, available at http://badgerherald.com/news/2002/09/25/alleged_hazing_incident.php.

117. Zook, *supra* note 112, at 182.

118. *Id.*

119. *Id.* at 183.

120. *Id.*

121. Montgomery, *supra* note 116.

122. Green, *supra* note 73.

123. *Id.*

124. *Id.*

125. *Frat Sued Over TSU Hazing Death*, OAK RIDGER, Jan. 10, 2002.

126. *Case Highlights: School Safety and Youth Safety*, BODE & GRENIER, LLP, <http://www.bode.com/CaseHighlights/SchoolSafetyandYouthSafety.html> (last visited Aug. 6, 2012).

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Donnie Wade II. In 2009, Donnie Wade II died following another pledge hazing incident.¹²⁷ Wade, a twenty year-old student at Prairie View A&M, was pledging Phi Beta Sigma at the time of his death.¹²⁸ As part of his “rites of passage,” members of the chapter placed Wade and his fellow pledges on a strict bread-and-water diet in addition to paddling and torturous exercise sessions.¹²⁹ These exercise sessions commenced promptly between four and five in the morning when fraternity members awoke the pledges and forced them to complete various exercises, e.g., pushups on their knuckles; lying on their backs while elevating their feet six inches off the ground; Indian runs—running in a line, with the last pledge required to sprint to the front of the line with the process being repeated; and Snake runs—running up and down the bleachers.¹³⁰ During one “exercise” session, Wade collapsed and never regained consciousness.¹³¹

Instead of calling an ambulance or driving Wade to the closest hospital, the members dropped Wade off at a hospital nearly forty miles away.¹³² It was determined that Wade died as a result of acute exertional rhabdomyolysis, which can be triggered by extreme exertion.¹³³ His death was further complicated by a sickle cell trait, which can predispose someone to acute exertional rhabdomyolysis.¹³⁴ While documentation of Wade’s pledge involvement was destroyed after his room was broken into (apparently to destroy evidence), his parents nonetheless settled a wrongful death suit with the fraternity.¹³⁵ A grand jury declined to indict a fraternity member linked to Wade’s death in October 2010.¹³⁶ However, several months later the press obtained a tape of that member tearfully saying, “I killed him. It’s my

127. Cindy George, *Family Settles Hazing Lawsuit, Parents Sued Fraternity After Their Son’s Death*, HOUS. CHRON., Sept. 16, 2010, at B2.

128. *Id.*

129. Cindy Horswell, *No Indictments in Death of Prairie View Student, Parents Decry Alleged Hazing of Fraternity Pledge*, HOUS. CHRON., Nov. 11, 2010, at B3.

130. Michael E. Young & Chris Dell, *Dead Son Was ‘So Afraid’ of Fraternity Hazing, Dad Says—Oak Cliff Man’s Collapse Prompts Investigation*, DALL. MORNING NEWS, Oct. 24, 2009, at 1A.

131. George, *supra* note 127.

132. *Id.*; Horswell, *supra* note 129.

133. George, *supra* note 127.

134. Cindy Horswell, *Autopsy Details Student’s Death at Prairie View Rare Exertion Condition Killed Fraternity Pledge*, HOUS. CHRON., Jan. 22, 2010, at B2.

135. George, *supra* note 127, at B2.

136. Danny Robbins, *Police Tape Raises New Issue In Prairie View A&M Death Frat Leader Not Indicted Despite Taking the Blame in Recording*, HOUS. CHRON., Jan. 23, 2011, at B2.

fault,” in a recorded interview with the police following the incident.¹³⁷

While these stories do not take account of the full range of BGLO hazing cases over the past several decades, even just the publicly accessible accounts, they highlight some important points: First, BGLO hazing is particularly violent. Second, legal sanctions—both criminal and civil—have been implicated in BGLO hazing incidents. Third, despite these legal sanctions violent BGLO hazing has persisted over the decades. That raises the question, “Why?”

III. BELIEFS, BGLOS, AND HAZING

Over the past twenty years, a handful of studies have helped explain why the law fails to constrain violent hazing within BGLOs. For example, in 1992, John Williams conducted a study which documented the perceptions of undergraduate members of BGLOs on the no-pledge policy for new member intake.¹³⁸ The following themes emerged from the study: Many of the activities designated as hazing by the National Pan-Hellenic Council—e.g., “walking in line, practicing steps, history sessions, dressing alike, and speaking in unison”—should not be considered as hazing.¹³⁹ The reduced period for membership intake did not provide initiates with sufficient time to learn the history and traditions of the organizations.¹⁴⁰ The no-pledge process would not improve the quality of members because it did not adequately screen applicants who were not committed to the organization’s members and ideals.¹⁴¹ Members initiated under the no-pledge process would not have strong bonds with one another.¹⁴² The no-pledge policy fosters disunity between pledged and non-pledged members; some non-pledged members feel left out because they do not share the experience of having pledged into the organization.¹⁴³ The need for respect is so great that undergraduate students are willing to participate in an underground pledge process.¹⁴⁴

137. *Id.*

138. John A. Williams, *Perceptions of the No-Pledge Policy for New Member Intake by Undergraduate Predominately Black Fraternities and Sororities* (1992) (unpublished Ph.D. dissertation, Kansas State University) (on file with author).

139. *Id.* at 93.

140. *Id.*

141. *Id.* at 93, 97.

142. *Id.* at 98.

143. *Id.* at 93.

144. *Id.*

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Walter Kimbrough's 1999 replication study found BGLO undergraduates more optimistic about the membership intake process than the undergraduates in Williams's 1992 study.¹⁴⁵ The study focused on four variables: chapter members' participation in new member selection; the ability of post-initiation education to instill new members with history and tradition; whether the no-pledge policy reduces lifelong commitment of new members; and whether current members could screen out uncommitted applicants.¹⁴⁶ Nearly 70% of respondents in the Williams-1992 study felt that the pledging policy provided undergraduates with less of a voice in the selection of new members; seven years later, in the Kimbrough-1999 study, this percentage decreased to 60%. Likewise, nearly 34% of the Williams-1992 sample felt that post-initiation education could instill new members with a sense of history and tradition, while 55% of Kimbrough's 1999 sample believed that post-initiation education was effective. In the Williams-1992 sample, more than two-thirds of respondents believed that the no-pledge policy would reduce lifelong commitment, whereas the sample from Kimbrough-1999 study showed a significant reduction to 56% who believed the no-pledge policy would reduce lifelong commitment.¹⁴⁷ The smallest amount of change between the 1992 and 1999 samples occurred with respect to the ability of the no-pledge policy to screen out uncommitted applicants. In 1992, 85% of respondents believed that members were not able to screen uncommitted aspirants under the new policy; 80% of the 1999 sample believed the same.¹⁴⁸

In sum, Kimbrough's study demonstrates that although undergraduates had a more favorable attitude toward the no-pledge policy, the basic assumptions about the benefits of pledging remain consistent among members of BGLOs. As Kimbrough notes, many of the study's respondents participated in a pledge process, demonstrating that more favorable attitudes toward the no-pledge policy have not translated into a reduction in hazing incidents.¹⁴⁹

Dwayne Scott's 2006 qualitative study investigated why black Greek-letter fraternity (BGLF) members impose acts of hazing upon prospective members during membership intake activities and why

145. WALTER M. KIMBROUGH, *BLACK GREEK 101: THE CULTURE, CUSTOMS, AND CHALLENGES OF BLACK FRATERNITIES AND SORORITIES* 80 (2003).

146. *Id.* at 84-85.

147. *Id.*

148. *Id.* at 85.

149. *See id.* at 89.

prospective members endure acts of mental and physical abuse in order to gain membership in the organization.¹⁵⁰ Scott's research revealed that BGLF members distinguish between pledging and hazing based on the purpose of the activity.¹⁵¹ Participants characterized abusive activity as pledging when the "acts could be tied to the organization's goals and objectives."¹⁵² The same abusive activity was characterized as hazing when it was employed for a superficial purpose.¹⁵³ Paddling an aspirant for failing to correctly execute an assignment or recite organizational history was considered pledging because the act was employed to make the aspirant more productive and accountable for his actions.¹⁵⁴ However, paddling an aspirant for failing to acknowledge a member's girlfriend was considered hazing because it did not directly or meaningfully relate to the fraternity.¹⁵⁵

BGLF members also cite tradition as a justification for hazing.¹⁵⁶ According to participants, many hazing acts are chapter-specific and have been passed down, in some cases, for decades.¹⁵⁷ Members therefore expect aspirants to "consent to, and actively participate in, certain hazing traditions."¹⁵⁸ Alumni members also contribute to the persistence of hazing at the undergraduate level. Participants explained that alumni often provide conflicting positions on hazing.¹⁵⁹ In formal settings, alumni denounce hazing.¹⁶⁰ In backstage social settings, however, alumni members express that the current membership process is unacceptable because it departs from tradition, is too short in duration, and does not provide meaningful interaction among all involved in the process.¹⁶¹ Moreover, alumni members often tell stories about their pledge experiences and describe the current membership process as "easy" in comparison to their own initiation

150. Dwayne J. Scott, *Factors that Contribute to Hazing Practices by Black Greek Letter Fraternities During Membership Intake Activities*, in BLACK GREEK-LETTER ORGANIZATIONS 2.0: NEW DIRECTIONS IN THE STUDY OF AFRICAN AMERICAN FRATERNITIES AND SORORITIES 235 (Matthew W. Hughey & Gregory S. Parks eds., 2011).

151. *See id.* at 238.

152. *Id.* at 246.

153. *See id.* at 238.

154. *See id.*

155. *See id.* at 246.

156. *See id.* at 238.

157. *See id.* at 239.

158. *Id.*

159. *See id.*

160. *See id.*

161. *See id.*

processes.¹⁶² Undergraduates interpret such statements from alumni as pressure to continue hazing.¹⁶³

Scott found that aspirants know hazing is not a formal condition of membership and are well-aware of the dangers of engaging in such activities.¹⁶⁴ He discovered, however, that aspirants willingly submit to hazing rituals in order to feel accepted by their peers.¹⁶⁵ This finding is consistent with the research of Kimbrough and Sutton, who concluded that fraternities exert more peer influence than non-fraternal organizations and thus aspirants are more likely to submit to hazing rituals to gain acceptance within the organization.¹⁶⁶

The bonding experience generated during membership intake is another factor contributing to hazing among BGLFs.¹⁶⁷ BGLF members believe that the difficulties associated with hazing forces aspirants to build meaningful relationships with one another and with chapter members.¹⁶⁸ These relationships, participants explained, are similar to those between biological family members.¹⁶⁹

Scott also found that aspirants endure hazing processes in order to gain respect from chapter members.¹⁷⁰ Participants explained that the level of respect a brother receives from his chapter members remain inextricably linked to the type of initiation process he experienced.¹⁷¹ “Paper brothers”—those who do not experience hazing—receive much less respect than brothers who endure abusive hazing processes.¹⁷² Participants noted, however, that “paper brothers” might gain more respect if they perform top-quality work on behalf of the organization.¹⁷³

BGLF members also believe that hazing solidifies important intrinsic values.¹⁷⁴ According to participants, hazing is an important means of socializing pledges to adopt the fundamental values of the organization.¹⁷⁵ Moreover, participants believed that enduring the

162. *See id.* at 246.
163. *See id.* at 240.
164. *See id.*
165. *See id.* at 240-41.
166. *See id.* at 241 (citation omitted).
167. *See id.*
168. *See id.* at 241-42.
169. *See id.* at 242.
170. *See id.*
171. *See id.*
172. *See id.* at 242-44.
173. *See id.* at 244.
174. *See id.*
175. *See id.*

hazing process builds character, allows pledges to better analyze and understand their strengths and weaknesses, and provides pledges with the discipline necessary to be successful.¹⁷⁶

To summarize, both members and aspirants believe that hazing has an appropriate place in the membership intake process. Hazing, according to members, provides a unique opportunity for bonding among all involved in the pledge process, inculcates important organizational values in aspirants, and is consistent with tradition and alumni desires. Aspirants believe that enduring hazing is necessary in order to gain acceptance and respect from fraternity members. The majority of participants in Scott's study "believed hazing will persist as long as collegiate chapters exist."¹⁷⁷

IV. SUPPORT FOR THE REASONING BEHIND BGLO HAZING

A number of theories support the contention that challenging experiences commit individuals to others who share in that experience concurrently as well as to organizations to which they seek membership. In subsection A, we explore the relevant research on hazing and undergraduate organizations. In subsection B, we explore how external threat and self-sacrifice come to bear on group cohesion. In subsection C, we explore the research on how the severity of initiation to an organization predicts attraction for said organization. In subsection D, we explore research on the Stockholm Syndrome—the extent to which bonding to one's captors in a hostage situation exists. In the final subsection, subsection E, we explore the research on how investment in social relationships facilitates commitment in those relationships.

A. Hazing Research and Undergraduate Organizations

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

176. *See id.* at 244-45.

177. *See id.* at 247.

group members.”¹⁷⁸ The following sections explain the rationale and results for each of these propositions.

1. Conceptual Overview and Hypotheses

As Keating explained, hazing, ranging from mild to severe, is typically a complex event and can have fun, embarrassing, disgusting, painful, and challenging facets.¹⁷⁹ The initial stages of an initiation may require “simple efforts that are only mildly arousing, such as turning out in particular attire for an occasion, spending time engaged in prescribed, social exchanges with group members, or waiting for extended periods of time before being interviewed by representatives of the group.”¹⁸⁰ Adopting a functional perspective, Keating posited that pursuance of particular goals orchestrates specific initiation processes.¹⁸¹ While initiates’ experiences will vary based on the mission of the group, Keating and colleagues found that initial compliance of early forms of hazing makes subsequent compliance (even with costly and violent consequences) more likely.¹⁸²

The initiation rituals of Greek-letter organizations (GLOs), athletic teams, and military units often activate feelings of threat.¹⁸³ Contrived threats, including hazing activities (e.g., physical challenges and social deviance), help create group identity and inspire obedience and devotion among group members.¹⁸⁴ Ostensibly, initiations that incorporate physical challenges or pain prepare initiates to withstand physical duress, while initiations that require social deviance carve out distinctions between in-group and normative groups in the minds and emotions of initiates.¹⁸⁵

The first proposition, that initiations cultivate group-relevant skills and attitudes, was tested by “unpacking” the initiation practices of college athletic teams and GLOs (both fraternities and sororities).¹⁸⁶ Keating and colleagues reasoned that because athletic team success depends on physical endurance, physical challenges would predominate induction practices.¹⁸⁷ On the other hand, they reasoned

178. Keating et al., *supra* note 59, at 105.

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

180. *Id.* at 105 (citation omitted).

181. *See id.* at 106.

182. *See id.* at 105.

183. *See id.*

184. *See id.*

185. *See id.* at 106.

186. *See id.*

187. *Id.*

that since GLOs are dedicated to creating exclusive social networks, activities highlighting social deviance (and thus social distinctiveness), would typify the initiations of these groups.¹⁸⁸ Hence, they predicted that: (1) athletes would report relatively greater degrees of physical duress in their initiations than members of GLOs; and (2) members of GLOs would report initiation activities entailing more social deviance than members of athletic groups.¹⁸⁹

Keating posited that the second function of member initiation is to create and maintain the group's hierarchical authority and power structure.¹⁹⁰ Preserving group hierarchy requires that initiation rituals tune initiates' deferential responses to themselves.¹⁹¹ The specific prediction made was that "members of groups with more structured hierarchies, operationally defined by greater role diversity and power differences between leaders and new members, would report more severe initiation practices and more frequent engagement in initiation activities than groups with less hierarchy."¹⁹²

Keating argued that initiations provide a third function: promotion of the cognitive, behavioral, and affective forms of social dependency.¹⁹³ While earlier research confirmed this claim,¹⁹⁴ Keating posited a new explanation. She observed 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."¹⁹⁵ She noted, however, that replication studies failed to support the basic notion that severe initiations foster greater liking for the group,¹⁹⁶ and that subsequent field studies failed to find evidence of dissonance effects.¹⁹⁷ She concluded that "the formal evidence on hazing effects on social emotional bonds is quite mixed."¹⁹⁸

188. *Id.*

189. *Id.*

190. *Id.* at 107 (citation omitted).

191. *See id.*

192. *Id.*

193. *Id.*

194. *See id.* (citation omitted).

195. *Id.*

196. *See id.* at 110 (discussing Hautaluoma et al., *Early Socialization into a Work Group: Severity of Initiations Revisited*, 6 J. SOC. BEHAV. & PERSONALITY 725, 725 (1991)).

197. *See* Keating et al., *supra* note 59, at 110 (discussing Hein F. 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) and Lodewijkx & Syroit, *Affiliation During Naturalistic Severe & Mild Initiations: Some Further Evidence Against the Severity-Attraction Hypothesis*, 6 CURRENT RES. SOC. PERSP. 90, 90 (2001)).

198. Keating et al., *supra* note 59, at 110.

Alternatively, Keating proposed that “attachment theory” explained individual attachments to social groups.¹⁹⁹ The attachment theory, as developed by Bowlby, proposes that humans are motivated to seek proximity to significant others in times of danger, stress, or novelty.²⁰⁰ Keating 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

Keating described “maltreatment effects” as the “phenomenon whereby harsh conditions trigger goal-directed responses in organisms seeking refuge from duress.”²⁰² When an individual feels threatened, one instinctively seeks out safety within a selected social network.²⁰³ Moreover, the social dependency fueled by maltreatment could aim toward the very agent of the threat.²⁰⁴ This research is grounded in earlier studies on maltreatment effects in parent-child dyads,²⁰⁵ and in a variety of non-human subjects.²⁰⁶ The researchers also point to the psychology literature on Stockholm Syndrome as anecdotal evidence that severe treatment can stimulate social bonds in humans.²⁰⁷

To summarize, Keating et al. explored what they call a social dependency interpretation of maltreatment effects. This interpretation suggests, “When maltreatment is connected to involvement with a defined group, the social dependency that it fuels will be manifested cognitively, emotionally, and behaviorally.”²⁰⁸ 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.²⁰⁹ At the behavioral level, dependency generated by maltreatment is likely displayed through compliance with group norms and attraction to group members.²¹⁰

199. *See id.* at 107.

200. *See id.*

201. *Id.*

202. *Id.*

203. *Id.*

204. *Id.*

205. *Id.*

206. *Id.*

207. *Id.*

208. *Id.*

209. *Id.* (citation omitted).

210. *Id.* at 108 (citations omitted).

2. Findings

Keating discovered that initiations create social dependency. The study measured group identity in two ways: importance of the group to the individual and importance of the individual to the group.²¹¹ Predictions were based on initiation experiences, taking into consideration the extent to which the initiation was perceived as fun or harsh.²¹² The regression analysis for the first measure revealed, as predicted, that harsh initiations were associated with enhanced perceptions of importance to the individual.²¹³ The data on social deviance, however, failed to disclose a relationship with this measure of identity.²¹⁴ The second measure revealed that perceived fun during initiations was associated with increased perceptions of individuated importance to the group.²¹⁵ In sum, the level of importance these individuals ascribed to the group they identified with most was predicted by both perceptions of fun and perceptions of initiation difficulty.²¹⁶ Accordingly, the researchers concluded that “social identity is a social-cognitive consequence of social dependency.”²¹⁷

Keating’s additional studies tested whether relatively severe inductions spawned conformity and attraction to group members as manifestations of social dependency.²¹⁸ On measures of conformity, the results showed that participants who experienced severe initiations conformed most by yielding to the pressure from the group.²¹⁹ Moreover, the participants who experienced a severe initiation showed signs of what the researchers construed as maltreatment effects: they maintained close proximity to confederates and had a more negative mood when confederates left them alone.²²⁰ The results also revealed that affective reactions (the desire to be in close proximity) were the stronger predictor of the participants’ tendency to conform to the group opinion.²²¹ With regards to social-emotional bonding, results revealed that those who experienced severe initiations perceived the confederates as more powerful than did those inducted via

211. *Id.*

212. *Id.* at 114.

213. *Id.* at 116.

214. *Id.* at 115.

215. *Id.*

216. *Id.*

217. *Id.* at 123.

218. *Id.* at 117.

219. *Id.* at 118.

220. *Id.* at 122.

221. *Id.* at 117-22.

innocuous procedures.²²² Participants in the severe condition also tended to report having more fun than those who received innocuous inductions.²²³ Perceptions of power, rather than aspects of compliance, were the more powerful predictor of compliance.²²⁴ Taken together, these results confirmed the dependence interpretation.²²⁵

Keating addressed the third proposition in full after having reviewed the data on each independent measure of social dependency.²²⁶ The results from the identity and conformity measures were compatible with a dependency explanation of maltreatment effects in that whether an individual identified with the group was based on his/her perception of the initiation experience.²²⁷ Measurements of more traditional attachment behaviors revealed that participants who experienced harsh treatment maintained close proximity to confederates and experienced negative affect after confederates left.²²⁸

In summary, Keating et al. 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 group identity, conforming to group norms, and remaining in close proximity to group members.

In a later hazing study (via data from the Group Environment Questionnaire [GEQ], Team Initiation Questionnaire [TIQ], and Social Desirability Questionnaire [SED]),²²⁹ researchers sought to determine whether hazing is associated with enhanced team cohesion.²³⁰ The study found that hazing was negatively correlated with task attraction and integration, and unrelated to social attraction and integration.²³¹ These results indicate that “the more hazing activities the participants did or saw, the less they were attracted to the group’s task and the less bonding and closeness they felt about the group’s task.”²³² Appropriate team building activity was positively correlated with so-

222. *Id.* at 119.

223. *Id.*

224. *Id.*

225. *Id.*

226. *Id.* at 119-24.

227. *Id.* at 121.

228. *Id.*

229. Van Raalte et al., *supra* note 55, at 491.

230. *Id.* at 498-99.

231. *Id.* at 499.

232. *Id.*

cial attraction and group integration.²³³ Accordingly, these results (in addition to subsequent studies), confirm that hazing is negatively related to task cohesiveness and unrelated to social cohesiveness.²³⁴ In general, “the less hazing and the more team building that the athletes experienced, the higher the levels of their overall attraction and integration.”²³⁵

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

Cohesion refers to the factors that cause a group member to remain a member of the group.²³⁶ Research on the development of cohesion suggests that several factors may be important.²³⁷ 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.²³⁸ Second, cohesion is stronger in groups whose members like one another.²³⁹ Third, groups that are more rewarding to their members are more cohesive.²⁴⁰ 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 rather than alone.²⁴¹ Fifth, groups are more cohesive when leaders encourage feelings of warmth among followers.²⁴²

Cohesion can have several effects on a group and its members. One positive effect is that the group is easier to maintain.²⁴³ Studies also reveal a positive relationship between group cohesion and performance.²⁴⁴ Another generalization supported by research is that the presence of cohesion is associated with member behavior.²⁴⁵ Harry Prapavessis and Albert Carron examined the interrelationships among

233. *Id.*

234. *Id.* at 503.

235. *Id.* *But see id.* at 494 (collecting studies); *id.* at 503 (citing Lowdewijck & Syroit, *supra* note 197).

236. Albert J. Lott & Bernice E. Lott, *Group Cohesiveness as Interpersonal Attraction*, 64 *PSYCHOL. BULL.* 259, 259 (1965) (citation omitted).

237. *Id.* at 260.

238. *Id.* at 260-62.

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

240. *Id.* at 284 (citations omitted).

241. *See id.* at 264-66.

242. *Id.*

243. *Id.*

244. *Id.* at 277.

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

sacrifice behavior, team cohesion, and conformity to group norms in sports teams.²⁴⁶ They found that sacrifice 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.²⁴⁷ Moreover, the researchers found that individual sacrifice behavior leads to increased social sacrifice, which in turn contributed to increased conformity to group norms.²⁴⁸ This result confirmed earlier findings.²⁴⁹

C. Severity of Initiation on Organizational Liking

Researchers have concluded that severe initiations facilitate greater liking for a group.²⁵⁰ 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.

1. Cognitive Dissonance Theory

Cognitive dissonance theory holds that under the proper conditions, inconsistency among cognitions causes an uncomfortable psychological tension.²⁵¹ A person experiencing dissonance seeks to reduce the tension, often by altering one or more cognitions to bring about a greater degree of consonance.²⁵² 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.²⁵³

No matter how attractive a group is to a person it is rarely completely positive, i.e., usually there are some aspects of the group that

246. *Id.* at 235-36.

247. *Id.* at 231, 235.

248. *Id.*

249. *See, e.g.,* Lott & Lott, *supra* note 236, at 301 (finding that uniformity is not always expected and a positive relationship between cohesiveness and conformity can be predicted).

250. 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).

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

252. *Id.* at 2-3.

253. *See* Hein F.M. Lodewijckx & 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.”).

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.²⁵⁴

Dissonance can be reduced either by denying the severity of the initiation or overvaluing the attractiveness of the group.²⁵⁵ 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.²⁵⁶ The findings of the experiment supported the severity-attraction hypothesis; that is, the subjects in the severe initiation condition evaluated the discussion more favorably than did the mild or control subjects.²⁵⁷ And in a subsequent study, Harold Gerard and Grover Mathewson controlled for the possible effects of heightened sexual arousal induced by the embarrassment test in the severe initiation condition.²⁵⁸ The results of this study were similar to those reported by Aronson and Mills and confirmed the severity-attraction hypothesis.²⁵⁹ 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/she will reduce his/her dissonance by overvaluing the attractiveness of the group.

2. Criticisms of the Dissonance Findings

A study by Jacob Hautaluoma and Helene Spungin examined the contention that a severe initiation leads to greater liking for a group.²⁶⁰ In particular, they noted a potential bias in previous studies—they were based on samples composed mostly of women. Hautaluoma and Spungin therefore attempted to replicate the phe-

254. Aronson & Mills, *supra* note 250, at 177.

255. *Id.*

256. *Id.* at 180.

257. *Id.*

258. Gerard & Mathewson, *supra* note 250 (describing a study also discussed in Lodewijkx & Syroit, *supra* note 197, at 279).

259. *Id.*

260. Jacob E. Hautaluoma & Helene Spungin, *Effects of Initiation Severity and Interest on Group Attitudes*, 30 *J. Soc. PSYCHOL.* 245, 245 (1974).

nomenon with both men and women samples.²⁶¹ Results indicated a gender by initiation condition interaction.²⁶² Specifically, men in the mild initiation condition evaluated the boring group most positively,²⁶³ a finding that suggests gender differences in the severe initiation phenomenon. However, the finding could result from several other factors.

First, the analysis of the initial interest measure showed that men began the experiment much less interested in joining the group than women, which might have affected the subsequent reactions of men to the initiation procedure.²⁶⁴ Second, subjects “who were most interested in joining before the initiation saw the initiation as more severe than did subjects who were little interested in joining.”²⁶⁵ Thus, the evaluations of the group could be a result of the differing perceptions of the initiation procedures.²⁶⁶ If the creation of dissonance is interpreted as dependent upon perceived severity of initiation, then men may have been less susceptible to the dissonance manipulation as a result of their lower initial interest level.²⁶⁷ In sum, Hautaluoma and Spungin’s results somewhat support earlier conclusions about the effects of severe initiations on liking for a group; women liked the group most after a severe initiation, while men like the group most after a mild initiation. Accordingly, gender and interest in joining the group are both potent variables that deserve further examination.²⁶⁸

A later study by Ward Finer, Jacob Hautaluoma, and Larry Bloom also criticized the severity-attraction hypothesis. The researchers compared the effects of severe, mild, and pleasant initiations on attraction to an interesting group.²⁶⁹ This study was unique in that prior studies examined only the effects of severe and mild initiations on attraction to an uninteresting group.²⁷⁰ Results of this study showed no main effect for initiation condition and liking for the interesting group.²⁷¹ Their only significant finding was that all of the sub-

261. *Id.*

262. *Id.* at 251

263. *Id.* at 251, 257.

264. *Id.* at 257.

265. *Id.* at 254.

266. *Id.* at 257.

267. *Id.*

268. *Id.* at 258.

269. Ward D. Finer, Jacob E. Hautaluoma & Larry J. Bloom, *The Effects of Severity and Pleasantness of Initiation on Attraction to a Group*, 111 J. SOC. PSYCHOL. 301, 301 (1980).

270. *Id.*

271. *Id.* at 302.

jects liked the discussion and members of the interesting group more than those of the boring group.²⁷² This data seems to suggest that dissonance is not created when individuals go through severe initiations in order to join an interesting group and, therefore, “attitude formation about initiation may be more complex than originally conceptualized.”²⁷³

3. Alternative Interpretations of the Dissonance Findings

Dependence Theory

Other interpretations have been offered for the results of the Aronson and Mills experiment. For example, Schopler and Bateson contend that the results could be explained in terms of Thibaut and Kelley’s interpersonal dependence theory.²⁷⁴ According to Thibaut and Kelley, all interpersonal relationships involve some degree of dependence and power.²⁷⁵ Dependence can be defined as the degree to which an individual relies on a given partner or relationship for the fulfillment of important needs, or the degree to which an individual “needs” a relationship.²⁷⁶ An individual’s level of dependence is based upon the degree to which that individual’s actions are influenced by the partner’s actions.²⁷⁷ When an individual’s outcomes in a given interaction are determined by his own actions, he will experience low levels of dependence on his partner.²⁷⁸ By contrast, when partner control or joint control determines an individual’s outcomes, the individual will experience high dependence on the partner.²⁷⁹

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.²⁸⁰ 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

272. *Id.*

273. *Id.*

274. Schopler & Bateson, *supra* note 250, at 633.

275. *Id.* at 634.

276. *Id.* at 633-34.

277. *See id.* at 633-36.

278. *See id.*

279. *See id.*

280. *Id.* at 648.

the discussion group most favorably.²⁸¹ 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.²⁸² 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.²⁸³ More generally, it suggests that the subject-experimenter interaction is critical in determining how subjects will rate the group.²⁸⁴

Affiliation Theory

Lodwijckx and 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.²⁸⁵ 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.²⁸⁶ The need for affiliation arises when people do not know how to react or label their emotions in a given situation.²⁸⁷ In other words, people facing threat or danger affiliate in order to compare the appropriateness of their emotional reactions with the reactions of other people.²⁸⁸

Lodwijckx and Syroit's study showed a negative relationship between severity of initiation and attractiveness of the group.²⁸⁹ 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.²⁹⁰ Lodewijckx and Syroit contend these results are consistent with the earlier findings of Schopler and Bateson (a negative relationship between strong embarrassment and group attraction in their severe initiation condition).²⁹¹ The results of both studies contradict the dissonance hypothesis of the

281. *Id.* at 647.

282. *Id.*

283. *Id.* at 637.

284. *Id.* at 648.

285. Lodewijckx & Syroit, *supra* note 197, at 276.

286. *Id.* at 280.

287. *See id.* at 280-81.

288. *See id.* at 281.

289. *Id.* at 286.

290. *Id.* at 287-88, 294-96.

291. *Id.* at 296 (citing Schopler & Bateson, *supra* note 250, at 647).

effects of a severe initiation and indicate that loneliness, depression, frustration, and embarrassment are all important variables in the severity-attraction relationship because these negative moods lead to less favorable cognitions about the group.²⁹² It should be noted, however, that low attractiveness of the group does not necessarily mean that newcomers are willing to leave the group.²⁹³ There are other factors that might weigh equally in the decision to leave or to join. For example, the newcomers might also consider the “[t]he possibility of future friendship bonds with a few individual members and the likelihood of amelioration after the initiation is over” in determining whether they will remain in the group.²⁹⁴

D. Stockholm Syndrome

Stockholm Syndrome is a paradoxical psychological phenomenon wherein affectional bonds develop between hostages and their captors.²⁹⁵ Most individuals working in the field of crisis negotiation agree that “Stockholm Syndrome is an automatic, often unconscious, emotional response to the trauma of victimization.”²⁹⁶ The condition is not a result from a hostage’s rational choice that the most advantageous and safe form of behavior is to befriend his captor.²⁹⁷

Stockholm Syndrome usually consists of three components that may occur separately or in combination with one another: “(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.”²⁹⁸ These characteristics fall along a continuum, such that an individual may show different degrees of each.²⁹⁹ A 2005 study by Paul Wong suggests that individuals with any combination of the following characteristics are most vulnerable:

292. Lodewijkx & Syroit, *supra* note 197, at 296.

293. *Id.* at 298.

294. *Id.*

295. See Nathalie de Fabrique, Vincent B. Hassett, Gregory M. Vecchi & Stephen J. Romano, *Common Variables Associated with the Development of Stockholm Syndrome: Some Case Examples*, 2 J. VICTIMS & OFFENDERS 91, 92 (2007) [hereinafter *Common Variables*]; see also Keating et al., *supra* note 59, at 108 (discussing how severe treatment stimulates the development of Stockholm syndrome in individuals who are taken hostage).

296. *Common Variables*, *supra* note 295, at 92.

297. *Id.*

298. *Id.*

299. See *id.* at 92-97.

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[L]acking 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.³⁰⁰

Accordingly, researchers seeking a better understanding of Stockholm Syndrome should consider both the contextual variables and personality characteristics associated with its development.

A recent study by de Fabrique et al. examines the factors associated with the development of Stockholm Syndrome. First, previous research speculated that a key factor influencing the development of Stockholm Syndrome is the duration of the captivity.³⁰¹ The primary difficulty with this variable is determining what constitutes temporal significance.³⁰² Second, the researchers also cast doubt on the notion that hostage-takers must refrain from physically abusing or verbally threatening the hostage.³⁰³ Third, interpersonal communication and physical proximity are believed to influence the development of Stockholm Syndrome.³⁰⁴ Importantly, de Fabrique and his colleagues' review found that having multiple hostages co-present may have a positive relationship to the appearance of the syndrome. Accordingly, de Fabrique and colleagues suggest that future studies include "[a]n assessment of the personality characteristics of hostages involved in the same incidents where different outcomes occurred[.]" and "of those who have apparently resisted [the syndrome]."³⁰⁵

E. Investment Model

The investment model is a process-oriented theory, based on the constructs of traditional exchange theory and extends the basic principles of interdependence theory.³⁰⁶ 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 relation-

300. *Id.* at 98 (citation omitted).

301. *See id.* at 96.

302. *Id.*

303. *Id.* at 96-97.

304. *Id.*

305. *Id.* at 98.

306. 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).

ships 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.³⁰⁷ Rusbult and Farrell applied the investment model to examine satisfaction, commitment, and turnover in employment relationships and found four variables to influence satisfaction, commitment, and turnover in the workplace: job rewards, job costs, alternative quality, and investment size.³⁰⁸

Satisfaction can be defined as the degree of positive affect associated with a relationship.³⁰⁹ Commitment, however, is a more complex phenomenon. Rusbult and Farrell's investment model posits that satisfaction, quality of alternatives, and investment size work together to produce job commitment.³¹⁰ Rusbult and Farrell define commitment as the "likelihood that an individual will stick with a job, and feel psychologically attached to it, whether it is satisfying or not."³¹¹ Investment size concerns the amount of resources put into a relationship and can be classified as either intrinsic or extrinsic.³¹² Intrinsic investments are resources put directly into the employment relationship (e.g., years of service, non-portable training, non-vested portions of retirement programs), whereas extrinsic investments are resources or benefits developed over time as a result of employment relationships (e.g., housing arrangements that facilitate travel to and from work, friends at work, extraneous benefits uniquely associated with a particular job).³¹³

Rusbult and Farrell's study confirmed the general proposition that employees experience greater job satisfaction when rewards exceed costs, while high rewards, low costs, greater investment of resources, and poor alternative quality induce greater job commitment.³¹⁴ The study also revealed that the process of change—declines in job rewards, increases in job costs, divestiture and poor alternative quality—is what distinguishes employees who stay from those who leave.³¹⁵ The results suggested that declines over time in job commitment mediates turnover.³¹⁶ Subsequent studies should

307. *See id.* at 437.

308. *Id.* at 430-31.

309. *See id.* at 430, 436.

310. *Id.*

311. *Id.* at 430.

312. *Id.*

313. *Id.* at 431.

314. *Id.* at 436.

315. *Id.* at 437.

316. *Id.*

find that decreases in rewards, increases in costs, divestiture, and improvements in alternative quality result in decreases in job commitment, and in turn, job turnover.³¹⁷

F. Making Sense of It All

While these findings underscore the fact that challenging initiatory experiences may serve to commit and bond fraternity and sorority members to each other and to their respective organizations, what about BGLOs? A casual observation of BGLO membership—given their unique structure (i.e., alumni membership and demand for life-long commitment and bonds across geographic space and time)—may suggest that challenging initiatory experiences do not help the organizations meet their membership objectives. But that is an empirical question, and no matter what the answer is, that answer has serious legal implications. If challenging initiatory experiences fail to bring BGLO membership needs into fruition, then the organizations should communicate this fact to their members in concert with the legal risks that hazing poses for the organizations and members. On the other hand, if these experiences bring BGLO membership needs into fruition, then the organizations should develop methods in which to better balance member recruitment with compliance with organizational legal constraints.

V. EMPIRICAL STUDY

There appears to be empirical evidence supporting the beliefs of those BGLO members who assert that “pledging” or violent hazing commits aspiring members to organizational ideals, the organizations, and each other. However, two issues remain. First, and this is mere speculation, it is doubtful that most BGLO members even apprise themselves of the literature reviewed in Section III. Second, if they have, none of this research has been focused on BGLOs, so it is unknown whether and to what extent this scholarship bears on these groups.

At least in theory, what propels this belief-system is anecdotal experience—a personal (or awareness of others who have a) commitment to their respective BGLO’s ideals, members, and the organization itself. What may also support this system of belief is, quite simply, a need for it.

317. *Id.*

In short, BGLO members may hold a biased belief that violent hazing has some utility.³¹⁸ Social cognition research notes the ways in which “hot” or “emotional” concepts have motivational influences on cognition.³¹⁹ Motivated cognition is self-deceptive.³²⁰ For example, challenges to one’s preexisting beliefs trigger negative effects, which in turn, results in an increase in the intensity of cognitive processing.³²¹ That added processing potentially results in new evidence that is more fitting with one’s already-held beliefs. When that new information is affirming of the already-held belief, the urgency dissipates, and the decision-making process ends.³²² In addition, motivated cognition may lead people to gather evidence that is consistent with the beliefs they already hold.³²³ Furthermore, the motivated manner in which people may engage in both of these processes (cognitive processing and seeking-out evidence) may lie outside of conscious awareness.³²⁴ In this section, we provide empirical methods in an attempt to provide answers about the effects of hazing on membership commitment within BGLOs.

A. Methods

1. Sample

The sample ($n=1,357$) was comprised by a female majority (62.1% female) and an overwhelming majority of African-Americans (90.9%), followed by Caribbean (2.8%), African (1.8%), Caucasian (1.1%), and self-identified “others” (3.4%). The mean age was 40.41 (standard deviation=12.9). 96.5% self-identified as heterosexual. 87.1% indicated they were Christian, followed by spiritual, but not

318. It is our contention that proponents of BGLO hazing may believe in hazing’s utility, absent supporting facts, because they are motivated to believe so. Still, a similar finding can be found among BGLO hazing opponents. Aside from the opponents’ moral and legal arguments, arguably, their assertions that hazing does not facilitate the types of commitments that proponents believe are often based on mere anecdotal evidence. Even hard data gleaned from specific BGLOs’ membership rolls often lack nuance, simply focusing on when BGLO members were initiated into their respective organizations.

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

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

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

322. *Id.*

323. *Id.* at 60-61.

324. *Id.* at 60-62.

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religious (7.5%), with others indicating Islam, Bahá'í, Judaism, none, or other.

2. Measures

Attitudes toward Membership Intake Process (MIP). There were eleven items ($\alpha=.91$) used to assess attitudes toward membership intake process as a form of initiation. Items included “MIP has effectively eliminated hazing within my fraternity/sorority,” and “[g]enerally, MIP is sufficient for the needs of my fraternity/sorority.” Items were scored from 1 (strongly disagree) to 7 (strongly agree), with higher values indicating more positive evaluations of MIP.

Membership Process: Participants were asked to describe the process by which they joined the fraternity or sorority. Choices were (1) pledging, (2) membership intake process (MIP), and (3) a combination of pledging and MIP. The modal category was a combination process (43.8%), followed by pledging (32.8%), and MIP only (23.4%).

Current Membership Type: The overwhelming majority (91.5%) of the respondents were alumni, while the remaining (8.5%) were college members.

Chapter Initiation Type: Most (74.1%) of participants indicated they were initiated through a college chapter, with the remaining (25.9%) initiated through an alumni chapter.

Ghost Membership: Members who pledged and crossed into a chapter, but were never initiated into the national organization are referred to as “ghost members.” Only 1.6% fell into this category.

Year of Initiation: There was a wide range of when participants were initiated, from 1945 to 2010 (mean=2002; median=1998).

Fraternity/Sorority: Paralleling gender, the majority of respondents were members of a sorority (60.5%).

Region: Participants were asked to indicate the state in which they were initiated. States were combined to represent major geographic regions in the United States and abroad. Nearly half (47.3%) indicated they were initiated in the southeast. The Midwest was the second most common region (21.0%), followed by the northeast and Washington D. C. (19.3%), southwest (5.0%), west (4.2%), and international (0.8%).

Type of College/University: Most participants (60.5%) attended Historically Black Colleges and Universities (HBCUs), followed by Predominantly White Institutions (PWIs) (38.3%).

Organizational Commitment: Organizational commitment was assessed by a modified version of an organizational commitment scale, developed by John P. Meyer and Natalie J. Allen.³²⁵ The items were adapted to apply to general organizational commitment, as opposed to workplace commitment specifically (which was the original intent of the measure). Three subscales comprise this measure. Affective commitment refers to being emotionally attached, content, and connected to one's organization (7 items; $\alpha=.85$). Continuance commitment (6 items; $\alpha=.80$) describes the fear, difficulty, or having a lack of other options that prevents one from leaving their organization. Lastly, normative commitment (revised) indicates the extent to which an individual feels a sense of obligation, guilt, and loyalty to one's organization (6 items; $\alpha=.88$).

Financially Active Members and Peers: Participants were asked to indicate whether they were currently financially active with their organization, as well as whether the peers with whom they crossed were financially active. These items were strongly correlated ($r=.78$), and thus summed to form a composite measure.

Grade Point Average: Respondents were asked to indicate their grade point average (on a four-point scale) at the end of their membership intake process. The mean GPA listed was 3.05 (standard deviation=.54).

Communication: Participants were asked to indicate how many of the individuals with whom they pledged and crossed have communicated in the last three months. The response categories included none (1), a few (2), some (3), most (4), and all (5). The mean score was 3.03, indicating that the average respondent remains in contact with most of the brothers/sisters with whom they crossed.

Organizational Participation: This construct was assessed with two items: (1) "In the past year, how many of your fraternity/sorority's national programs have you participated in?"; and (2) "In the past four years, how many of your fraternity/sorority's state, regional, or national conferences/conventions have you registered for and at-

325. JOHN P. MEYER & NATALIE J. ALLEN, COMMITMENT IN THE WORKPLACE: THEORY, RESEARCH, AND APPLICATION 116-24 (1997).

tended?” These items were strongly correlated ($r=.68$), and thus summed to form a composite measure.

Hazing Experiences: Participants were asked whether or not they were subjected to hazing as part of their initiation process. They were presented with a total of 27 different acts, ranging from relatively mild and positive (e.g., pledges required to perform community service) to severe and dangerous (e.g., pledges being hit with hands/feet, paddles, or other objects) forms of hazing. The mean number of different acts participants reported was 16.29 (standard deviation=7.44; range 0 to 27), indicating many participants were subjected to a wide variety of hazing behaviors.

3. Procedure

In order to reach as many individuals as possible, we sent emails to several listservs. In 2003, one of the authors began compiling an email list of BGLO members and chapters. From that time until the time of this study, the author selected email addresses from organizational directories and Yahoo! Groups as well as chapter, district, provincial and regional websites for Alpha Phi Alpha, Alpha Kappa Alpha, Kappa Alpha Psi, Omega Psi Phi, Delta Sigma Theta, Phi Beta Sigma, Zeta Phi Beta, Sigma Gamma Rho, and Iota Phi Theta. At the time of this study, the email list contained approximately 30,000 contacts. In the emails and listserv announcements, individuals were provided some basic information that indicated one of the study’s authors was conducting a study about experiences and opinions of Historically Black Colleges and Universities. Recipients were provided a hyperlink to the study.

Once a recipient clicked on the hyperlink, they were redirected to an online survey (using Qualtrics). The survey began with an explanation of the purposes and goals of the study, followed by a question inquiring as to whether or not they were interested in participating. If the recipient checked “yes,” they were redirected to an informed consent page (approved by an institutional review board). Recipients agreed to participate by clicking an acceptance to participate radio button. At that point, recipients became study participants and were asked a series of questions. As detailed above (under Measures), questions were descriptive (e.g., age, race, type of college attended), attitudinal (e.g., organizational commitment), and behavioral (e.g., experiences with hazing). Participants were provided with the opportunity to withdraw at any time. Anonymity was guaranteed.

Specifically, only one author of the study retained the data, which was de-identified by the Qualtrics computer system. Additionally, IP addresses were not collected—rendering submitted responses completely anonymous.

B. Results

1. Beliefs

The mean score on attitudes toward MIP was 40.64 (standard deviation=16.60; range of 12 to 84). This score indicates that many participants endorsed moderate levels of acceptance of MIP, with relatively few either not endorsing it or strongly endorsing it.

The core issues examined in this section are how different aspects of membership, organizational commitment and participation, and demographics are related to attitudes toward MIP. Analyses indicated that the process by which the participant joined the fraternity/sorority was significantly related to the endorsement of MIP ($F_{(2, 1378)}=47.03, p < .001$). Post hoc tests indicate that those who went through MIP had significantly higher evaluations of MIP than those who only pledged or did a combined pledge and MIP. College inductees ($t_{(503,997)}=-6.61, p < .001$) were significantly less likely to hold positive attitudes toward MIP. There were no significant differences in MIP attitudes among current college (as opposed to alumni) members, nor among those who were ghost members (compared to those who were initiated into the national chapter). Those who were initiated more recently ($r_{(1307)}=.06, p=.02$) and had a shorter pledge process ($r_{(1309)}=.10, p < .001$) were more likely to endorse MIP, although these relationships were weak. Lastly, sorority members were significantly more likely to endorse MIP than fraternity members ($t_{(1205,383)}=2.72, p=.007$).

Additionally, evidence demonstrated that there was strong correlation between geographic location of their BGLO chapter and their attitudes about the initiation process. There was significant variation in the endorsement of MIP across geographic regions ($F_{(5, 1372)}=9.37, p < .001$). Post hoc analyses indicate that respondents initiated in the northeast were significantly less likely to hold positive views of MIP compared to those initiated in the southeast, midwest, and southwest. There was no difference between those in the northeast and west. International inductees were more likely than all other regions to positively evaluate MIP. Moreover, the type of educational institution

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was significantly related to the endorsement of the continuation of hazing practices ($F_{(2, 1377)}=6.54, p < .001$). Post hoc tests reveal that those attending historically black colleges are significantly less likely to endorse MIP than those who attend predominantly white institutions. “Other” institutions were not significantly different from historically black colleges or predominantly white colleges.

Organization commitment and participation were largely unrelated to attitudes about MIP. For instance, those who held positive attitudes toward MIP scored higher on continuance commitment ($r_{(1366)}=.05, p=.046$), but lower on normative commitment ($r_{(1370)}=-.06, p=.032$). There was no relationship between MIP attitudes and affective commitment, organizational participation, or being (currently) financially active in the fraternity/sorority.

A variety of demographic factors were also examined. Race, sexual orientation, and religious affiliation were unrelated to views on MIP. Participants who were female ($t_{(1109.44)}=2.61, p=.009$) and older ($r_{(1291)}=.25, p < .001$) were significantly more likely to endorse the continued use of hazing in the future.

Given that the handful of empirical studies on BGLO members’ attitudes about the means by which members were brought into the organizations found that beliefs about the utility of MIP in facilitating commitment to other members, the organizations, and their ideals,³²⁶ we explored those variables as well. We analyzed what percentage of members either agreed or disagreed with the following three questions that were part of the 11-item Attitudes toward MIP measure: (1) MIP is sufficient to build brotherhood/sisterhood among initiates to my fraternity/sorority (Agree, 30.6%; Disagree, 59.8%); (2) MIP is sufficient to help aspirants develop commitment to my fraternity/sorority (Agree, 34.1%; Disagree, 55.6%); and (3) Generally, MIP is sufficient for the needs of my fraternity/sorority (Agree, 27.0%; Disagree, 59.8%).

2. Truth

Several analyses were performed to assess whether the type of initiation was related to important and desired outcomes. Type of initiation was related to GPA ($F_{(2, 1440)}=52.68, p < .001$). Post hoc tests indicate that those who went through MIP had higher GPAs than those who pledged only and those who had a combined pledge and

326. See *supra* notes 138 to 177 and accompanying text.

MIP experience. Those with the combined pledge and MIP had significantly higher GPAs than those who pledged only.

Type of initiation was also related to financial participation of the study participants ($F_{(2, 1593)}=4.50, p=.011$) as well as the peers who crossed at the same time they did ($F_{(2, 1619)}=5.37, p=.005$). Specifically, those who went through MIP were less financially active than those who went through the combined pledge and MIP. Conversely, the financial activity of one's peers (who crossed at the same time) was higher among those who went through MIP compared to those who did the combined pledge and MIP.

Continued communication with individuals with whom one crossed was significantly related to type of initiation ($F_{(2, 1579)}=25.73, p < .001$). Post hoc analyses indicate that those who went through the combined pledge and MIP were significantly more likely to remain in touch with those with whom they crossed compared to both those who pledged only or those who went through MIP only.

For the most part, organizational participation and commitment were unrelated to the type of initiation. For instance, type of initiation was unrelated to organizational participation, continuance commitment, and normative commitment. The only significant relation was with affective commitment ($F_{(2, 1527)}=6.19, p=.002$). Those who went through MIP had lower ratings of affective commitment than those who pledged only or those who went through the combined (pledge and MIP) process.

A second set of analyses focused on whether being hazed was related to specific desired outcomes. Participants were asked whether or not they were subjected to hazing as part of their initiation process. They were presented with a total of 27 different acts, ranging from relatively mild and positive (e.g., pledges required to perform community service) to severe and dangerous (e.g., pledges being hit with hands/feet, paddles, or other objects) forms of hazing. The mean number of different acts participants reported was 16.29 (standard deviation = 7.44; range 0 to 27). These results indicate that many participants were subjected to a wide variety of hazing behaviors.

The next series of analyses focused on what factors related to being hazed. Those who experienced more types of hazing behavior were significantly, but weakly, more likely to be financially active with their organization, ($r_{(1324)}=.07, p=.013$), and have higher ratings on affective ($r_{(1343)}=.13, p < .001$) and normative ($r_{(1335)}=.14, p < .001$) commitment. Yet, being hazed was unrelated to continuance

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commitment. A slightly stronger positive relationship was observed between higher levels of hazing and staying in communication with those who initiated at the same time as the participant ($r_{(1328)}=.26$, $p < .001$). However, being hazed was negatively related to the financial activity of those with whom the participant was initiated ($r_{(1345)}=-.17$, $p < .001$). Lastly, one's level of hazing was unrelated to past year participation in national programs, as well as participation in state, regional, and national conference/conventions attended within the past four years.

CONCLUSION

Black Greek-letter organizations are unique entities with both a particular identity and set of needs. Scholars have argued that the BGLO identity is defined as personal excellence (largely defined in terms of high academic achievement), the development and sustaining of fictive-kinship ties (i.e., brotherhood and sisterhood), and dedication to uplifting African American communities.³²⁷ Accordingly, these organizations need members who are not only committed to these ideals but also committed, in practical ways, to the organizations themselves via dues payment, meeting attendance, and the like. These organizations require that such commitment be long-term if they are to measure-up to their identity-ideal. Their organizational needs, the beliefs among members about how these needs can best be actualized, the factual basis of these beliefs, and the growing constraints of the civil and criminal law, have created a conundrum for BGLOs.

The process by which BGLO members come into their organizations is a complicated matter. Ultimately, it appears that "pledging" has a negative relationship with academic performance among newly initiated BGLO members. Those who define the process by which they were brought into their organization as consisting of both MIP and pledging are more connected to those with whom they were initiated than those who simply pledged or went through MIP. Those who define the process by which they were brought into their organization as having some element of pledging are more financially active with their organization. The opposite must be said for those initiated with respondents. Having some "pledge" experience was also related to

327. See Felix M. Armfield et al., *Defining the "Alpha" Identity*, in ALPHA PHI ALPHA: A LEGACY OF GREATNESS, THE DEMANDS OF TRANSCENDENCE 23, 23-49 (Gregory S. Parks & Stefan M. Bradley eds., 2011) [hereinafter ALPHA PHI ALPHA].

greater affective commitment to one's BGLO than having, simply, gone through MIP. When focusing more specifically on what experiences individuals were subjected to in their pursuit of BGLO members—as opposed to, simply, what they labeled their “process”—those who experienced more hazing were slightly more likely to be financially active as well as be more affectively and normatively committed. Those who experienced more hazing were slightly more likely to stay in contact with those whom they were initiated. Being hazed, however, made those initiated with respondents less likely to be financially active. Importantly, being hazed had no relationship to recent participation in the community uplift activities that BGLOs are known for or for being engaged in the decision-making processes of the organizations. Finally, over fifty percent of BGLO members do not believe that the very process implemented by BGLOs to supplant hazing actualizes the needs of BGLOs, generally, and does not facilitate commitment to the organization or to other members.

In short, these findings contradict the arguments of “pledging” proponents—i.e., that it is a panacea for BGLO ills and is necessary to actualize BGLOs' ultimate identity. These findings also eschew the arguments that MIP advocates embrace—i.e., that “pledging” is an evil that, in total, must be abolished in order to preserve BGLOs. The reality, from this data, is that the story is much more complex. In order to realize BGLO founders' intentions related to personal excellence, fictive-kinship ties, and African American uplift, some elements of the old process are needed to identify, attract, select, and train new members. But they are insufficient to address a wider range of needs that BGLOs have. For example, if BGLOs wish to amplify their role in the areas of civil rights and public policy, they will need several things from their members: intelligence to identify and devise novel solutions to the problems facing African Americans as those problems evolve from decade to decade; dedication to each other that is meaningful and supports systematic cooperation toward problem-solving; a true desire to engage in uplifting activities; and a commitment to ensuring the longevity of the organization(s) that make all of this possible.

The crux of the challenge to BGLOs is that the law places constraints on the ways in which organizations like BGLOs initiate new members. Beliefs can be powerful motivating factors, shaping and driving people's behavior, even in regard to violating the law. This is particularly so when, within organizational contexts, people believe

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their behavior serves the highest ideals of the organization. An understandable response to such behavior is for an organization to internalize law and seek to regulate such behavior,³²⁸ often quite harshly. However, such an approach may be highly ineffective for BGLOs.³²⁹ What may prove a more effective tactic is a focus on what BGLO members claim to hold dear—i.e., their respective organizations. The passing reference, at an organization's national convention, about vague lawsuits pending against the organization does not suffice to curtail hazing within these groups. Rather, a deep education about both civil and criminal law governing these organizations, how they initiate members, and the impact of violations on the organizations, may prove more effective. This is particularly so if facts about the limits of “pledging” are articulated to BGLO members. This deep education, however, necessitates that BGLOs honestly embrace the hard facts as they pertain to what activities help shape the types of members they need. To the extent that these activities violate the law, the organizations must abolish them and find a cogent way to articulate this need for abolishment to its members. But they must also be creative in developing processes that are mindful of both the ceiling that the law (and other factors) place on what types of process they can craft as well as the interstices that are pregnant with possibilities between that ceiling and the conceptual floor.³³⁰

328. See generally Lauren B. Edelman, *When the “Haves” Hold Court: Speculations on the Organizational Internalization of Law*, 33 L. SOC'Y REV. 941 (1999) (analyzing the ability of large beauracratc organization to internalize legal rules).

329. See Cardi et al., *supra* note 34, at 587-88 (finding that although the threat of potential criminal sanctions had a large and statistically significant effect on subjects' stated willingness to engage in risky behavior, the threat of potential tort liability did not).

330. Compare Reddick et al., *supra* note 56, at 279-311, with Oscar Holmes IV, *Hazing and Pledging in Alpha Phi Alpha: An Organizational Behavior Perspective*, in ALPHA PHI ALPHA 313-50 (2012).

