

# Asian American Fraternity Hazing: An Analysis of Community-Level Factors

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## INTRODUCTION

When Asian Americans began entering college during the early twentieth century, they faced institutional barriers to full participation in college life. They were denied on-campus housing, access to scholarship funds, and entrance into fraternal organizations, which included written exclusionary policies prohibiting any non-white and non-Christian membership.<sup>1</sup> Faced with these exclusions, Asian American men and women founded their own fraternal organizations as spaces to provide social support, camaraderie, resources, and ties to the broader ethnic community.<sup>2</sup>

From 1916 through 1970, eleven Asian American fraternities and sororities were established.<sup>3</sup> These organizations were mainly Chinese American or Japanese

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1. Shirley Jennifer Lim, “Girls just wanna have fun”: The Politics of Asian American Women’s Public Culture, 1930–1960 22 (1998) (Ph.D. thesis, University of California Los Angeles) (on file at UCLA library).

2. Edith Wen-Chu Chen, *Asian Americans in Sororities and Fraternities: In Search of a Home and Place*, in *BROTHERS AND SISTERS: DIVERSITY IN COLLEGE FRATERNITIES AND SORORITIES* 83, 85 (C.L. Torbensohn & G.S. Parks, eds., 2009).

3. *Id.* at 85. Most prior research on Asian American sororities and fraternities focuses on sorority members although Asian American fraternity men have seen much more media attention, largely for hazing. Melissa Enanoza, *Student Perceptions and Experiences: Deconstructing Race in Fraternity/Sorority Life 94–96* (2013) (M.A. thesis, University of Southern California) (on file with USC libraries). In one of the most comprehensive studies of Chi Alpha Delta, Lim examined the creation, structure, and activities of the sorority from its founding through the 1960s. Lim, *supra* note 1. She identified Chi Alpha Delta as a mechanism that allowed Asian American women to create a new form of American-ness and femininity, gain acceptance as American through a commonly understood socio-cultural form, and develop and grow Asian American women’s culture. *Id.* In short, Chi Alpha Delta members were able to redefine race/ethnicity, class, and femininity through their sorority membership. *Id.* The sorority acted as a form of American identity making but also affirmation of their Japanese ancestry. *Id.*

Wong’s analyses of Chi Alpha Delta and Theta Kappa Phi also examined the sororities’ identity-making processes. Vivian L. Wong, *Asian Greek Sisterhoods: Archives, Affects, and Belongings in Asian American Sororities, 1929–2015* (2015) (Ph.D. dissertation, University of California Los Angeles) (on file with UCLA library). Through the two organizations’ archives (both formal and informal) including physical memory books, knowledge of membership classes, and activities passed down from generation to generation, the sorority members participated in transformative meaning-making about

American organizations, reflecting the demographics of Asian college students at the time.<sup>4</sup> The majority of Asian American fraternities and sororities were established on the West Coast, where most Asian Americans lived and attended college. Rho Psi, founded in 1916 at Cornell University by Chinese American men, was the first Asian American fraternity.<sup>5</sup> It was founded in 1926 by Chinese American men at the University of California, Berkeley.<sup>6</sup> Shortly thereafter, the first Asian American sororities were founded—Chi Alpha Delta (1928) at University of California, Southern Branch (now UCLA) by Japanese American women, and Sigma Omicron Pi (1930) at San Francisco State Teachers' College by Chinese American women.<sup>7</sup> While these organizations provided much needed relief from the marginalization they felt on their campuses, they often did not receive the full rights and privileges as other college fraternal organizations. For example, Chi Alpha Delta was barred from purchasing a sorority house and restrictive housing covenants barred them from buying property in the immediate vicinity of the university.<sup>8</sup>

World War II and the subsequent Japanese internment halted the expansion of Asian American fraternal organizations. Chi Alpha Delta temporarily disbanded but reorganized at UCLA in 1946.<sup>9</sup> After World War II, Sigma Phi Omega (1949) at the University of Southern California and Theta Kappa Phi (1959) at UCLA were established as primarily Japanese American sororities.<sup>10</sup> While early Asian American fraternities and sororities were largely ethnic-based, with distinct Japanese American or Chinese American fraternal organizations, after the 1970s, organizations were identified as pan-Asian.<sup>11</sup> This may be a reflection of 1960s identity politics and the coining of the term "Asian American" by Asian American activists, which simultaneously asserted their American identity and acknowledged shared experiences of racial discrimination.<sup>12</sup> During the 1970s and 1980s, seven new pan-Asian fraternal organizations were founded in California including two of the largest Asian American organizations—Lambda Phi Epsilon fraternity at UCLA (1981), the only Asian American fraternity to be a member of National Inter-fraternity Council, the umbrella organization for historically white fraternities, and Alpha Kappa Delta Phi sorority at UC Berkeley (1989).<sup>13</sup>

The post-1965 Immigration and Reform Act wave of migration brought about an increase in Asian American college students.<sup>14</sup> Then, the post-1975 refugee acts and the changing demographics in America brought about the overall dramatic

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identity, culture, history, and shared experiences as Asian American college women. *Id.*

4. *Id.* at 86.

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.* at 87.

9. *Id.* at 86.

10. *Id.*

11. *Id.* at 88.

12. *Id.*

13. *Id.*

14. *Id.*

increase in and the introduction of South Asian-specific organizations.<sup>15</sup> Although the general move towards more pan-ethnic Asian organizations continued during this time, the creation of South Asian and Filipino-specific organizations may have been due in part to their distinct racialization,<sup>16</sup> which called into question who fell within the label of “Asian American.”<sup>17</sup> The creation of these South Asian and Filipino-specific organizations could have also been a reflection of the emergence of Asian sub-groups (i.e., East Asians, South Asians, Filipinos), which were often based on similarities in phenotype, history, and religion.<sup>18</sup> Since 1990, approximately forty-five Asian American fraternities and sororities have been founded, including South Asian and Filipino organizations.<sup>19</sup>

Currently, exclusionary race-based policies no longer exist among collegiate fraternal organizations. However, even at universities with relatively large Asian American student enrollment, Asian American students continue to be underrepresented in historically “white” Greek-letter organizations.<sup>20</sup> Where members of such groups, Asian Americans are often relegated to less prestigious chapters and experience racial stereotyping by other members.<sup>21</sup> Studies have examined the perceptions of campus inclusion by Asian American fraternity and sorority members. In one such study across members of the various Greek councils, Enanoza found that compared to the predominately white, Black, and Latino/a organizations, Asian organization members reported receiving less institution support and feeling less valued than members of other Greek organizations.<sup>22</sup> Asian Greek council members also reported experiencing racist joking both within their council and across the various Greek councils with a particular emphasis on model minority jokes.<sup>23</sup> However, the need and desire for Asian American fraternities and sororities highlight the continued marginalization of Asian American students within historically white Greek life and at historically white colleges and universities.<sup>24</sup>

Contemporary research on college student involvement finds that two percent of Asian American college students join Asian American sororities or fraternities.<sup>25</sup> While prior research pointed to the role of Asian American sororities for identity-making, research shows that Asian American men join fraternities as a way to

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15. *Id.*

16. *Id.* at 90.

17. Carina Bauman, *Speaking of Sisterhood: A Sociolinguistic Study of an Asian American Sorority Life* 78 (2013) (Ph.D. dissertation, New York University) (on file with New York University library).

18. CHEN, *supra* note 2, at 90.

19. *Id.* at 89.

20. *Id.* at 91–92.

21. *Id.*

22. Melissa Enanoza, *Student Perceptions and Experiences: Deconstructing Race in Fraternity/Sorority Life* 78 (2013) (M.A. thesis, University of Southern California) (on file with USC libraries).

23. *Id.* at 83.

24. *Id.* at 91.

25. Winnie Hu, *Hazing and Drinking Deaths at Asian-American Fraternities Raise Concerns*, *NEW YORK TIMES* (Oct. 12, 2015), <http://www.nytimes.com/2015/10/13/nyregion/hazing-and-drinking-deaths-at-asian-american-fraternities-raise-concerns.html>.

combat stereotypes about them as nerdy or socially and athletically inferior to other men.<sup>26</sup> Nonetheless, within these organizations, hazing can be seen as a form of hyper-masculinity.<sup>27</sup> A concomitant effect is a form of hazing that may be peculiarly, physically violent.<sup>28</sup> Hazing, like any other type of human problem, has its roots in many different areas and at many different levels. For example, hazing is not simply a matter of the attitudes and beliefs of perpetrators or victims of hazing. As such, that is why solutions that are simply focused on such domains have failed and will continue to do so. A better way to contemplate hazing that is more consistent with research on human behavior is by following Bronfenbrenner's social-ecological model: it provides a method for understanding human behavior based on "intersecting systems" at the individual, interpersonal, organizational, cultural, and societal levels.<sup>29</sup> In this article, the authors use one component of the social-ecological model to analyze hazing. The authors specifically focus on hazing within Asian American fraternities as one example of hazing that arises in a range of organizational contexts. In section I, we provide an overview of some major hazing incidents involving Asian American fraternities that resulted in litigation. In section II, we explore two types of cultural baggage Asian American men may bring with them to college that may influence the ways in which hazing manifests itself in their fraternities. One type is the issue of masculinity, which may result in hyper-masculine conduct, namely, engaging in violence. The other type is the issue of strict rearing, which given an inability to respond to their parents, plays out in displaced aggression towards individuals over whom these young men may come to have authority, i.e., fraternity pledges.

## I. ASIAN AMERICAN FRATERNITY HAZING INCIDENTS

In the past fifteen years, there have been a handful of hazing incidents involving Asian American fraternities. Each incident involved physical violence; several resulted in death and litigation. Specifically, these incidents occurred at the University of California, Los Angeles (UCLA); University of California, Irvine (UCI); University of Texas, Austin; and Baruch College.

### A. DERRICK KOO, MARSHALL LAI, UNIDENTIFIED VICTIM—UCLA

In and about early April, 1998, three UCLA students, Marshall Lai, an eighteen-year-old freshman from Northern California, Derrick Koo, and an unidentified nineteen-year-old sophomore from Orange County were involved in a possible Omega Sigma Tau fraternity hazing incident.<sup>30</sup> Koo was admitted to Alex-

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26. *Id.*

27. *Id.*

28. *Cf.* Gregory S. Parks et al., *White Boys Drink, Black Girls Yell: A Racialized and Gendered Analysis of Violent Hazing and the Law*, 18 J. GENDER, RACE, & JUST. 97 (2015).

29. *Cf.* Dorothy L. Espelage & Susan M. Swearer, *A social-ecological model for bullying prevention and intervention: Understanding the impact of adult communities children live, in THE HANDBOOK OF BULLYING IN SCHOOLS: AN INTERNATIONAL PERSPECTIVE* 61–72 (Shane R. Jimerson & Susan M. Swearer eds., 2010).

30. Lisa Van Proyen, *2 UCLA Students Hospitalized; Officials Looking into Pledge Hazing*,

ian Brothers Hospital in San Jose, and Lai and the sophomore were admitted into the UCLA Medical Center emergency room. The sophomore was released while Koo and Lai were treated for kidney failure.<sup>31</sup> Heavy calisthenics (i.e., running, push-ups, and sit-ups) for at least one hour and dehydration had led to their hospitalization.<sup>32</sup> The UCLA Medical Center emergency room reported the incident to campus police. Campus police interviewed twenty-five of the fraternity's twenty-six pledges.<sup>33</sup> According to Robert Naples, assistant vice chancellor for student affairs and campus life, alcohol did not appear to be a factor.<sup>34</sup> Authorities believe the incidents may have taken place on Monday, the first weekday of spring break, beginning on campus and ending at a beach from where the two were transported to UCLA Medical Center.<sup>35</sup> Twenty-three other pledges also participated in the "boot camp," but experienced no health problems.<sup>36</sup> According to one fraternity member, Eric Chen, the results of the "boot camp" was a "freak incident" and no one is really sure what happened.<sup>37</sup>

Robert Naples indicated that if hazing was responsible for the pledges' injuries, the fraternity and its members could face penalties ranging from suspension to expulsion and that there could be criminal consequences as well.<sup>38</sup> School officials barred the group, Omega Sigma Tau, from all campus activities and buildings during the week of the incident.<sup>39</sup>

#### B. KENNY LUONG—UCI

On August 31, 2005, Kenny Luong, a nineteen-year-old student from California State Polytechnic University, Pomona (Cal Poly Pomona) was injured during a football game that was part of a UCI fraternity, Lambda Phi Epsilon, pledging activity.<sup>40</sup> The football game, during which participants failed to wear pads, ended

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DAILY NEWS (April 3, 1998), available at [http://www.thefreelibrary.com/\\_/print/PrintArticle.aspx?id=83817327](http://www.thefreelibrary.com/_/print/PrintArticle.aspx?id=83817327); Michael Weiner, *Alleged Hazing Victim in Fair Condition at Hospital*, DAILY BRUIN (April 7, 1998).

31. Peter Hartlaub, *UCLA Reports Third Fraternity Pledge in Hospital*, DAILY NEWS OF LOS ANGELES, April 4, 1998.

32. *UCLA Probes Alleged Hazing Incident*, SINOCAST (April 3, 1998); Patrick Kerkstra, *Fraternity Suspended as UCLA Probes Incident*, LOS ANGELES TIMES (April 11, 1998), <http://articles.latimes.com/1998/apr/11/local/me-38208> (finding the pledges were forced to run stairs on UCLA's trademark Janss Steps); Patrick Kerkstra, *UCLA Student Hurt in Initiation is Recovering*, LOS ANGELES TIMES (April 7, 1998), <http://articles.latimes.com/1998/apr/07/local/me-36937>.

33. Sinocast, *supra* note 40; Hartlaub, *supra* note 39 (stating at the time the fraternity was made up of 75 to 80 members).

34. Proyen, *supra* note 37.

35. Proyen, *supra* note 37.

36. Patrick Kerkstra, *"Boot Camp" May Be Ties to UCLA Frat Injuries*, LOS ANGELES TIMES (April 4, 1998), <http://articles.latimes.com/1998/apr/04/local/me-35823>.

37. *Id.*

38. *Id.*

39. Patrick Kerkstra, *Fraternity Suspended as UCLA Probes Incident*, LOS ANGELES TIMES (April 11, 1998) (<http://articles.latimes.com/1998/apr/11/local/me-38208>).

40. H.G. Reza & David Reyes, *Pledge Dies After Frat Game*, LOS ANGELES TIMES (Aug. 31, 2005), <http://articles.latimes.com/2005/aug/31/local/me-fraternity31>.

nine weeks of pledging for Lambda Phi Epsilon.<sup>41</sup> Luong and his friends, hoping to start their own chapter of the fraternity at Cal Poly Pomona, had paired up with the UCI chapter as a first step in founding their own group.<sup>42</sup> Luong died of head injuries at Western Medical Center-Santa Ana. Daniel Dai, twenty-one, said he and eight other pledges played against thirty to forty fraternity members in what was supposed to be the culmination of the pledging process. Luong's injury, he said, resulted from a tackle.<sup>43</sup>

According to an investigation of the incident, Luong, weighing 144 pounds and playing quarterback, took a snap and went down under a blitz, recalled pledge Lenny Nguyen.<sup>44</sup> At the end of the game, only three pledges were left because the rest were too injured to continue playing. Luong was motionless on the field; however, he was merely carried off the field while fraternity members insisted the game continue. When one pledge saw Luong foaming at the mouth, an ambulance was called, and the organizer ordered everyone to get "off the field" and vanish before the police and paramedics arrived, according to Nguyen.<sup>45</sup> Meanwhile, the UCI chapter was placed on "interim emergency suspension," said university spokesman Jim Cohen. Cal Poly spokeswoman Uyen Mai said university officials were saddened by Luong's injuries and were following the Irvine police investigation. She said the school was aware of the students' plan to form a Lambda Phi Epsilon chapter. "But we told them we wouldn't be chartering any new fraternities until 2006," she said.<sup>46</sup> The UCI fraternity was suspended during the investigation and officially disbanded in 2007.<sup>47</sup> Luong's parents filed a wrongful-death<sup>48</sup> lawsuit.<sup>49</sup> Although the football game took place off campus, the suit alleged that the university had failed to properly supervise the fraternity.<sup>50</sup> The lawsuit ended with a \$1.7 million settlement.<sup>51</sup>

### C. PHANTA PHOUMMARATH—UNIVERSITY OF TEXAS, AUSTIN

The body of Phanta "Jack" Phoummarath, an eighteen-year-old pre-computer science major from Houston, Texas was discovered on December 10, 2005, at the University of Texas, Austin Lambda Phi Epsilon fraternity house.<sup>52</sup> The

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41. *Id.*

42. Maria Jo Fisher and Jennifer Muir, *UCI Suspends Fraternity After Death of Pledge 19*, ORANGE COUNTY REGISTER (Sept. 1, 2005).

43. Reza & Reyes, *supra* note 48.

44. Roy Rivenburg, *UCI Fraternity Are Sued Over 2005 Death of Pledge*, LOS ANGELES TIMES (April 25, 2007), available at <http://articles.latimes.com/2007/apr/25/local/me-haze25>.

45. Fisher & Muir, *supra* at 50.

46. Reza & Reyes, *supra* note 48.

47. Fisher & Muir, *supra* at 50; My-Thuan Tran, *Fraternity pays a price for a party that got out of hand*, LOS ANGELES TIMES (Oct. 12, 2009), <http://articles.latimes.com/2009/oct/12/local/me-lambdas12>.

48. Rivenburg, *supra* note 52.

49. Marla Jo Fisher, *Parents to sue UCI over death*, ORANGE COUNTY REGISTER (April 25, 2007, 1:17 PM), <http://www.ocregister.com/articles/game-65001-fraternity-hazing.html>.

50. Rivenburg, *supra* note 52.

51. Hu, *supra* note 32.

52. Robert Crowe & Janet Elliott, *UT student died of alcohol poisoning*, HOUSTON CHRONICLE

Travis County chief medical examiner ruled that acute alcohol poisoning caused Phoummarath's death.<sup>53</sup> Lambda Phi Epsilon fraternity members had scrawled all over Phoummarath's body.<sup>54</sup> On the right side of Phoummarath's head, a word often deemed derogatory toward gays was written with green marker, the report stated. Pictures of male and female genitalia, along with cryptic words, were drawn over his body. On his ankle, a heart and the words "your big sis" were written in red ink, along with a girl's name followed by "I'm always here for you." Phoummarath's lips, ears and toenails were stained with black and green marker ink. Between images of a pit bull dog and an alien drawn on his chest, "Congrats" was inscribed. A girl's name and heart were inscribed nearby. Other obscene images and words were scrawled over his body.<sup>55</sup> According to another report, partygoers used green and black markers to write "FAG," "I'm gay," and "I AM FAT" on Phoummarath's head, face, torso, legs, and feet. Someone also added drawings of naked men and women and blackened his toenails.<sup>56</sup> In the autopsy report, Dr. Roberto J. Bayardo, the former Travis County medical examiner, ruled that Phoummarath died accidentally from alcohol poisoning. The report showed his blood-alcohol level was 0.41, more than five times the legal limit in Texas.<sup>57</sup>

From an investigation by the Dean of Student's office, it was discovered that Phoummarath was at the fraternity house Friday evening for a party welcoming new members. Although Benny Chan, the fraternity's president at the time, would not comment on what happened at the house Friday night saying he did not want to interfere with the investigations, Chan indicated that the fraternity did not serve alcohol to pledges and stressed that Phoummarath was not a pledge but a "full-fledged member." When asked whether that meant Phoummarath drank alcohol at the fraternity house during Friday's party, Chan declined to comment.<sup>58</sup>

The investigation further found that new members were expected to consume large amounts of liquor when they were being presented as active members. Further, new members were subject to paddling and interrogation in lineups, had to shave their heads, and were required to clean rooms and do laundry of active members, all activities considered to be hazing by the university. The investigation also found the pledges had engaged in football games with active members without appropriate protection.<sup>59</sup>

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(Dec. 16, 2005), <http://www.chron.com/news/houston-texas/article/UT-student-died-of-alcohol-poisoning-1575002.php>.

53. *Id.*

54. Robert Crowe, *Autopsy: Obscene words on UT student's body*, HOUSTON CHRONICLE (Jan. 10, 2007, 6:30 AM), <http://www.chron.com/news/houston-texas/article/Autopsy-finds-obscenities-on-UT-student-s-body-1555002.php>.

55. *Id.*

56. Stephen Smith, *Dead Frat Pledge's Body Defaced*, CBSNEWS (Jan. 10, 2007, 9:12 AM), <http://www.cbsnews.com/news/dead-frat-pledges-body-defaced>.

57. Crowe, *supra* note 63.

58. Crowe & Elliott, *supra* note 61.

59. Janet Elliott, *UT Student's Alcohol Level Over 6 Times Legal Limit*, HOUSTON CHRONICLE (Jan. 1, 2006, 6:30 AM), <http://www.chron.com/news/houston-texas/article/>

On December 9th, the eve of Phoummarath's death, pledges in formal attire were inducted in a candlelight ceremony that involved each taking a shot of liquor, followed by paddlings. Then big brothers required the pledges to finish the bottle of liquor. Now full members, Phoummarath and the others allegedly joined in drinking as many as eight bottles of liquor, including vodka, rum, and whiskey. Shortly after midnight, Phoummarath's fraternity big brother escorted him to pass out on a mattress in a living room where the freshman then vomited on a blanket.<sup>60</sup>

University of Texas officials stripped Lambda Phi Epsilon of its student organization status for six years.<sup>61</sup> During the suspension, returning and new members were required to sign a non-hazing statement. Each member was required to participate in five hours of community service and three hours of educational programming per semester. The fraternity was also required to hold and attend a risk management workshop that included information on hazing and alcohol.<sup>62</sup>

Phoummarath's parents filed a lawsuit in Harris County court.<sup>63</sup> Named in the lawsuit were Lambda Phi Epsilon National Fraternity Incorporated and its Zeta chapter in Austin.<sup>64</sup> Also named were several members of that chapter, including Chan, its president at the time of Phoummarath's death.<sup>65</sup> The family's lawsuit contended that after encouraging Phoummarath to drink large amounts of alcohol at the party, fraternity members neglected to get medical help after finding him unconscious.<sup>66</sup>

A judge's ruling cleared the way for the University of Texas to give a Travis County grand jury the records of an internal investigation into Phoummarath's death. Four students who were at the Lambda Phi Epsilon house party filed motions to prevent the information from being turned over to the grand jury. The presiding judge denied two motions to quash filed by the students. They had asserted their Fifth Amendment privilege against self-incrimination as a reason to prevent disclosure of the investigation by the University of Texas' Dean of Students Office. The students also objected to the release of the records under the Family Educational and Privacy Rights Act (FEPR), which restricts disclosure of student records. Claire Dawson-Brown, an assistant district attorney, said the student privacy law

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UT-student-s-alcohol-level-over-6-times-legal-1892153.phpv.

60. Lisa Falkenberg and Janet Elliott, *A year after UT pledge's death, 3 are indicted: Former officers of the fraternity face multiple misdemeanors in '05 binge fatality*, HOUSTON CHRONICLE (Dec. 14, 2006, 6:30 AM), <http://www.chron.com/news/houston-texas/article/A-year-after-UT-pledge-s-death-3-are-indicted-1886177.php>.

61. *Id.*

62. Janet Elliott, *UT Frat Cited In Hazing That Turned Fatal*, HOUSTON CHRONICLE (Dec. 21, 2005), <http://www.chron.com/news/houston-texas/article/UT-fraternity-cited-in-hazing-that-turned-fatal-1916765.php>.

63. *Family Files Lawsuit in Fraternity Death*, MYPLAINVIEW (Jan. 26, 2006, 12:00 AM), available at [http://www.myplainview.com/article\\_c4c66995-2a67-500e-ba7a-7c47062b2fbd.html](http://www.myplainview.com/article_c4c66995-2a67-500e-ba7a-7c47062b2fbd.html).

64. Dale Lezon, *UT Fraternity is Being Sued*, HOUSTON CHRONICLE (Jan. 27, 2006, 6:30 AM), <http://www.chron.com/news/houston-texas/article/UT-student-s-death-at-frat-party-spurs-lawsuit-1883636.php>.

65. *Id.*

66. *Id.*

has an exception for criminal investigations. “The grand jury subpoenas overcame any kind of protection they argued that FEPPA gave them,” she said.

On January 30th, the grand jury subpoenaed records including reports and witness statements regarding Phoummarath. The university notified the students in accordance with its policies regarding the confidentiality of student educational records.<sup>67</sup>

The Travis County Attorney’s Office also filed misdemeanor charges against the Lambda Phi Epsilon-Zeta Chapter for five counts of hazing Phoummarath and the other pledges. County Attorney David Escamilla said this was one of the first and most comprehensive probes into “the whole ritual and initiation process” that he had seen in twenty-one years.<sup>68</sup> Fraternity president Chan was indicted on seven counts of furnishing alcohol to a minor and twenty-two counts of hazing; pledge captain Andrew Nguyen was indicted on seven counts of furnishing alcohol to a minor and twenty-eight counts of hazing; and Kamal Pulukuri was indicted for fourteen counts of hazing. All were misdemeanor charges. In a rare move, grand jurors issued a letter with the indictments.<sup>69</sup> The three escaped felony charges. Although Phoummarath allegedly was required to consume alcohol earlier in the evening as part of his initiation ceremony, the grand jury did not find evidence that the eighteen-year-old was forced to keep drinking after his induction.<sup>70</sup>

#### D. CHUN MICHAEL DENG—BARUCH COLLEGE

On December 9, 2013, Chun Michael Deng, a nineteen-year-old freshman studying finance at Baruch College, died after being hazed by Pi Delta Psi fraternity members.<sup>71</sup> Pi Delta Psi fraternity members rented a house in Tunkhannock Township, in the Pocono Mountains about 100 miles west of New York.<sup>72</sup> David Christine, the Monroe County District Attorney, said this was not the first time Pi Delta Psi had come to the Poconos. “They’ve rented a place before in the Poconos,” he said, calling it a “preplanned event where they rent a house and plan a pledging ritual.”<sup>73</sup>

67. Janet Elliott, *Judge denies effort to quash files about UT student’s death*, HOUSTON CHRONICLE (March 21, 2006, 5:30 AM), <http://www.chron.com/news/houston-texas/article/Bid-to-quash-files-about-UT-student-s-death-denied-1564495.php?cmpid=gsa-premiumchron-result>.

68. Lisa Falkenberg and Janet Elliott, *A year after UT pledge’s death, 3 are indicted: Former officers of the fraternity face multiple misdemeanors in ‘05 binge fatality*, *supra* note 69.

69. *Id.*

70. *Id.*

71. Michael Rubinkam & Jake Pearson, *Pa. DA: Charges Coming in Death of NYC Student*, The Associated Press (Dec. 13, 2013), available at <http://www.registerstar.com/content/tncms/assets/v3/eedition/5/3e/53e5b2da-fe7d-5128-8aa8-05606b21d84c/52ab0fadcb71f.pdf.pdf>; Joe McDonald, Caitlin Nolan, and Larry McShane, *Baruch student killed in frat stunt left untreated for hour: court papers*, New York Daily News (Dec. 12, 2013, 4:01 PM), <http://www.nydailynews.com/new-york/charges-await-baruch-college-pledge-death-article-1.1545933>; Andrew Scott, *Details of Tunkhannock Frat Death Emerge from Affidavits*, POCONO RECORD (Dec. 14, 2013, 12:01 AM), <http://www.poconorecord.com/article/20131214/NEWS/312140317>.

72. Rubinkam & Pearson, *supra* note 80.

73. Bob Fredericks, *DA charge frat members in hazing death*, NEW YORK POST (Dec. 13, 2013, 4:46 AM), <http://nypost.com/2013/12/13/da-to-charge-frat-members-in-hazing-death?iframe=true&preview=true>.

According to Assistant District Attorney Kimberly Metzger, Sheldon Wong, the fraternity chapter's pledge educator, was responsible for coordinating the fraternity event, and he was responsible for that weekend's transportation and helping set up the hazing ritual.<sup>74</sup>

As one of four pledges,<sup>75</sup> Deng was forced to play the game known as "Glass Ceiling," which required Deng to sprint blindfolded while lugging a heavy backpack toward a member shouting his name while others tackled him.<sup>76</sup> Reportedly, Deng was ten feet from his goal when he was knocked unconscious.<sup>77</sup> Fraternity members then carried him inside the house, where he remained for some time before members Danny Chen, Sheldon Wong, and Charles Lai drove Deng to Geisinger Wyoming Valley Hospital in Wilkes-Barre.<sup>78</sup> It is unclear how much time they waited, but according to a police affidavit, fraternity members changed him while he was unconscious from his cold and wet clothing into a dry outfit. They searched his symptoms on Google prior to driving him to the hospital.<sup>79</sup>

According to an affidavit, Deng was already brain dead when they reached the hospital at 6:42 a.m., on Sunday.<sup>80</sup> Officials said the fatal injury occurred some time between 5:00 a.m., and 5:30 a.m., as Deng was repeatedly tackled by several fraternity brothers.<sup>81</sup> He was first placed on life support and then died from head injuries due to blunt force trauma.<sup>82</sup> Deng had no alcohol or drugs in his system.<sup>83</sup> However, police said that they recovered hallucinogenic mushrooms, paddles, photocopied papers on torture, a pair of boxing gloves, a nineteen-page guide to fraternity initiation, twenty-five cell phones,<sup>84</sup> laptops, bags, Apple Macbooks, and clothing.<sup>85</sup> The mushrooms, along with some marijuana, were found inside a luxury Acura MDX SUV belonging to one of the thirty Pi Delta Psi fraternity members. Also, five pledge paddles were found in three other cars.<sup>86</sup>

The three fraternity brothers who took Deng to the hospital initially told investigators he had been injured when he fell and hit his head wrestling out in the snow. Later, they told authorities about the Glass Ceiling and said that it had been

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74. Kevin Kunzmann, *5 Charged with Murder in 2013 Poconos Frat Hazing Death*, POCONO RECORD (Oct. 22, 2015, 5:30 PM), <http://www.poconorecord.com/article/20151022/NEWS/151029856>.

75. Rubinkam & Pearson, *supra* note 80.

76. Bob Fredericks, *supra* note 82.

77. Scott, *supra* note 80.

78. *Id.*

79. *Id.*

80. McDonald, Nolan, and McShane, *supra* note 80.

81. *Id.*

82. Kunzmann, *supra* note 83.

83. Tyler Kingkade, *Baruch College Hazing Death: Police Say Brothers Tried to Hide Fraternity Ties*, HUFFINGTON POST (Dec. 16, 2013, 6:38 PM), [http://www.huffingtonpost.com/2013/12/15/baruch-college-hazing-death-deng\\_n\\_4450369.html](http://www.huffingtonpost.com/2013/12/15/baruch-college-hazing-death-deng_n_4450369.html).

84. Scott, *supra* note 80.

85. *Id.*

86. Joe McDonald, Ben Chapman, and Larry McShane, *Baruch College hazing death: Torture info, drugs found cops say*, NEW YORK DAILY NEWS (Dec. 14, 2013, 11:51 PM), <http://www.nydailynews.com/news/national/baruch-college-hazing-death-torture-info-drugs-found-cops-article-1.1546956>.

dark outside and they did not know who may have pushed Deng. After the police interviewed Chen, Wong, and Lai at the hospital, police learned that Lai, during the interviews, had made a cellphone call back to the house, telling a frat brother there to “dispose of all fraternity memorabilia and items.”<sup>87</sup> Police said Lai later admitted to having made the phone call.<sup>88</sup> Upon further investigation, it was found that Pi Delta Psi Executive Vice President Andy Meng may have played a role in a possible cover-up by advising fraternity members to ditch all Pi Delta Psi items before police arrived.<sup>89</sup> Meng, thirty, and four other frat members were released on \$50,000 bail each following a preliminary hearing.<sup>90</sup>

In September, 2015, the first five of thirty-seven suspects in Deng’s hazing death appeared in a Pennsylvania courtroom to face charges. Five men, including the former national president of the Pi Delta Psi fraternity, were arraigned on three felony counts related to what police say was an effort to conceal the crime as well as one misdemeanor charge of hazing. The five members were charged with third-degree murder, carrying a penalty of up to twenty years in prison.<sup>91</sup> A magistrate released them on \$50,000 unsecured bail and set a preliminary hearing date.<sup>92</sup> Later that same month, ten new defendants were charged with hindering apprehension, hazing and criminal conspiracy.<sup>93</sup> In October, 2015, several more Pi Delta Psi members—Andrew Cho, Norman Chuk, Ronald Chu, Michael Chin, Ka Wing Yeun, Jimson Cheong, Justin Shen, Jimmy Mei, Julio Hewu, Jonathan Yu, and Peng Wang—were each charged with two counts of hindering apprehension, hazing and criminal conspiracy.<sup>94</sup>

In October, 2015, six more members were arraigned before the Magisterial District Judge Richard Claypool. Their sentences included the following: Brian Choong, twenty-four, was charged with hindering apprehension/prosecution, criminal conspiracy, simple assault and hazing; David Chen, twenty-one, was charged with hindering apprehension/prosecution, criminal conspiracy, simple assault and hazing; Revel Deng, twenty-four, was charged with hindering apprehension/prosecution, criminal conspiracy, possession of a controlled substance, possession of drug paraphernalia and hazing; Steven Chen, twenty-one, was charged with hindering apprehension/prosecution, criminal conspiracy, simple assault and hazing;

87. Scott, *supra* note 80.

88. Scott, *supra* note 80.

89. Joe McDonald and Joe Kemp, *Upper ranks of fraternity eyed in probe of Baruch College student death*, NEW YORK DAILY NEWS (Dec. 20, 2013, 4: 40 PM), <http://www.nydailynews.com/news/national/upper-ranks-fraternity-eyed-probe-baruch-college-student-death-article-1.1552697>.

90. Lorena Mongelli, *Rep. ’s Sib Told Me to Hide Frat Slay*, New York Post (Sept. 18, 2015).

91. *Guest View: Fraternity Hazing Tragedy Carries Lessons for All*, Daily Messenger (Sept. 22, 2015).

92. *5 Arraigned in Hazing Death of New York City College Student*, University Wire (Sept. 17, 2015, 19:06:19).

93. David K. Li and Bruce Golding, *10 more frat brothers charged in ritual hazing death*, NEW YORK POST (Sept. 22, 2015, 12:11AM), <http://nypost.com/2015/09/22/10-more-frat-members-charged-in-hazing-death>.

94. Kevin Kunzmann, *Police: 11 More Charges in Poconos Hazing Death of NYC Student*, POCONO RECORD (Oct. 1, 2015, 4:04 PM), <http://www.poconorecord.com/article/20151001/news/151009965>.

Steffan Loh, twenty-one, was charged with aggravated assault, hindering apprehension/prosecution, criminal conspiracy, simple assault and hazing; and Anthony Phung, twenty-four, was charged with aggravated assault, hindering apprehension/prosecution, criminal conspiracy, simple assault and hazing.<sup>95</sup>

Steffan Loh identified himself as one of the people who had tackled Deng during the ritual. Loh said that he, Brian Choong, and David Chen left the house with other members the following morning, after Deng was taken to the hospital but before police had arrived. According to his attorney, Loh, at the time, was a sophomore at St. John's University, lived in the country on an immigration green card for several years, and was currently seeking citizenship. Phung, at the time, was enrolled in school and working at a County Clerk's office in New York. Both Loh and Choong were classified as "flight risks" and required to surrender their passports if they were to post bail, which was set at \$150,000 each. David Chen was given a \$50,000 secure bail and was transported to the Monroe County Correctional Facility along with Loh and Choong.<sup>96</sup>

The following defendants were fraternity members from New York state: Allen Wong, twenty-four; Danny Chen, twenty-three; Theodore Sung, twenty; Christopher Ly, twenty-two; Andy Meng, thirty; Benny Yan, twenty-one; Allen Chen, twenty-one; Grant Chen, twenty-four; and Curtis Chung, twenty.<sup>97</sup> Nine of the thirty-seven fraternity members charged in connection with the death of Deng appeared before Magisterial District Judge Richard Claypool in Pocono Pines, Pennsylvania. At the last minute, eight of them opted to go without a hearing, and the ninth was granted a postponement. The hearing would have given prosecutors their first opportunity to outline their cases against the fraternity members. Those cases were set to advance to the Monroe County Court of Common Pleas in Stroudsburg.<sup>98</sup>

Fraternity members Charles Lai, twenty-four; Raymond Lam, twenty-two; Kenny Kwan, twenty-six; Sheldon Wong, twenty-three; and Daniel Li, twenty-three, were arraigned on charges that include murder, aggravated assault, hindering apprehension, involuntary manslaughter, simple assault, hazing, and conspiracy at the office of Magisterial District Judge Richard Claypool. Lai and Kwan were additionally charged with counts of drug possession and paraphernalia. Police uncovered marijuana in their possession during the investigation. Lai, Lam, Kwan, and Wong were arraigned together because of their related involvement in Deng's death. Assistant District Attorney Kimberly Metzger alleged that Lai, Lam, and

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95. *Six More to be Arraigned in 2013 Death of Baruch Student*, POCONO RECORD (Oct. 14, 2015, 7:27 PM), <http://www.poconorecord.com/article/20151014/NEWS/151019726>.

96. Andrew Scott, *Last 2 frat members arraigned in fatal 2013 hazing case in the Poconos*, POCONO RECORD (Oct. 27, 2015, 4:30 PM), <http://www.poconorecord.com/article/20151027/NEWS/151029528>.

97. David DeKok, *Hearings Set for New York Fraternity Brothers in Pennsylvania Hazing Death*, REUTERS NEWS (Oct. 16, 2015, 15:33:22).

98. David DeKok, *Update: New York Fraternity Members Waive Hearing in Pennsylvania Hazing Death*, REUTERS NEWS (Oct. 16, 2015, 4:24 PM), <http://www.reuters.com/article/us-usa-pennsylvania-fraternity-idUSKCN0SA20C20151016>.

Kwan each participated in the hazing ritual that caused Deng's fatal injuries. A \$500,000 bail was set for each of the four. They were processed at the Monroe County Correctional Facility and were required to surrender their passports to the magistrate. Lam posted bail and entered a plea of not guilty prior to his preliminary hearing. Wong also posted bail. Meanwhile, Lai and Kwam were sent to be processed at the correctional facility.

Daniel Li, then serving as the fraternity chapter president, was arraigned on the same charges as Lam and Wong. Li was noted for having failed to react to Deng's complaints of pain. His bail was set at \$150,000, under the same conditions as the other four fraternity members, to which he posted no objection. Warrants for arrests were issued for another two members, Steven Chen and Revel Deng. They both faced criminal charges of hindering apprehension and prosecution, criminal conspiracy, and hazing. Chen faced separate charges of aggravated assault and simple assault, and Revel Deng was additionally charged with possession of controlled substances and drug paraphernalia.

Pi Delta Psi Fraternity was also arraigned as a corporation and charged with third degree murder, aggravated assault, hindering apprehension, involuntary manslaughter, simple assault, and hazing. The fraternity was represented by attorney Wes Niemoczynski who said that the fraternity could face financial repercussions if found guilty of the charges. The members being charged in Deng's death were considered suspended from the fraternity, pending the charges.<sup>99</sup> Lai, Lam, Kwan, Wong, and Li were the last remaining defendants charged and faced the most serious charges of the thirty-seven people accused in connection with Deng's death.<sup>100</sup>

Li ultimately testified against his four Baruch College fraternity brothers charged with third-degree murder.<sup>101</sup> In his testimony, he told prosecutors that the national office of his former fraternity publicly pretended to condemn hazing. Apparently, a special fraternity e-mail address was used to notify the main office if a pledge was seriously injured during hazing, which allowed the organization to come up with an explanation. Pledges were encouraged to lie to police if questioned, Li added. Li witnessed the final moments of Deng's hazing and saw Kwan crash into him. Li also admitted that he did not have authority to stop the "glass ceiling" ritual but others did.<sup>102</sup>

Baruch representatives stated that the school had a zero-tolerance policy on hazing and was also investigating the incident.<sup>103</sup> The college cooperated fully with law enforcement officers in the investigation.<sup>104</sup> Spokesman Christina Latouf stat-

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99. Kevin Kunzmann, *supra* note 83.

100. Amy He, *Frat Members Arraigned in Hazing Death of Student*, 19, China Daily (Oct. 23, 2015).

101. *Ex-frat officer Testifies Against Brothers in Pledge's Death*, U-Wire (Nov. 30, 2015).

102. Jack Freifelder, *Judge Orders Trial in Hazing Case*, China Daily (Dec. 2, 2015) (2015 WLNR 35616753).

103. Bob Fredericks, *supra* note 82.

104. Manuel Gamiz Jr., *Pocono police investigating death of N.Y. college student in hazing ritual*, THE MORNING CALL (Dec. 12, 2013), available at [http://articles.mcall.com/2013-12-12/news/mc-poconos-college-fraternity-hazing-death-investi-20131211\\_1\\_fraternity-ritual-poconos](http://articles.mcall.com/2013-12-12/news/mc-poconos-college-fraternity-hazing-death-investi-20131211_1_fraternity-ritual-poconos).

ed that Pi Delta Psi members had signed a current version of the school's anti-hazing policy in September. According to the student handbook, student organizations that violate the policy can be immediately suspended from the university and that the organization is entitled to a hearing within seven days of its suspension.<sup>105</sup> According to Baruch officials, the campus rights and privileges of the fraternity were immediately suspended, with disciplinary action against individuals a possibility.<sup>106</sup> Pi Delta Psi terminated its affiliation with its Baruch College chapter. The Baruch chapter "has violated the values and rules of our organization, including our strict no-hazing policy," the fraternity said in a statement on its website. "As a result, they shall no longer be recognized as having any association with Pi Delta Psi."<sup>107</sup>

Baruch College banned all Greek rush and pledge activities shortly after Deng's family filed a wrongful death lawsuit for \$25 million against the college.<sup>108</sup> Furthermore, Baruch imposed a moratorium in fall of 2014 on pledging activities for all fraternities and sororities on campus and it conducted its own judicial review of students involved in the incident.<sup>109</sup>

## II. VIOLENT HAZING

Empirical research suggests that the nature of hazing within collegiate fraternities is not uniform across different types of groups. For example, with regards to African American fraternities, it is argued that hegemonic masculinity undergirds the ways in which hazing manifests itself.<sup>110</sup> It has been contended that historically white fraternities have more of an issue with alcohol and substance abuse, particularly vis-à-vis African American fraternities.<sup>111</sup> Contemporary research shows that at least when comparing historically white and African American fraternities, alcohol and violence emerge disproportionately within the respective groups.<sup>112</sup> For example, with regards to African American fraternities, it is argued that hegemonic

105. *Fraternity Involved in Tunkhannock Township Death Ousted From College*, POCONO RECORD (Dec. 18, 2103, 12:01 AM), <http://www.poconorecord.com/article/20131218/NEWS/312180319/0/SEARCH>.

106. McDonald, Chapman, & McShane, *supra* note 95.

107. *Fraternity Boots Chapter After Hazing Death*, Chicago Tribune, PRESS READER (Dec. 18, 2013), available at <http://www.pressreader.com>.

108. Alexandra Svokos, *Baruch College Bans Rushing and Pledging After Student Death and Lawsuit*, HUFFINGTON POST (May 08, 2015, 5:01 PM), [http://www.huffingtonpost.com/2015/05/08/baruch-college-pledge-ban\\_n\\_7244358.html](http://www.huffingtonpost.com/2015/05/08/baruch-college-pledge-ban_n_7244358.html).

109. Tina Susman, *37 face charges in fraternity death blaming on 'brutal' hazing ritual*, LOS ANGELES TIMES (Sept. 15, 2015, 9:37 AM), <http://www.latimes.com/nation/nationnow/la-na-new-york-fraternity-hazing-indictments-20150915-story.html>.

110. Hegemonic masculinity theory suggests that the way in which masculinity is defined extols the virtues of "heteronormativity, aggression, activity, sports-obsession, competitiveness, stoicism, and not being female or feminine." Jamie R. Abrams, *The Collateral Consequences of Masculinizing Violence*, 16 WM. & MARY J. WOMEN & L. 703, 711 (2010).

111. Tyra Black et al., *Racism, Sexism, and Aggression: A Study of Black and White Fraternities, in AFRICAN AMERICAN FRATERNITIES AND SORORITIES: THE LEGACY AND THE VISION* 363–92 (Tamara L. Brown et al. eds., 2005).

112. Gregory S. Parks et al., *White Boys Drink, Black Girls Yell: A Racialized and Gendered Analysis of Violent Hazing and the Law*, 18 J. GENDER, RACE, & JUST. 97, 147 (2015).

masculinity undergirds the ways in which hazing manifests itself within African American fraternities. In this section, we explore two types of cultural dynamics that may influence Asian American fraternity members' methods of hazing prospective members—i.e., notions of hypermasculinity and their experiences of parenting and discipline.

#### A. HYPERMASCULINITY

The pressure a young man feels to conform to the societal standard of masculinity is sometimes brought to extremes in the context of fraternity life. Hopeful members are often asked to prove their masculinity in order to gain membership and status with the groups. The tasks they are asked or forced to do can include navigating physically and emotionally harmful situations. Sometimes they are humiliated in front of others or forced to humiliate other people. Extreme masculinity and fraternities often go hand-in-hand because of the gendered division of the groups. As noted by Alan DeSantis, “traditional ideas of masculinity and femininity are reaffirmed—and, in some cases, even reformed or replaced.”<sup>113</sup> This affirmation of gender norms is due to the fact that fraternities are subcultures that have their own expected gender performance. Future members must perform their expected role perfectly, or, in some instances, they simply will not be given a bid for membership at all. Recruiting new members is important to existing brothers because it shapes the future character of the group. Members are likely to give bids to newcomers that are similar to themselves and who exemplify high-status masculinity.<sup>114</sup> Levine and Sussman found that potential members who were of higher socioeconomic status and were more gregarious were more likely to receive a bid. The young men from lower-income families had to prove themselves to be more sociable in order to make up for their less-than-desirable economic status.<sup>115</sup> Levine and Sussman concluded that these values for selection reflect both the American standard for masculinity as well as the American class system.

The greatest gender performances expected from fraternity members come after they are chosen to receive a bid. Most groups require that their new members complete a series of hazing rituals before they can be fully initiated members. Many of the tasks they are asked to complete require that they prove their manhood by being physically and mentally strong. Some fraternity men describe hazing rituals as “the key to brotherhood.”<sup>116</sup> However, hazing rituals often first attempt to feminize and humiliate the pledges in order to emphasize the superiority of masculine characteristics and assert the existing members' dominance over the pledges.<sup>117</sup> These rituals often stress the importance of masculinity by stressing the idea that

113. ALAN D. DESANTIS, *INSIDE GREEK U.: FRATERNITIES, SORORITIES, AND THE PURSUIT OF PLEASURE, POWER, AND PRESTIGE* 19 (Univ. of Ky. Press, 2007).

114. LIONEL TIGER, *Males Courting Males*, in *THE HAZING READER* 14–18 (Hank Nuwer ed., 2004).

115. Gene Norman Levine & Leila A. Sussmann, *Social Class and Sociability in Fraternity Pledging*, 65 *AM. J. SOC.* 391 (1960).

116. Desantis, *supra* note 122, at 153–190.

117. MICHAEL KIMMEL, *GUYLAND: THE PERILOUS WORLD WHERE BOYS BECOME MEN* 95–123 (New York: HarperCollins, paperback ed. 2009).

anything considered feminine or homosexual is something to be ashamed of. The dominance and masculinity that the existing brothers exude is the standard, which will be expected of the pledges after they have passed this benchmark. Hazing has received a lot of recent concern due to the fact that perceptions masculinity and violence tend to go together in Western culture. Because the men are asked to prove their masculinity, they may easily be asked to perform acts of violence on themselves, each other, or outsiders.

Tresa Saxton's work explored masculinity as it is manifested in minority fraternities, specifically black fraternities. This work may be instructive in how we think about hazing in other minority group fraternities like Asian American groups. Saxton identified early in her paper that black masculinity is viewed differently than white masculinity by society due to the limited economic opportunities that have been historically available to black men. Because of this, black men have traditionally been forced to base their identities as men on qualities other than their socio-economic status.<sup>118</sup> She found these themes to be recurrent in today's black fraternity members. She interviewed several black fraternity members at predominantly white college campuses in North Carolina and asked them: Why did you want to join a fraternity? What is the purpose of pledge activities? What is the relationship between hazing activities and masculine behavior? How does physical confrontation during pledging contribute to bonding? How does the fraternity process contribute to the development of black identity? She found some responses and themes to be very common across all participants. Many participants shaped their responses from a standpoint of proving masculinity in a society where they are overwhelmed by racism and oppression. Their concepts of masculinity have to overcome these influences, and their experiences in fraternities help prepare them to do so in their lives after college. The participants also describe their experiences with hazing to be nothing more than a preparation for what they will face in the future. Some even compare it to military training, stating that no soldier would be sent into combat without having been fully prepared first. They also all stated that they participated in pledging activities voluntarily, but this may have been because they thought the researcher was a campus administrator that could get their organizations in trouble. Some men also directly identify the hazing process as one that validates their manhood. As stated by one participant in particular, "I think that for men, they need something to validate their existence as a man and being masculine. And the physical confrontation makes the process more valid because it says to that person I am a man because I was able to take these things, these obstacles that I was presented with and surpass them and overcome them."<sup>119</sup> It is as if the pledge's ability to overcome the physical and mental challenges involved in pledging fully allows his masculine identity to develop. He is proud to become an initiated mem-

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118. Tresa Mitchell Saxton, *The Hazing Practices of Black Fraternities Located on White Campuses: the Interplay of Racism, Masculinity, and Male Violence* (2003) (Ph.D. dissertation, University of North Carolina at Greensboro).

119. *Id.*

ber of the group because it allows him to say to the world and to himself that “I am a man.” This is slightly different from the concept of masculinity in white fraternities, where masculinity is defined by socioeconomic and sexual dominance as much as it is the ability to overcome obstacles and to come out stronger than before.<sup>120</sup>

The social concept of masculinity also takes a different form in regards to race, particularly among Asian men. Presenting a historical overview of Asian American masculinity in the U.S., Shek identifies two commonly held beliefs about Asian American masculinity and their political and historic origins.<sup>121</sup> Asian American men are often conceptualized as asexual or effeminate. These sexual misconceptions are rooted in immigration policies in the late 1800s and early 1900s that restricted the entrance of Asian women.<sup>122</sup> Additionally, the fear of Asian men marrying and procreating with white women resulted in anti-miscegenation laws.<sup>123</sup> These two laws policed Asian American men’s ability to engage in masculine ideals related to sexuality. Further, laws restricted the type of employment available to Asian American men to “feminine” jobs (e.g. laundry, cooks), advancing ideas about their sexuality.<sup>124</sup>

In order to understand how Asian American masculinity is shaped by and responds to hegemonic masculinity and racial stereotypes and the concomitant unique stressors, Lu and Wong conducted a study with immigrant and U.S.-born self-identified Asian American men.<sup>125</sup> They found that respondents reported difficulty in living up to masculine ideals (i.e., hegemonic masculinity) both in their own portrayals and in how others interpreted their behaviors.<sup>126</sup> In particular, respondents cited racial stereotypes that undermined their ability to enact masculine ideals like toughness, assertiveness, or hetero-normativity and served as consistent challenges to their authority.<sup>127</sup> Respondents also identified knowledge of sports

120. *Id.*

121. Yen Ling Shek, *Asian American Masculinity: A Review of the Literature*, 14 *THE JOURNAL OF MEN’S STUDIES* 379 (2006).

122. *Id.*

123. *Id.*

124. *Id.*

125. Alexander Lu and Y. Joel Wong, *Stressful Experiences of Masculinity among U.S.-Born and Immigrant Asian American Men*, 27 *GENDER & SOCIETY* 345 (2013).

A commonly held perception of Asian American men is that they are threatening, both too aggressive and untrustworthy U.S. citizens with compromised loyalty. These ideas can be traced to representations of Asian American men as the “yellow peril” and Japanese internment after Pearl Harbor. As a result, Asian American men, and Asian Americans more broadly, are conceptualized as “forever foreigners.” As such, Asian American men are firmly located outside of American ideals of belonging. Finally, following the 1965 Immigration Act, which enabled family reunification and facilitated the immigration of members of the professional class, the model minority myth was introduced. The model minority myth positioned Asian Americans as exemplars of a minoritized group’s ability for success within the U.S. “meritocracy” and pit Asian Americans against other communities of color within the U.S., particularly black Americans. Taken together, these three pervasive stereotypes about Asian American men position them as nerdy, asexual, sexually deviant, threatening, and unassimilable, thereby hindering their ability to attain masculine ideals and in some cases can lead to hyper-masculinity. *Id.*

126. *Id.*

127. *Id.*

and excessive alcohol consumption as central to masculinity and felt their masculinity was devalued if they did not adhere to these expectations.<sup>128</sup> In many cases, respondents reported experiencing pressure to conform to alcohol consumption as shared masculine bonding.<sup>129</sup> Overall, Lu and Wong found conflict between societal expectations of men, respondents' own desires, and stereotypes about Asian American men. Asian American men felt the overwhelming need but inability to conform to both American and Asian masculine ideals.<sup>130</sup>

In Wong and colleague's work, they explored how people perceive masculinity between races as mediated by various stereotypes including: interpersonal qualities, physical attributes, physical and athletic abilities, aggression, professional success, sexual/romantic abilities, among others.<sup>131</sup> The researchers took a pool of 250 participants (mostly white females) and asked them to complete a series of questionnaires that tested racial essentialist beliefs, perceived masculinity, and stereotypes about men. They found that participants viewed Asian men to be significantly less masculine than both white and black men. Black men were rated to be the most masculine group.<sup>132</sup> The idea that Asian men are less masculine than white and black men is even more extreme within participants that have stronger racial essentialist views. Among the stereotypes that were given as options to describe men, interpersonal qualities, professional success, physical attributes, and physical/athletic abilities were the most widely supported by the research.<sup>133</sup> This suggests that stereotypes about masculinity are centered on physical qualities and the body. Aligning with the above-mentioned findings, participants described black men as bigger and stronger as well as more aggressive than both Asian and white men. Interestingly, white men were described as more "normal" than both of the other groups, but what this construct refers to is unclear. This study confirms that society's definition of masculinity is dependent and inclusive of racial stereotypes.<sup>134</sup> Black men are perceived as more masculine, but not necessarily in a positive way. While many of the stereotypes that make them appear more masculine are physical, others such as aggression and lower professional success paint their masculinity in a negative light.

The theoretical connection between masculinity and reaction to psychological threat has been explained by Sigmund Freud's work on reaction formation. This theory suggests that people react to the accusation of possessing a socially unacceptable trait by acting the opposite way. In this case, a man who is accused of being feminine or simply less masculine than he thinks himself to be overcompensates

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128. *Id.*

129. *Id.*

130. *Id.*

131. Y. Joel Wong et al., *Perceived Masculinity: The Potential Influence of Race, Racial Essentialist Beliefs, and Stereotypes*, 14 *PSYCHOL. MEN & MASCULINITY* 452 (2013).

132. *Id.*

133. *Id.*

134. Wong, *supra* note 132, at 452.

by being hyper-masculine and aggressive.<sup>135</sup> For example, Willer and colleagues conducted a study that explored the effect of psychological threat on displays of masculinity in a variety of contexts as well as the role that testosterone plays in the extremity of these displays. They first point out that it is our society's hegemonic idea of unattainable masculinity that drives men to overcompensate when feeling threatened. Hegemonic masculinity outlines a set of traits that are ideal for men including aggression, strength, competitiveness, assertiveness, heterosexuality, courage, risk-taking, and lack of feminine traits. This ideal masculinity is so narrowly defined that men feel constant pressure to strive to exemplify all of these characteristics at once. Kimmel claims that feelings of insufficient masculinity are perpetuated between men because in order to prove one's own masculinity, he must actively insult the masculinity of another man.<sup>136</sup> This causes the man with the wounded ego to feel obligated to overcompensate and make up for the insult he just received. In other words, Kimmel states that masculinity insecurity is contagious.<sup>137</sup>

In their empirical work, Willer and colleagues conducted a four-part study to test the effects of threatened masculinity on displays of hyper-masculinity and overcompensation.<sup>138</sup> The first part of the study administered a test of masculinity to men and women but randomly assigned the results of the test to participants. This means that some men were told they were feminine, and some women were told they were masculine. In the second part, participants were then asked to com-

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135. Robb Willer et al., *Overdoing Gender: A Test of the Masculine Overcompensation Thesis*, 118 AM. J. SOC. 980 (2013).

Indeed, one way to think about this dynamic is that there can be a whole range of outcomes related to men perceiving themselves or being perceived as less than masculine. One important implication of masculinity, as it relates to race, is mental health outcomes. Wong and colleagues conducted a study to understand Asian American men's perceptions of stereotypes about them and the relationship between various stereotypes and depressive symptoms. They found seven distinct categories of stereotypes that respondents perceived others to believe. Perceived stereotypes included interpersonal deficits (or social awkwardness and lack of social skills), intelligence, intense diligence, unflattering physical attributes, physical ability distortions, perpetual foreigner, and sexual/romantic inadequacies. From the respondents' reported stereotypes, Wong and colleagues conducted cluster analysis to determine if respondents could be categorized into groups based on their responses. They found three distinct groups: Mind-Body stereotypes (unflattering physical attributes and intelligence), Nerd stereotypes (interpersonal deficits, intelligence, physical ability distortions, and sexual/romantic inadequacies), and Outsider stereotypes (perpetual foreigner, sexual/romantic inadequacies, intense diligence). Analyzing the three groups and the relationship to depressive symptoms, they found that respondents in the outsider stereotypes group had significantly higher depressive symptoms compared to the other two groups. This may be because the specific stereotypes that comprised the Outsider stereotypes group distinctly mark Asian American men as outside of hegemonic masculinity. Y. Joel Wong et al. *Asian American Male College Students' Perceptions of People's Stereotypes about Asian American Men*. 13 PSYCHOLOGY OF MEN & MASCULINITY 75-88 (2012).

136. Michael S. Kimmel, *Masculinity as Homophobia: Fear, Shame, and Silence in the Construction of Gender Identity*, in THEORIZING MASCULINITIES 119 (Harry Broad & Michael Kaufman eds. 1994).

137. *Id.*

138. Dominic J. Parrott & Amos Zeichner, *Determinants of Anger and Physical Aggression Based on Sexual Orientation: An Experimental Examination of Hyper-masculinity and Exposure to Male Gender Role Violations*, 37 ARCHIVES SEXUAL BEHAVIOR 891 (2007).

plete questionnaires that asked for their level of support for the Iraq war, views of homosexuality, and willingness to spend greater amounts of money on a sport utility vehicle. Men whose masculine identities were threatened showed greater support for the Iraq War, more negative views of homosexuality, and were willing to spend \$7,320, more on average for the car. Women who were assigned the result of masculine showed no significant difference in opinion on these issues after their test. The results of part two suggest a cause for the results of part one because men whose masculinity is threatened responded to the questionnaire in a manner that reflected stronger dominance attitudes including a desire for dominance and support for dominance hierarchies in their society. Finally, the researchers looked at the moderating effect of testosterone in masculine attitudes. They hypothesized that threatened men will have higher levels of testosterone and therefore display more extreme characteristics of hyper-masculinity. They found that a man's basal testosterone level affected the way they responded to threat such that basal testosterone levels are positively correlated with masculinity attitudes.<sup>139</sup> This study shows that hyper-masculinity displays are a direct effect of threat that is dependent on hormone levels. Overcompensation in response to threats only seems to be present in men, as women did not differ significantly when their feminine identities were threatened.

Hyper-masculinity in response to gender role expectations takes effect in several domains including sexual orientation, social class, and race. Many articles cite the classic example of men displaying homophobic attitudes when their masculine identity is threatened by insults related to their sexuality. Parrott and Zeichner tested this example in an experiment that asked male participants to view homoerotic and male-female erotic videos and to report feelings of hyper-masculinity and anger before and after viewing.<sup>140</sup> Only men who had reported only ever experiencing heterosexual arousal were chosen to participate in the study. The male-male video was identified as representing a male gender-role violation in this context. The study found that men who viewed homoerotic videos showed an increase in anger after the video played, while men who viewed male-female porn showed a decrease in anger. The men who watched gay porn also showed attitudes of aggression toward homosexual men but not toward heterosexual men. Men who watched male-female porn had no significant change in aggression.<sup>141</sup> This study suggests that threats to masculinity in terms of sexuality lead to aggression and anger in men as well as higher levels of hyper-masculinity. It seems that some men overcompensate for their sexuality by displaying homophobic and even aggressive attitudes toward gay people or gay content.

In regards to heterosexual aggression due to hyper-masculinity, several studies have tested the theory that masculine ideologies are associated with sexual aggression toward women. This is because the cultural perception of masculinity

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139. Kimmel, *supra* note 137, at 119.

140. Parrott & Zeichner, *supra* note 139, at 891.

141. *Id.*

includes the ideas that men are sexually dominant and aggressive and that sexual aggression toward women is sometimes acceptable depending on the situation.<sup>142</sup> This theory was tested by Parrott and Zeichner to see whether hyper-masculinity is linked to aggression and physical assault toward intimates. In the experiment, participants competed with a female confederate in what they believed to be a test of reaction time. The participants first took a questionnaire assessing hyper-masculinity. The researchers found that 97 percent of men in the hyper-masculine group chose to administer shocks to their female “competitor.”<sup>143</sup> Conversely, 69 percent of low hyper-masculinity participants chose to administer shocks. The mean shock intensity selected by the high hyper-masculinity group was significantly higher than the opposing group, especially following provocation. The researchers then asked the participants to complete a test regarding their past relationships and history of violence. They found that of the participants who had been in intimate relationships, 83 percent of the hyper-masculine group reported having had a physically aggressive encounter against a female partner while 46 percent of low hyper-masculinity participants had physically aggressed.<sup>144</sup> The study concludes that hyper-masculinity is a trait that puts men at risk of assaulting female partners. Reidy and colleagues research took a slightly different look at hyper-masculinity and aggression toward women. They tested to see if hyper-masculine men showed aggression to women who violated traditional female gender norms instead of other men who do the same. Not surprisingly, they found that hyper-masculine men were quicker and more likely to administer shocks to hypo-feminine women than to hyper-feminine confederates.<sup>145</sup> This shows that hyper-masculine men show a preference to gender role adherence in both men and women. The researchers theorize that to these men, a violation of gender role from a female can be as much of a threat to their dominance and control as any other threat to their masculinity.

## B. PARENTING AND DISCIPLINE

A large body of research on Asian/Asian American parenting focuses on authoritative versus authoritarian parenting.<sup>146</sup> Both authoritative and authoritarian parenting styles are high in control, but the type of control differs. Where authoritative parenting integrates a balance of guidance, rational parental control, and warmth along with child autonomy, authoritarian parenting relies on unquestioning obedience, restrictive parental control, and lack of warmth. The former is believed

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142. Sarah K. Murnen et al., *If “Boys Will Be Boys,” Then Girls Will Be Victims? A Meta-Analytic Review of the Research That Relates Masculine Ideology to Sexual Aggression*, 46 *SEX ROLES* 359 (2002).

143. Dominic J. Parrott & Amos Zeichner, *Effects of Hypermasculinity on Physical Aggression Against Women*, 4 *PSYCHOL. MEN & MASCULINITY* 70 (2003).

144. *Id.*

145. Dennis Reidy et al., *Men Who Aggress Against Women: Effects of Feminine Gender Role Violation on Physical Aggression in Hypermasculine Men*, 10 *PSYCHOL. MEN & MASCULINITY* 1(2009).

146. Su Yeong Kim and Vivian Y. Wong, *Assessing Asian and Asian American Parenting: A Review of the Literature*, in *ASIAN AMERICAN MENTAL HEALTH: ASSESSMENT METHODS AND THEORIES* 185–219 (K. Kurasaki, S. Okazaki, and S. Sue, eds. 2002).

to result in positive child outcomes (e.g. higher self-esteem, positive school adjustment), the latter, negative (e.g. lower self-esteem, depressive symptoms, low grades, poor social/emotional development).<sup>147</sup> However, because these parenting types are rooted in Western-oriented parenting theories, some researchers question the applicability to non-Western ethnic groups and cultural orientations.<sup>148</sup> In particular, researchers question how authoritarian parenting is conceptualized. Asian parenting, while possessing some similarities to authoritarian parenting, also includes distinct dimensions such as devotion and sacrifice for children. Studies find that Asian parenting does not fit into the three-type model applied towards Western parenting.<sup>149</sup> Rather than mapping directly onto one of the three styles, which are based on Baumrind's prototype<sup>150</sup> (i.e., authoritarian, authoritative, and permissive), research finds Asian parents utilizing dimensions across all types.<sup>151</sup> Further, potential conflict between Asian ethnic styles of parenting, particularly authoritarianism, and Western cultural context may exist. Within an Asian context, filial piety and interdependence may be welcomed, but within a U.S. context, these same values and parenting styles may be seen as restrictive and at odds within a culture that values independence. These conflicting values may lead to increased parent-child conflict.<sup>152</sup>

In order to more accurately understand Asian American parenting, Choi and colleagues analyzed the relationship between Korean American and Western parenting measures.<sup>153</sup> They found that Korean American parenting incorporates both authoritarian and authoritative Western parenting styles. Korean disciplinary practices fell into the authoritarian type, and enculturation of Korean values followed the authoritative style. Contrasting research that conceptualizes Asian parents as lacking warmth, Choi and colleagues found Korean traditional parental virtue to be associated with Western parenting constructs of warmth and acceptance.<sup>154</sup>

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147. Cixin Wang et. al., *Parenting Behaviors, Adolescent Depressive Symptoms, and Problem Behavior: The Role of Self-Esteem and School Adjustment Difficulties among Chinese Adolescents*, JOURNAL OF FAMILY ISSUES 1 (2014).

148. See Su Yeong Kim & Vivian Y. Wong, *Assessing Asian and Asian American Parenting: A Review of the Literature*, in *Asian American Mental Health: Assessment Methods and Theories*, 185–219 (K. Kurasaki et al. eds., 2002).

149. *Id.*

150. Diana Baumrind, *Current Patterns of Parental Authority*, 4 DEVELOPMENTAL PSYCHOLOGY 1 (Jan. 1971).

151. Soh-Leong Lim & Ben K. Lim, *Parenting Style and Child Outcomes in Chinese and Immigrant Chinese Families-Current Findings and Cross-Cultural Considerations in Conceptualization and Research*, 35 MARRIAGE & FAMILY REVIEW 21 (2003).

152. Yong S. Park et. al., *Acculturation, Enculturation, Parental Adherence to Asian Cultural Values, Parenting Styles, and Family Conflict Among Asian American College Students*, 1 ASIAN AMERICAN JOURNAL OF PSYCHOLOGY 67 (2010).

153. Yoonsun Choi et. al., *Is Asian American Parenting Controlling and Harsh? Empirical Testing of Relationships between Korean American and Western Parenting Measures*, 4 ASIAN AM. J. OF PSYCHOLOGY 19 (2013).

154. Choi, *supra* note 154, at 19.

In a similar vein, Kim and colleagues conducted a study with Chinese American parents and their children to examine parenting styles and child outcomes. While the idea of “tiger moms” may be a popular, easy-to-grasp concept, albeit rooted in stereotypes and misunderstanding, meant to explain or perhaps promote Asian academic exceptionalism, research demonstrates that this style of parenting and its positive outcomes are more myth than reality. “Tiger moms” or “tiger parents” entered mainstream understanding with Amy Chua’s book, *Battle Hymn of the Tiger Mother*, which characterized Chinese American parenting style as strict discipline and harsh punishment with an eye towards academic success and family obligation.<sup>155</sup> However, tiger parenting may be one of many types of parenting styles among Chinese parents and Asian American parents more broadly. Drawing upon parent and child data during the child’s early, middle, and late adolescence, Kim and colleagues found evidence of four distinct parenting types.<sup>156</sup>

In some ways, Asian American children, as they mature and leave home for college, may implement the disciplinary styles they learned at home when in positions of authority and power over others. Doing such may have less to do with modeling the behavior of their parents and more to do with lashing out against a “safe” victim. Imagine a man who is berated by his boss at work. The man is angered, but he does not retaliate because he fears that we will lose his job. When he gets home, he kicks his dog. Such an instance is an example of displaced aggression. “Displaced aggression is a matter of aggressing against a substitute target: A person has an impulse to attack his or her provocateur but attacks someone else instead.”<sup>157</sup> Similar to displaced aggression is triggered displaced aggression (TDA). Once again, consider the scenario with the man and the dog. Imagine that he is berated by his boss and again fails to retaliate. When he gets home, his dog incessantly barks and jumps on him. This triggers the man to kick his dog. Vasquez and colleagues describe triggered displaced aggression:

The TDA paradigm . . . conceptually describes circumstances in which a minor provocation, the trigger, can elicit a retaliatory response of greater magnitude than is warranted by the tit-for-tat matching rule that generally governs social interaction. It identifies the experience of a previous, more intense provocation as a critical antecedent for this effect.<sup>158</sup>

Displacement of aggression has a cathartic effect for individuals inclined toward future aggression.<sup>159</sup> As Koneci and Doob found in their research, after

155. AMY CHUA, *BATTLE HYMN OF THE TIGER MOTHER* (2011).

156. Su Yeong Kim et. al., *Does “Tiger Parenting” Exist? Parenting Profiles of Chinese Americans and Adolescent Developmental Outcomes*, 4 *ASIAN AM. J. OF PSYCHOLOGY* 7 (2013).

157. W.C. Pedersen, *Kicking the (Barking) Dog Effect: The Moderating Role of Target Attributes on Triggered Displaced Aggression*, 34 *PERSONALITY & SOCIAL PSYCH. BULLETIN* 1382 (2008).

158. E.A. Vasquez, et al., *Personalization and Differentiation as Moderators of Triggered Displaced Aggression Towards Out-group Targets*, 37 *EUROPEAN J. SOCIAL PSYCH.*, 297, 297 (2007).

159. L. Foss & G. Fouts, *Effects of Frustration and Cathartic Opportunity on Aggression*, 41 *PSYCH. REPORTS* 319 (1977); V.J. Konecni & A.N. Doob, *Catharsis Through Displacement of Aggression*, 23 *J. PERSONALITY & SOCIAL PSYCH.* 379 (1972); N. Miller et al, *A Theoretical Model of Triggered Displaced*

displacing aggression, subjects who were given the opportunity to aggress against the initial provocateur did so to a much lesser extent than those who did not first displace their aggression. When no catharsis preceded the act of aggression, the subject also aggressed against the innocent stranger just as much as against the initial provocateur.<sup>160</sup> In the face of waning attention to displaced aggression, Marcus-Newhall and colleagues confirm that displaced aggression is a reliable phenomenon, based upon a meta-analysis.<sup>161</sup> Such an analysis identifies factors that moderate the magnitude of displaced aggression. Greater initial provocation intensity was found to be correlated with decreased displaced aggression. This correlation is based upon judgmental contrast. If the initial provocation is stronger, then the neutral target is more likely to be viewed as a nice person. Favorable perception of the target reduces the subsequent aggression. Marcus-Newhall and colleagues also found that negative settings augment displaced aggression.<sup>162</sup> Those who are in negative moods view events as more negative overall. Such negative affects direct attention toward negatively-valenced stimuli. The inability to retaliate following provocation causes subjects to interpret negative interactions even more negatively. This holistically negative setting increases the likelihood that subjects exhibit displaced aggression. Displaced aggression was also greater when the initial provocateur and the target are similar. Many of the findings of displaced aggression and TDA fall within these findings.

Triggered displaced aggression is characterized by both similar and divergent factors. It is often explained in terms of the Cognitive Neoassociationistic Model (CNA). The CNA proposes that aversive events produce negative affect, which activates various thoughts, memories, physiological responses, and motor reactions which are contained within an associative network. Once a construct is processed, activation spreads out along the network links and primes, or activates, associated and related constructs. An aversive stimulus can lead to anger and aggressive responding through two stages. The first stage is the creation of a negative affect by an aversive event, which activates associative networks. This stage is manifested as either fight or flight. Whether the subject chooses fight or flight is determined by various situational influences. The second stage of the model involves higher-order cognitive processes. Appraisal and attributional processes become relevant as the subject considers what happened as well as possible consequences. These processes elaborate, intensify, or suppress initial reactions. These processes, which may determine the outcome of an aversive event, may also never be activated.<sup>163</sup>

Aggression activated through this model is a manifestation of either arousal or rumination. The initial provocation may produce arousal, a short-lived period of heightened emotion present within the ten to twenty minutes following the initial

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*Aggression*, 7 PERSONALITY & SOCIAL PSYCH. REV. (2003).

160. Koneci & Doob, *supra* note 171, at 379.

161. A. Marcus-Newhall et al., *Displaced Aggression is Alive and Well: A Meta-analytic Review*, 78 J. PERSONALITY & SOCIAL PSYCH. 670 (2000).

162. *Id.*

163. N. Miller et. al., *supra* note 171.

provocation. The aggression in response to the trigger may reflect this arousal. However, some triggers take place after the ten to twenty-minute time frame of arousal, suggesting that there may be another factor at play. Rumination over the initial provocation may further heighten emotion, causing an aggressive response to a delayed trigger. Similar to Marcus-Newhall's findings for displaced aggression, Miller and colleagues found that certain aspects of the initial provocation are more likely to increase TDA and to augment the effects of arousal and rumination.<sup>164</sup> Unlike the findings of Marcus-Newhall and colleagues on displaced aggression, who found that a greater initial provocation leads to less displaced aggression, TDA found that a more intense initial provocation increases negative affect, augmenting arousal and rumination-based TDA.<sup>165</sup> The content of the initial provocation also affects the ultimate response. Ego-threatening provocations, ones that are public or that attack status, augment TDA. When a subject cannot retaliate against the provocateur, the subject is more likely to ruminate, further augmenting TDA.

These findings are reinforced by Vasquez and colleagues, finding that public provocations are experienced as more intense, thereby increasing the reactivity to the subsequent trigger.<sup>166</sup> The perception of the provocation is directly linked to rumination. Rumination can be either provocation-focused or self-focused. Provocation-focused rumination is focused directly on the provoking event; self-focused rumination focuses on the self, how one feels, and why one feels that way. Both types of rumination, directly influenced by the intensity of a public provocation, augment TDA. Miller and colleagues expand upon these findings, showing that the centrality of the goal and thought suppression also augment ruminative thought.<sup>167</sup> Provocations that disrupt a central goal, such as ego, are more likely to elicit ruminative thought. An instruction to suppress thought about the provocation can also augment ruminative thought. Each of these instances of increased ruminative thought activates the CNA, creating negative affect and the activation of associate networks, which in turn augment anger and TDA.

Miller and colleagues hypothesize that the personality of the subject greatly influences the likelihood of TDA.<sup>168</sup> These aspects of their personality lower the amount of initial activation needed to prime the CNA, thereby making them more likely to respond aggressively to triggering events. People who are antisocial, narcissistic, or have borderline personality disorder are all more likely to exhibit TDA. Each of these disorders is characterized by ego, or instability thereof, thereby making them sensitive to provocations. Such sensitivity augments TDA. These

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164. *Id.*

165. Marcus-Newhall et al., *supra* note 173.

166. E.A. Vasquez et al., *Lashing Out After Stewing Over Public Insults: The Effects of Public Provocation, Provocation Intensity, and Rumination on Triggered Displaced Aggression*, 39 *AGGRESSIVE BEHAVIOR* 13 (2013).

167. N. Miller et al., *supra* note 171.

168. *Id.*

findings are supported by Lange, finding that individuals with low self-esteem are more likely to displace aggression.<sup>169</sup>

Related to personality disorders, Miller and colleagues also hypothesize that other personality traits, such as a tendency to be aggressive, to ruminate, to be obsessive, or vengeful, also increase the likelihood of exhibiting TDA.<sup>170</sup> Similarly, callousness can predict displaced aggression.<sup>171</sup> Callousness is a personality trait characterized by the aptitude to make use of others coldheartedly, with little guilty or empathy. Kibeom and Ashton found that personality traits of agreeableness can predict displaced aggression. Subjects who scored lower on a scale of agreeableness (high scores meaning more agreeable) exhibited greater displaced aggression.<sup>172</sup>

Various target attributes can augment TDA. One such attribute is target valence. Whether a person is liked or disliked by the subject often determines TDA. "A disliked target is more likely to evoke negative thoughts that may in turn activate associated feelings, thoughts, memories, and behaviors."<sup>173</sup> When targets are liked, their triggering behaviors are likely to be excused as unintentional or to be blamed on outside factors, thereby reducing subsequent aggression. Such an instance is an example of inconsistent target information: when a target is liked but then provides a negative trigger, information is inconsistent. Inconsistent information activates higher cognitive processes of the CNA model, where the subject attempts to find an explanation for the behavior. Pederson found that when faced with a minor triggering event from a liked person, TDA decreased.<sup>174</sup> When triggered by a person of neutral valence, TDA increased. When presented with a trigger from a person of negative valence, the subject does not have to interpret inconsistent information. Therefore, negative effect predicted increased aggression in this state. Pederson and colleagues confirm these findings.<sup>175</sup> Neutral and disliked targets received equal levels of TDA. While individuals may often assume the best of a neutral individual, the negative trigger decimates that assumption, resulting in increased TDA. However positive, valence buffers the effect of the triggering event on TDA.

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169. F. Lange, *Frustration-Aggression: A Reconsideration*, 1 EURO. J. SOCIAL PSYCH. 59 (1971). See contra, B.J. Bushman & R.F. Baumeister, *Threatened Egotism, Narcissism, Self-Esteem, and Direct and Displaced Aggression: Does Self-love or Self-hate Lead to Violence?*, 75 J. PERSONALITY & SOCIAL PSYCH., 219 (1998). Bushman and Baumeister contradict these findings. They found that self-esteem is irrelevant to aggression, and narcissism augments direct, but not displaced, aggression. Such contradictions in the literature suggest that the interaction of displaced aggression and TDA with self-esteem, both low and overwhelming, should be further explored.

170. N. Miller et. al., *supra* note 171.

171. A. Reijntjes et al., *Too Calloused to Care: An Experimental Examination of Factors Influencing Youths' Displaced Aggression Against Their Peers*, 142 J. EXPERIMENTAL PSYCH. 28 (2013).

172. K. Lee and M.C. Ashton, *Getting Mad and Getting Even: Agreeableness and Honesty-Humility as Predictors of Revenge Intentions*, 52 PERSONALITY & INDIVIDUAL DIFFERENCES 596 (2012).

173. N. Miller et. al., *supra* note 171.

174. W.C. Pedersen, *The Impact of Attributional Processes on Triggered Displaced Aggression*, 30 MOTIVATION & EMOTION 75 (2006).

175. *Id.*

The status of the target also impacts TDA. When individuals activate the second stage of the CNA model, higher order cognitive thinking is utilized and potential consequences of actions are considered. Less displaced aggression is directed toward high status targets.<sup>176</sup> This is often a manifestation of fear. Fitz found that provoked subjects who feared the initial provocateur aggressed against the most displaced target.<sup>177</sup> When presented with the choice of aggressing against the provocateur, a target similar to the provocateur, and a completely unrelated target, the subject chose to aggress against the unrelated target.

When “victims” do not fear the provocateur, a different trend is observed. When unable to retaliate against the initial provocateur, subjects aggress against targets most similar to the initial provocateur.<sup>178</sup> When provoked, a subject’s immediate goal is to retaliate against the provocateur. When that option is not available, the subject turns to the target most similar to the provocateur. Melburg and Tedeschi found that this trend is caused by impression management.<sup>179</sup> Subjects were embarrassed by the initial provocateur and felt the need to protect their identity through retaliation. When this opportunity was not available, they turned to the most similar target. While target similarity can augment displaced aggression, it is not a determinant of displaced aggression. Fenigstein and Buss (1974) presented provoked subjects with a choice: they could exhibit “less intense aggression against a target associated with the anger instigator versus more intense aggression against a target not associated with the instigator.”<sup>180</sup> Subjects chose to exhibit more intense aggression, irrespective of whether the target was similar to the provocateur. This indicates that similarity is not a determinant of displaced aggression.

Group membership is another important moderator of displaced aggression. Targets are often differentiated based on whether they are in-group or out-group as compared to the subject. Out-group status is associated with negativity and is therefore likely to activate the CNA model and a network of aggression. In-group status is assigned a positive attribute, thereby evading the priming effect. Out-group targets are therefore more likely to elicit displaced aggression.<sup>181</sup> Arguably, the big brother/pledge dynamic is inherently in-group/out-group.<sup>182</sup>

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176. N. Miller et. al., *supra* note 171.

177. D. Fitz, *A Renewed Look at Miller’s Conflict Theory of Aggression Displacement*, 33 J. PERSONALITY & SOCIAL PSYCH. 725 (1976).

178. V. Melburg & J.T. Tedeschi, *Displaced Aggression: Frustration or Impression Management*, 19 EURO. J. SOCIAL PSYCH. 139 (1989); Miller et. al., *supra* note 171.

179. *Id.*; N. Miller et. al., *supra* note 171.

180. A. Fenigstein & A.H. Buss, *Association and Affect as Determinants of Displaced Aggression*, 7 J. RESEARCH IN PERSONALITY 306, 307 (1974).

181. N. Miller et. al., *supra* note 171; A. Reijntjes, *Youths’ Displaced Aggression Against In- and Out-Group Peers: An Experimental Examination*, 115 CHILD PSYCH. 115 (2013).

182. Gregory S. Parks & Tiffany Southerland, *The Psychology and Law of Hazing Consent*, 97 MARQUETTE L. REV. 101, 134–42 (2015).

## CONCLUSION

Undoubtedly, there are a host of complex factors that give rise to hazing.<sup>183</sup> Among them, for any group or organization, would be cultural factors. Within Asian American fraternities, among those cultural factors are notions of masculinity and how they were reared and disciplined by their parents. These factors may engender hyper-masculine conduct, namely violence, and be directed at those whom Asian American fraternity men exert authority over, pledges, because of displaced aggression. These points may provide helpful points of intervention within Asian American fraternities that might help curtail hazing within these groups.

This work, however, raises important questions about Asian American sororities and the extent to which they haze and how they haze. For example, when researchers looked at the nature of hazing within African American and white fraternities and sororities, they find that African American groups have a higher proportion of incidents within each group that are violent. Specifically, African American fraternities and sororities' respective percentages are 68 percent and 38 percent. Comparatively, white fraternities and sororities' respective percentages are 16 percent and 6 percent.<sup>184</sup> In the context of African American groups,<sup>185</sup> it begs the question as to whether the sororities are mimicking the fraternities in how they haze. They are not as violent as the fraternities<sup>186</sup> but seemingly more violent than white sororities.<sup>187</sup> Accordingly, given the lack of court cases and media accounts of Asian American sorority hazing and certainly any indicia of violent hazing among these groups, it raises legitimate questions about how Asian American women view femininity, race, and violence.

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183. Gregory S. Parks, Shayne E. Jones, & Matthew W. Hughey, *Hazing as Crime: An Empirical Analysis of Criminological Antecedents*, 39 *LAW & PSYCH. REV.* 1 (2015); Gregory S. Parks, Shayne E. Jones, Rashawn Ray, Matthew W. Hughey, & Jonathan M. Cox, *White Boys Drink, Black Girls Yell: A Racialized and Gendered Analysis of Violent Hazing and the Law*, 18 *J. GENDER, RACE, & JUST.* 97 (2015); Gregory S. Parks & Tiffany Southerland, *The Psychology and Law of Hazing Consent*, 97 *MARQUETTE L. REV.* 1 (2013).

184. Gregory S. Parks et al., *White Boys Drink, Black Girls Yell: A Racialized and Gendered Analysis of Violent Hazing and the Law*, 18 *J. GENDER, RACE, & JUST.* 146 (2015).

185. Behavioral mimicry is sometimes referred to as "the chameleon effect." In the same way that chameleons alter their physical appearance to blend into their surroundings, humans use mimicry techniques to blend in to their social situation. Mimicry occurs in virtually every observable behavior, including gestures, mannerisms, postures, speech rate, and accents. From a very young age, infants learn to mimic facial expressions, such as smiling and nose wrinkling, and complex emotions, such as happiness and anger. Common behaviors used in the examination of behavioral mimicry are face touching, yawning, foot shaking, pen playing, and food consumption. It has been found in several empirical studies that individuals are more likely to mimic friends rather than strangers and likeable people more than unlikeable people. Having a nonconscious affiliation goal with the interaction partner increases the occurrence of nonconscious mimicry.

186. Gregory S. Parks et al., *White Boys Drink, Black Girls Yell: A Racialized and Gendered Analysis of Violent Hazing and the Law*, 18 *J. GENDER, RACE, & JUST.* 149 (2015).

187. *Id.* at 146 (simply looking at the proportion of incidents within each that are violent).