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Microaggressions or Dog Whistle? How to Differentiate and Investigate

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Oppenheimer Investigations Group LLP
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Introductions



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Microaggressions: What Are They?

Oxford Dictionary: A statement, action, or incident regarded as an instance of indirect, subtle, or unintentional discrimination against members of a marginalized group such as a racial or ethnic minority.

- Calling women “honey,” “sweetheart,” or “dear.”
- Telling an African American: “You’re so articulate.”
- Complimenting someone of Asian descent: “You speak English so well!” even though English is their first language.
- Mistaking the only two African/Asian Americans for each other.
- Telling a transgender colleague they don’t “look” transgender.
- A co-worker dismissing a female employee’s upset as “being hormonal.”
- Over-explaining technology to an older employee.
- Speaking more slowly to an older person.
- In a meeting, the men constantly talk over and interrupt the women.

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Microaggressions: “A Thousand Papercuts”

- Each microaggression, by itself, inflicts little pain.
- But daily microaggressions over the life of a career, can have a very painful effect.
- Why?
 - Because it is an aggression based on gender, race, etc., the recipient knows it is wrong. Because it is “micro,” the recipient may feel pressured to dismiss it, or risk being labeled “hyper-sensitive.”
 - Because these daily injuries are never addressed or resolved, their cumulative effect is magnified.

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Examples of Racial Microaggressions

Theme	Microaggression	Message
<i>Alien in own land</i> When Asian Americans and Latino Americans are assumed to be foreign-born.	“Where are you from?” “Where were you born?” “You speak good English.” A person asking an Asian American to teach them words in their native language.	You are not American You are a foreigner
<i>Ascription of Intelligence</i> Assigning intelligence to a person of color on the basis of their race.	“You are a credit to your race.” “You are so articulate.” Asking an Asian person to help with a Math or Science problem.	People of color are generally not as intelligent as Whites. It is unusual for someone of your race to be intelligent. All Asians are intelligent and good in Math / Sciences.
<i>Color Blindness</i> Statements that indicate that a White person does not want to acknowledge race	“When I look at you, I don’t see color.” “America is a melting pot.” “There is only one race, the human race.”	Denying a person of color’s racial / ethnic experiences. Assimilate / acculturate to the dominant culture. Denying the individual as a racial / cultural being.

Adapted from:
Wing, Capodilupo, Torino, Bucceri, Holder, Nadal, Esquilin (2007). *Racial Microaggressions in Everyday Life: Implications for Clinical Practice*. American Psychologist, 62, 4, 271-286

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Continued...

Theme	Microaggression	Message
<i>Criminality – assumption of criminal status</i> A person of color is presumed to be dangerous, criminal, or deviant on the basis of their race.	A White man or woman clutching their purse or checking their wallet as a Black or Latino approaches or passes. A store owner following a customer of color around the store. A White person waits to ride the next elevator when a person of color is on it.	You are a criminal. You are going to steal / You are poor / You do not belong / You are dangerous.
<i>Denial of individual racism</i> A statement made when Whites deny their racial biases	“I’m not a racist. I have several Black friends.” “As a woman, I know what you go through as a racial minority.”	I am immune to races because I have friends of color. Your racial oppression is no different than my gender oppression. I can’t be a racist. I’m like you.
<i>Myth of meritocracy</i> Statements which assert that race does not play a role in life successes	“I believe the most qualified person should get the job.” “Everyone can succeed in this society, if they work hard enough.”	People of color are given extra unfair benefits because of their race. People of color are lazy and / or incompetent and need to work harder.

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Continued...

Theme	Microaggression	Message
<i>Pathologizing cultural values/communication styles</i> The notion that the values and communication styles of the dominant / White culture are ideal	Asking a Black person: "Why do you have to be so loud / animated? Just calm down." To an Asian or Latino person: Why are you so quiet? We want to know what you think. Be more verbal. "Speak up more." Dismissing an individual who brings up race / culture in work / school setting.	Assimilate to dominant culture. Leave your cultural baggage outside.
<i>Second-class citizen</i> Occurs when a White person is given preferential treatment as a consumer over a person of color	Person of color mistaken for a service worker. A taxi driver passes a person of color and picks up a White passenger instead. Being ignored at a store counter as attention is given to the White customer behind you. "You people..."	People of color are servants to Whites. They couldn't possibly occupy high-status positions. You are likely to cause trouble and / or travel to a dangerous neighborhood. Whites are more valued customers than people of color You don't belong. You are a lesser being.

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Continued...

Theme	Microaggression	Message
<i>Environmental microaggressions</i> Macro-level microaggressions, which are more apparent on systemic and environmental levels	A college or university with buildings that are all named after White heterosexual upper class males Television shows and movies that feature predominantly White people, without representation of people of color Overcrowding of public schools in communities of color Overabundance of liquor stores in communities of color	You don't belong / You won't succeed here. There is only so far you can go. You are an outsider / You don't exist. People of color don't / shouldn't value education. People of color are deviant.
<i>How to offend without really trying</i>	"Indian giver." "That's so gay." "She washed on the bet." "I jewed him down." "That's so White of you." "You people..." "We got gyped." Imitating accents or dialects Others?	

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Other Examples of Microaggressions

Theme	Microaggression	Message
<i>Heteronormativity</i>	"Have you ever had real sex?" "So who is the man in the relationship?" Asking a member of the LGBTQ community how they have sex.	Individuals or couples who are not in heterosexual relationships are not in "real" relationships. You must choose a side. You can't be fulfilled.
<i>Invalidation of Severity of Mental Illness</i>	"But you seem so normal for someone with a mental illness." "You have nothing to be sad about, just go outside and get some fresh air."	Mental illness looks a certain way. You must not be hurting that bad.
<i>Prejudice and Stereotypes Based on Age</i>	Jokes about older people not knowing how to use technology. "Do you even know what TikTok is?" Saying an older job applicant would not be a good "cultural fit."	Older people are technologically illiterate. Older people cannot relate to or work with younger people.

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Continued ...

Theme	Microaggression	Message
Disability – Infantilization: treating a disabled person like a child.	"Let me do that for you."	You are not really capable.
Disability – Patronization: praising a disabled person for almost anything.	"The way you've overcome your disability is so inspiring."	You are so special for living with that.
Disability – Denial of Disability Experience: when disability related experiences are minimized or denied.	"Come on now, we all have some disability."	Your thoughts and feelings are probably not real and certainly not important to me.
Fat Shaming	"Have you tried X (diet, exercise, weight loss regimen)?" "You have such a pretty face." "You're right on your feet for a person your size."	

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“Dog Whistle”

A subtly aimed political message which is intended for, and can only be understood by, a particular group.
- Oxford Languages Dictionary

Political shorthand for a phrase that may sound innocuous to some people, but which also communicates something more insidious, either to a subset of the audience or outside of the audience’s conscious awareness.
- Olasov, Ian, “Offensive political dog whistles: you know them when you hear them. Or do you?” November 7, 2016

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Examples

- “Urban”
- “Inner cities”
- “Globalist”
- “Cosmopolitan”
- “Law and order”
- “War on Terror”
- “Welfare Queen”

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How do we investigate allegations of microaggressions and dog whistles?

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Intentional or Innocent?

Did the speaker knowingly make a statement that they knew was racist, sexist, antisemitic, or homophobic?

- Context
 - Frequency/how often comments were made
 - Theme to comments
 - Behavior persisted despite being on notice
- Is Respondent's claimed innocence credible?
- Would a reasonable person know the comment was problematic?

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Sources

- Anti-Defamation League
- GLAAD
- American Psychological Association



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Intent vs. Impact

- Must consider both intent and impact
- Conducting this analysis
 - Corroborating evidence
 - Past history
 - Motive
 - Other credibility factors?



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Case Examples

- Race-based microaggressions
 - Allegations were not sustained
 - Allegations were sustained
- Transphobic microaggressions
- Dog whistle case example



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Hypothetical: Microaggression or Dog Whistle?

Charles, an African American accountant for ABC Corporation, has complained about Steven, a White manager in another department. Charles says that on his first day at work, Steven mistook him for the administrative assistant (who is also African American) and asked Charles to make some photocopies for him. The next day (after Steven learned that Charles was a company accountant), Steven asked Charles who his favorite hip hop artist was. He also asked Charles, "Did you vote for Barack Hussein Obama?"

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Hypothetical: Microaggression or Dog Whistle?

- Microaggression or Dog Whistle?
- How would you investigate this?
 - Whom would you talk to?
 - What questions would you ask?

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Questions?



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