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# Microaggressions or Dog Whistle? How to Differentiate and Investigate

City Attorney Annual Conference

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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 racism 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 unfair benefits because of their race. People of color are lazy and / or incompetent and need to work harder.

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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
<i>Disability – Infantilization: treating a disabled person like a child.</i>	"Let me do that for you."	You are not really capable.
<i>Disability – Patronization: praising a disabled person for almost anything.</i>	"The way you've overcome your disability is so inspiring."	You are so special for living with that.
<i>Disability – Denial of Disability Experience: when disability related experiences are minimized or denied.</i>	"Come on now, we all have some disability."	Your thoughts and feelings are probably not real and certainly not important to me.
<i>Fat Shaming</i>	"Have you tried X (diet, exercise, weight loss regimen)?" "You have such a pretty face." "You're light 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?” *Vox*, November 7, 2016.

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## Examples

- “Urban”
- “Inner cities”
- “Globalist”
- “Cosmopolitan”
- “Law and order”
- “War on Terror”
- “Protesting” vs. “Rioting”
- “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 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 introduced himself and said, “Oh, you’re not who I expected.” Charles asked Steven who he was expecting, to which Steven, laughing nervously, responded, “Nothing, I’m just really bad with names.” He then noticed the watch Charles was wearing and said, “Hey, nice watch.” When Charles pulled back his shirt sleeve to give him a better look, Steven saw that it was a Tag Heuer and asked, “Is that real?”

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## Hypothetical: Microaggression or Dog Whistle?

Based on Steven's conduct:

- What facts suggest microaggressions?
- What facts suggest dog whistles?

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## Hypothetical: Microaggression or Dog Whistle?

Charles said that about a month into working at the company, Steven mistook him for the administrative assistant (who is also African American) and asked Charles to make some photocopies for him.

The day after this incident, Steven and Charles had lunch with other colleagues. The topic of popular recording artists came up among the group. At this point, Steven turned to Charles and asked who his favorite hip hop artist is.

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## Hypothetical: Microaggression or Dog Whistle?

Microaggressions or dog whistles?

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## Hypothetical: Microaggression or Dog Whistle?

Charles said that yesterday, he overheard Steven and another colleague, Mary, discussing the recent UN Climate Change Conference. He said Steven asked Mary in what sounded like a sarcastic tone, “Did you hear that Barack Hussein Obama was one of the speakers?”

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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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