



Microaggressions vs. Dog Whistle: How to Differentiate and Investigate

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Microaggressions vs. Dog Whistle: How to Differentiate and Investigate By: Vida Thomas & Danielle Drossel

In wake of the #BlackLivesMatter movement, sparked by the murder of George Floyd, workplaces became inundated with complaints of race-based harassment/hostile work environment. Workplace investigators saw a significant increase in requests to investigate these complaints, and race-based conduct continues to make headlines to this day, from the significant damages award in the recent Tesla case¹ and the allegations that arose regarding NFL Head Coach John Gruden.²

Increasingly, workplace complaints of race-based discrimination and harassment involve microaggressions and “dog whistles,” which are more nuanced forms of race-based conduct. Because these are among the most nuanced issues to investigate, it is important to understand what these terms mean and how to investigate this type of conduct.

Microaggressions

The Oxford Dictionary defines “microaggressions” as *“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.”*³ Most commonly, a microaggression involves unintentional conduct that is an external expression of an internal bias. Thus, while microaggressions often involve indignities that can seem minor, they target people based on their marginalized group membership.

The problem with investigating microaggressions is that, by their very nature, microaggressions are small. However, “minor” slights can add up over time and have a harmful cumulative effect on workplace relationships.

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¹ Nayak, Malathi and Hull, Dana, “Tesla Ordered to Pay \$137 Million Over Racism in Rare Verdict,” *Bloomberg*, October 4, 2021.

² Belson, Ken and Rosman, Katherine, “Raiders Coach Resigns After Homophobic and Misogynistic Emails,” *The New York Times*, October 11, 2021.

³ “Microaggression,” *Lexico, Powered by Oxford*, <https://www.lexico.com/en/definition/microaggression>.

In order to have a better understanding of different types of microaggressions, *American Psychologist* published a chart regarding race-based microaggressions.⁴ This chart identified themes in microaggressions, what the microaggression can look like, and the message being relayed to the recipient of the microaggression:

Theme	Microaggression	Message
<p><i>Alien in own land</i> When Asian Americans and Latino Americans are assumed to be foreign-born</p>	<p>“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.</p>	<p>You are not American. You are a foreigner.</p>
<p><i>Ascription of Intelligence</i> Assigning intelligence to a person of color on the basis of their race.</p>	<p>“You are a credit to your race.” “You are so articulate.” Asking an Asian person to help with a Math or Science problem.</p>	<p>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.</p>
<p><i>Color Blindness</i> Statements that indicate that a White person does not want to acknowledge race</p>	<p>“When I look at you, I don’t see color.” “America is a melting pot.” “There is only one race, the human race.”</p>	<p>Denying a person of color’s racial / ethnic experiences. Assimilate / acculturate to the dominant culture. Denying the individual as a racial / cultural being.</p>
<p><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.</p>	<p>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.</p>	<p>You are a criminal / You are going to steal / You are poor / You do not belong / You are dangerous</p>

⁴ 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

Theme	Microaggression	Message
<p><i>Denial of individual racism</i> A statement made when Whites deny their racial biases</p>	<p>“I’m not a racist. I have several Black friends.” “As a woman, I know what you go through as a racial minority.”</p>	<p>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.</p>
<p><i>Myth of meritocracy</i> Statements which assert that race does not play a role in life successes</p>	<p>“I believe the most qualified person should get the job.” “Everyone can succeed in this society, if they work hard enough.”</p>	<p>People of color are given unfair benefits because of their race. People of color are lazy and / or incompetent and need to work harder.</p>
<p><i>Pathologizing cultural values / communication styles</i> The notion that the values and communication styles of the dominant / White culture are ideal</p>	<p>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.</p>	<p>Assimilate to dominant culture. Leave your cultural baggage outside.</p>
<p><i>Second-class citizen</i> <i>Occurs when a White person is given preferential treatment as a consumer over a person of color</i></p>	<p>Person of color mistaken for a service worker. Having a taxicab pass a person of color and pick up a White passenger. Being ignored at a store counter as attention is given to the White customer behind you. “You people ...”</p>	<p>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</p>

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

In addition to the information from *American Psychologist*, our firm, Oppenheimer Investigations Group, also compiled other types of non-race-based microaggressions:

Theme	Microaggression	Message
<p><i>Heteronormativity</i></p>	<p>"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.</p>	<p>Individuals or couples who are not in heterosexual relationships are not in "real" relationships.</p> <p>You must choose a side.</p> <p>You can't be fulfilled.</p>
<p><i>Invalidation of Severity of Mental Illness</i></p>	<p>"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."</p>	<p>Mental illness looks a certain way.</p> <p>You must not be hurting that bad.</p>

Theme	Microaggression	Message
<i>Prejudice and Stereotypes Based on Age</i>	<p>Jokes about older people not knowing how to use technology.</p> <p>“Do you even know what TikTok is?”</p> <p>Saying an older job applicant would not be a good “cultural fit.”</p>	<p>Older people are technologically illiterate.</p> <p>Older people cannot relate to or work with younger people.</p>
<p><i>Disability – Infantilization: treating a disabled person like a child.</i></p> <p><i>Disability – Patronization: praising a disabled person for almost anything.</i></p> <p><i>Disability – Denial of Disability Experience: when disability related experiences are minimized or denied.</i></p>	<p>“Let me do that for you.”</p> <p>“The way you’ve overcome your disability is so inspiring.”</p> <p>“Come on now, we all have some disability.”</p>	<p>You are not really capable.</p> <p>You are so special for living with that.</p> <p>Your thoughts and feelings are probably not real and certainly not important to me.</p>
<i>Fat Shaming</i>	<p>“Have you tried X (diet, exercise, weight loss regimen)?”</p> <p>“You have such a pretty face.”</p> <p>“You’re light on your feet for a person your size.”</p>	

Dog Whistles

Oxford Languages Dictionary defines “dog whistles” as “a subtly aimed political message which is intended for, and can only be understood by, a particular group.”⁵ A dog whistle is also described as “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.”⁶

⁵ “Dog whistle,” *Lexico, Powered by Oxford*, https://www.lexico.com/en/definition/dog_whistle.

⁶ Olasov, Ian, “Offensive political dog whistles: you know them when you hear them. Or do you?” *Vox*, November 7, 2016.

In essence, the key distinction between microaggressions and dog whistles is the intent of the speaker. Whereas microaggressions are often unintentional expressions of unconscious bias, dog whistles are intentional. With dog whistles, the speaker intends to convey a racist or otherwise discriminatory message but does so in a way that likely goes unnoticed by those lacking the proper context.

Some examples of dog whistles include:

“Law and Order”: Term often used to police low-income communities, particularly Black and Latinx people. Politicians use the phrase to signal that people of color are inherently criminal, defying laws for no good reason.⁷

“Protesting” versus “Rioting”: Tendency by the media and politicians to use the term “protesting” for activity involving the White community but using the term “rioting” when the activity involves the Black community.

“Welfare Queen”: Stereotype against Black women. Black women on social programs like welfare are lazy people who don’t do anything to help themselves.⁸

“War on Terror”: The “terror” that many politicians want us to go to war against are actually people of Arab and Muslim descent, who for no reason at all, hate everything the US stands for. Those using this term push for more military funding, invasions into other countries, and stricter immigration laws.⁹

“Globalist”: Has antisemitic undertones; the idea that Jewish people do not have allegiance to their countries of origin, like the United States, but to some worldwide order that will enhance their control over banks, governments, and media.¹⁰

“Cosmopolitan”: Roots are antisemitic term – similar to “globalist” – primary allegiance is to the entire world, not to the country of their origin. This definition has expanded to include universities, arts and urban centers where familiarity with diversity makes for a high comfort level with “untraditional” ideas and lives.¹¹

⁷ See, e.g., Nunberg, Geoff, “Is Trump’s Call for ‘Law and Order’ A Coded Racial Message?” *NPR*, July 28, 2016.

⁸ See, e.g., Demby, Gene, “The Truth Behind The Lies Of The Original ‘Welfare Queen,’” *NPR*, December 20, 2013.

⁹ Loubriel, Jennifer, “4 Racial Dog Whistles that Politician Use (While Pretending They’re Not Racist),” *Everyday Feminism*, May 23, 2017.

¹⁰ “Globalist,” *American Jewish Committee*, <https://www.ajc.org/translatehate/globalist>.

¹¹ See, e.g., Sales, Ben, “Senator’s speech on ‘cosmopolitan elite’: Anti-Semitic dog whistle or poli-sci speak?” *Jewish Telegraphic Agency*, July 19, 2019.

Investigatory Approaches¹²

Distinguishing between microaggressions and dog whistles can be difficult. The key is to look for evidence of whether the speaker knowingly made a statement that he or she knew was racist, sexist, antisemitic or homophobic.

Two areas of inquiry can be helpful:

- 1) First, what was the context of the statement or behavior? Were several problematic comments made to the same person? Were they made frequently? Did the comments have a common racial, gender or otherwise problematic pattern or theme? If so, this may be evidence that the comments were not innocent.
- 2) Second, would the comment or behavior be considered offensive (i.e., racist or antisemitic) by a reasonable person?

In answering the second question, an employer or manager cannot simply rely on his or her understanding of whether the behavior was, for example, racially coded. Fortunately, outside organizations can be a helpful resource. For example:

- The Anti-Defamation League (ADL) and the Louis D. Brandeis Center¹³ provide lists of common, harmful tropes about Jewish people, and the history behind them.
- The Gay and Lesbian Alliance Against Defamation (GLAAD), publishes a Media Reference Guide containing a glossary of harmful and offensive anti-LGBTQ terms.
- The website of Ferris State University's Jim Crow Museum¹⁴ discusses the history of African American stereotypes and how the harmful attitudes around them manifest today.
- The American Psychological Association has online resources¹⁵ that explore myths and stereotypes about Asian Americans, as well as the work being done to address these attitudes.

While these resources are not exhaustive, they can provide some information as to whether a referenced stereotype is common enough that the person invoking it would reasonably be aware of its racist, antisemitic, or homophobic nature. If so, it may be reasonable to conclude that the statement was an intentional dog whistle, not a microaggression resulting from ignorance.

¹² Thomas, Vida (2021) "Microaggression Versus Dog Whistle," *Comstock's Magazine*, Vol. 33, No. 11, page 26, available at <https://viewer.joomag.com/1121-nov-digitaledition/0104271001635441551?short&>

¹³https://www.ohchr.org/Documents/AboutUs/CivilSociety/ReportHC/75_The%20Louis%20D.%20Brandeis%20Center%20Fact%20Sheet%20Anti-Semitism.pdf

¹⁴ <https://www.ferris.edu/HTMLS/news/jimcrow/links/essays/vcu.htm>

¹⁵ <https://www.apa.org/monitor/2019/12/countering-stereotypes>

As employees continue to seek equity and fairness in the workplace, issues of diversity and inclusion will continue to dominate the conversation. Attracting and retaining diverse talent requires learning to spot and address innocent and intentional transgressions that can make the workplace uncomfortable for employees from marginalized communities.