

MICROAGGRESSIONS, QUESTIONABLE SCIENCE, AND FREE SPEECH

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Abstract

The topic of microaggressions is hot currently. Diversity administrators regularly propagate lists of alleged microaggressions and express confidence that listed items reflect what some psychologists claim they do: racism that is, at the very least, unconscious in the mind of the speaker. Legal academics are increasingly leveraging microaggression research in theorizing law and proposing legal change. But how scientifically legitimate are claims by some psychologists about what acts constitute microaggressions? The authors—one a law professor, the other a psychologist—argue that the answer is “not much.” In this article, the authors dissect the studies, and critique the claims, of microaggression researchers. They then explore the ideological glue that seems to hold the current microaggression construct together, and that best explains its propagative success. They close by warning of the socially caustic and legally pernicious effects the current microaggression construct can cause if academics, administrators, and the broader culture continue to subscribe to it without healthy skepticism.

INTRODUCTION.....	2
I. MICROAGGRESSIONS: DISSECTION AND ANALYSIS	5
A. Dissecting the Concept	6
B. Embedded Racist Meanings?	8
1. Methodological Reconstruction: Subjective Appraisals by POC	15
2. Methodological Reconstruction: Correlation with White Racism	18
C. Idea Laundering and the Work to be Done	23

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II. POWER DYNAMICS AND METHODOLOGICAL ACTIVISM.....	25
A. Crutch Assumptions, Concept Creep, and Methodological Activism.....	29
B. Language and Power.....	32
III. THE COSTS OF THE CMC'S PROGAGATION.....	36
A. The Social Costs	36
B. Microaggressions and Law	39
CONCLUSION	43

INTRODUCTION

As a law professor, one of us was recently required by his institution to complete an “unconscious bias and microaggressions” training program. Among the training handouts was a list of statements and questions that apparently constitute “microaggressions.” The form asked whether the reader had ever done any of the following: “made the statement ‘I don’t see color’; “I have complained that someone or something is too ‘PC’”; or I have asked “a person of color to explain something about their culture.”¹ According to some psychologists, an affirmative answer to any of these items amounted to an admission of having expressed at least unconscious racism.

Simply put, microaggressions are acts, often facially innocuous, that convey subtle animus or bias against someone in a traditionally marginalized group. For simplicity’s sake, we will refer herein exclusively to spoken microaggressions that allegedly communicate racial bias.² Combating microaggressions is part of a greater project of rooting out the purportedly most insidious forms of racism today: the subtle forms embedded in culture that we take for granted, such as language habits that reinforce pernicious racial stereotypes.

Microaggressions are increasingly the focus of social justice

¹ Microaggression Checklist (on file with author).

² Researchers claim that microaggressions can take non-verbal forms; for example, behavioral or environmental forms. Further, while people from all marginalized groups can experience microaggressions, again, for ease of discussion, we limit our focus to those that are allegedly inspired by racism.

discourse, legal scholarship, and administrative programming.³ In 2015 the Global Language Monitor ranked “microaggression” the “top word of the year” given the term’s increasing prevalence in discourse.⁴ Microaggressions are increasingly the basis for charges against professors and others who, for example, correct students’ spelling and grammar in grading papers,⁵ an act that commonly appears on lists of alleged microaggressions. And at Emory University, students have formally demanded that student evaluation forms include fields wherein students can report microaggressions committed by professors.⁶

But what is the basis for labeling any of the preceding items microaggressions? How do researchers even know what acts count as microaggressions? Many would assume that the social scientists who study and publish scholarship on the phenomenon have already answered these questions to a degree that makes the current microaggression construct valid. But have they? The

³ See, e.g., Andrew Limbong, *Microaggressions Are A Big Deal: How To Talk Them Out And When To Walk Away*, NPR, June 9, 2020, available at: <https://www.npr.org/2020/06/08/872371063/microaggressions-are-a-big-deal-how-to-talk-them-out-and-when-to-walk-away>; See also Kristen Rogers, *Dear Anti-Racist Allies: Here's How to Respond to Microaggressions*, CNN, June 6, 2020, available at: <https://www.cnn.com/2020/06/05/health/racial-microaggressions-examples-responses-wellness/index.html>; Ronald Wheeler, *Diversity Dialogues . . . : About Microaggressions*, 108 LAW LIBR. J. 321 (2016); Elizabeth B. Cooper, *The Appearance of Professionalism*, 71 FLA. L. REV. 1 (2019); Eden B. King, Whitney Botsford Morgan, Dana G. Dunleavy, Katie Elder, & Raluca Graebner, *Discrimination in the 21st Century: Are Science and the Law Aligned?*, 17 PSYCH. PUB. POL. AND L. 54 (2011) (discussing “the construct of microaggressions with the goal of extending this theoretical lens to the workplace.”); Anastasia M. Boles, 48 N.M. L. REV. 145, 168 (2019) (“When a microaggressor comments “I don’t see color,” the hidden message is “I do not recognize your unique cultural experience and background,” not “I am not racist.”); *id.* at 170 (“Legal scholarship has also explored the ways macroaggressions and microaggressions affect legal education.”).

⁴ *Microaggression is the Top Word of the Year for Global English 2015*, THE GLOBAL LANGUAGE MONITOR, Dec. 27, 2015, available at: <https://languagemonitor.com/global-english/microaggression-is-the-top-word-of-the-year-for-global-english-2015/>

⁵ See Sam Hoff, *Students Defend Professor After Sit-In Over Racial Climate*, DAILY BRUIN, Nov. 20, 2013, available at: <https://dailybruin.com/2013/11/20/students-defend-professor-after-sit-in-over-racial-climate> (“Rust said students in the demonstration described grammar and spelling corrections he made on their dissertation proposals as a form of ‘microaggression.’”).

⁶ Catherine Sevchenko, *Emory Students Demand Course Evaluations Include Rating for Microaggressions*, FIRE NEWSDESK Dec. 11, 2015, available at: <https://www.thefire.org/emory-students-demand-course-evaluations-include-rating-for-microaggressions/>

answer should inform the degree to which legal scholars and university administrators can responsibly incorporate the current microaggression construct into legal scholarship or diversity training materials. By “current microaggression construct” (hereafter CMC), we mean the current definition of microaggressions and the set of claims microaggression researchers make about them, the most important of which are claims about what acts count as microaggressions and why.

While interdisciplinarity has greatly enriched the collective corpus of legal scholarship over the past several decades, it comes with its risks. One risk is that, after some claim becomes a popular research topic in another field, but before research establishes that claim as valid, it will take off like wildfire in legal scholarship without sufficient gatekeeping. This is what has happened with microaggressions: educators, scholars, and administrators have accepted the CMC as valid even though psychologists have not established its scientific legitimacy.

The possible reasons for this are manifold. First, academics and administrators may have a willingness to accept a claim at face value because they deem the concept to be useful—ideologically, for example—such that confirmation bias cancels vigilance. More charitably, many people outside the field of psychology simply make the mistake of assuming that peer-reviewed publication of a social science idea means the idea has by definition been thoroughly vetted scientifically.

This mistake is easy to make. But psychologists have a long and embarrassing history of canonizing claims that have turned out to be false, a situation that has come to be known in psychology as “the replication crisis.”⁷ In short, it is a mistake to believe that,

⁷ Jussim, L., Krosnick, J.A., Stevens, S. T. & Anglin, S. M., *A Social Psychological Model of Scientific Practices: Explaining Research Practices and Outlining the Potential for Scientific Reforms*, 59 *PSYCHOLOGICA BELGICA* 353 (2019). Many may be shocked to discover that independent researchers are generally only able to replicate the results of about one third of all biomedical and psychological science studies. Allen, C. & Mehler, D. M. A., *Open Science Challenges, Benefits and Tips in Early Career and Beyond*, 17 *PLOS BIOLOGY*, (2019) available at: <https://journals.plos.org/plosbiology/article?id=10.1371/journal.pbio.3000246>.

This means there is currently no reason to give particular credence to the claims or conclusions of any single published claim merely by virtue of peer-review publication. The difficulty of establishing the validity of new alleged discoveries in the social sciences is often not readily apparent to those lacking the disciplinary expertise necessary to critically evaluate them. This problem is exacerbated by recent findings that many public misunderstandings of psychological research stem less from bad reporting or science writing than from scientists themselves overstating and overselling their findings to reporters

merely because an idea appears frequently in academic publications, it constitutes scientific fact. Often, it is only after withstanding decades of skeptical vetting that a new scientific claim can be established with a reasonable level of certainty.

After reviewing scholarship in which psychologists attempt to confirm the legitimacy of the CMC, and in which they debate the issue with dissenting psychologists, we conclude that the current operationalization of the CMC in social justice discourse, legal scholarship, and education administration is significantly unwarranted. We are also concerned about how the current propagation of the CMC, given its lack of adequate bases and therefore its limited utility, might have the primary effect of proving socially caustic—and therefore counterproductive in the quest for social justice—without countervailing benefits.

Therefore, we recommend that scholars and administrators—and everyone else for that matter—generally refrain from relying on commonly propagated lists of microaggressions as reflecting anything meaningful, at least until psychologists perform the significant amount of empirical work left to be done to render the CMC scientifically valid and useful.

In Part I, we begin by defining and dissecting the microaggression concept. We will then argue that researchers' core claim about microaggressions—that alleged microaggressions contain embedded racist messages—is without basis. In Part II, we discuss what appears to us to be the “methodological activism” that drives much of the debate over the legitimacy of the CMC and that gives rise to the scientific weakness of it. In short, we argue that the CMC appears to be designed primarily to reinforce a critical race theory narrative about social reality. In Part III, we discuss what we believe to be the primary costs of the CMC's problematic propagation, with a focus on the free speech and social health implications in higher education environments.

I. Microaggressions: Dissection and Analysis

To appreciate what researchers claim about microaggressions, and to understand our critiques of the CMC, a nuanced understanding of what researchers mean by the term is essential. This section is devoted to dissecting the concept and highlighting how that dissection reveals that researchers' claims about

and to an unsuspecting public. Sumner, P. et al., *Exaggerations and Caveats in Press Releases and Health-Related Science News*. 11 PLOS ONE (2016), available at: <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0168217>.

microaggressions are without adequate scientific basis.

A. Dissecting the Concept

The term microaggression was coined by Harvard psychologist Chester Pierce in 1970. He defined the term to mean “Black-White racial interactions [that] are characterized by White put-downs, done in an automatic, preconscious, or unconscious fashion.”⁸ Before 2007, it seems scholars perceived microaggressions as a relatively narrow set of acts that were more facially problematic than items on expanded microaggression lists common today in psychology studies and diversity training materials.

Pierce gave examples such as a White man saying to a Black man “we’re good to you Blacks,” which in the early 1970s translated, according to Pierce, to “[w]e’re good to you Blacks and you should be grateful that we control you as gingerly and humanely as we do.”⁹ Similarly, writing in 2002, Daniel Solorzano, et al., provided as examples of microaggressions items such as “[w]hen I talk about those Blacks, I really wasn’t talking about you” and “If only there were more of them like you.”¹⁰

But in 2007, Psychologist Derald Wing Sue brought microaggressions back into the scholarly mainstream. He is the psychologist most credited for the current, significantly broadened microaggression construct. He has defined racial microaggressions as “brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults toward people of color.”¹¹

Sue asserts that minorities don’t “just occasionally experience racial microaggressions.” Rather, “they are a constant, continuing, and cumulative experience” in their lives.¹² Sue has included as

⁸ Chester M. Pierce, PSYCHIATRIC PROBLEMS OF THE BLACK COMMUNITY IN AMERICAN HANDBOOK OF PSYCHIATRY, 512, 515 (1974).

⁹ C. M. Pierce, OFFENSIVE MECHANISMS, IN THE BLACK SEVENTIES, 265, 275 (1970).

¹⁰ Daniel Solorzano, Walter R. Allen, & Grace Carroll, *Keeping Race in Place: Racial Microaggressions and Campus Racial Climate at the University of California Berkeley*, 23 CHICANO-LATINO L. REV. 15, 24 (2002).

¹¹ Sue, D. W., Capodilupo, C. M., Torino, G. C., Bucceri, J. M., Holder, A., Nadal, K. L., & Esquilin, M., *Racial Microaggressions in Everyday Life: Implications for Clinical Practice*, 62 AMERICAN PSYCHOLOGIST, 271, 273 (2007).

¹² Derald Wing Sue, *Racial Microaggressions and the Power to Define Reality*, 63 AMERICAN PSYCHOLOGIST 277, 277-78 (2008).

microaggressions items such as “America is a melting pot,” which, according to Sue, has the embedded meaning that a White speaker “does not want to acknowledge race” and that minorities should “assimilate” and “acculturate to the dominant culture.”¹³

Reactions from some psychologists were at times critical, with one psychologist terming Sue’s argument “macrononsense.”¹⁴ But in general Sue’s 2007 article inspired a large body of psychological research leveraging and expanding on Sue’s idea; the result is the CMC. Along with Sue’s definition of microaggressions, other prominent scholars offer theirs; all of them roughly parallel each other. For example, Monnica Williams, a prominent microaggression researcher, defines them “on the basis of Pierce’s original descriptions and current scholarship,” as “deniable acts of racism that reinforce pathological stereotypes and inequitable social norms.”¹⁵

Included in the appendix is a list of microaggressions taken from diversity training materials at a major U.S. university. As a glance at some of the items on the list reveals, it is not hard to believe that racism can manifest in relatively less blatant and overt forms, or that racism can be expressed unconsciously. For example, the more facially problematic expressions on the list such as “you’re a credit to your race” are arguably examples of statements reasonably deemed as likely rooted in racism (rough translation: “your race is unimpressive, but you’re one of the few good ones”). So, importantly, we do not deny that microaggressions happen; the concept of “microaggressions,” at least generically, has some validity and describes a real phenomenon.

But the CMC goes far beyond items as facially problematic as the above example. Specifically, the sheer breadth of acts that are

¹³ Sue, et al., *Everyday Life*, *supra* n. 11 at 276.

¹⁴ See, e.g., Kenneth R. Thomas, *Macrononsense in Multiculturalism*, 63 AMERICAN PSYCHOLOGIST 274 (2008) (describing “much” of the contents of an early Sue article on microaggressions as “pure nonsense”); Rafael S. Harris Jr., *Racial Microaggression? How Do You Know?* 63 AMERICAN PSYCHOLOGIST 275, 276 (2008) (questioning Sue’s certainty about having been microaggressed against by an airline flight attendant, and asking “What if Sue’s ‘experiential reality’ is not real yet is espoused in paper presentations and professional articles as if it is so? The dissemination of biases and self-interests would be a tragic twist to both multicultural psychology’s mission and the American Psychological Association’s expressed interest in advancing psychology as an evidence-based science.”).

¹⁵ Monnica T. Williams, *Microaggressions: Clarification, Evidence, and Impact*, 15 PERSPECTIVES ON PSYCHOLOGICAL SCIENCE, 3, 4, available at: https://www.psycharchives.org/bitstream/20.500.12034/2130/1/Williams_MicroaggressionsPPS-inpress.pdf

commonly included in lists of microaggressions, and the lack of an adequate basis for that breadth, raises serious concerns about the propriety of basing policy or education administration on current microaggression research. The problems with the CMC, we argue, are that (1) psychologists have hereto provided no valid basis for labeling a vast majority of alleged microaggressions as such; (2) that the CMC is nevertheless currently being operationalized as if it were the product of rigorous science; and (3) that the nature of the CMC has the effect of stigmatizing and perhaps silencing those who do not share the ideological assumptions of microaggression researchers.

We turn first to what we believe is the most serious problem with the CMC: researchers establish that certain acts are microaggressions simply by claiming them to be so, without any scientific basis to support their claims.

B. Embedded Racist Meanings?

There is little to no basis for academics and administrators to responsibly accept commonly propagated lists of microaggressions as reflecting actual microaggressions. A discussion of the relevant research, and the problems therein, reveals why.

We are not the first to raise serious questions about the integrity of research establishing the CMC. In addition to the critics mentioned above, the late psychologist Scott Lilienfeld has been a major critic of the CMC for what he believed to be the “inadequate evidence” for the “strong claims” researchers make about microaggressions.¹⁶ He concluded that the CMC “is not even close to being ready for widespread real-world application.”¹⁷ One of the numerous weaknesses Lilienfeld identified in the CMC is the fact that “there is no research evidence that the microaggressions identified by [researchers] are linked, either probabilistically or inexorably, to [the] negative messages”¹⁸ researchers claim are embedded in them.

Microaggression researchers’ fundamental challenge is one they so far have failed to meet: they have not provided sound scientific bases for labeling as microaggressions most of the items they so label. This failing is the result of a problematic, yet necessary, aspect of their construct: in determining what acts count as microaggressions, researchers depend fundamentally on a

¹⁶ Scott O. Lilienfeld, *Microaggressions: Strong Claims, Inadequate Evidence*, 12 PERSPECTIVES ON PSYCHOLOGICAL SCIENCE, 138, 163 (2017).

¹⁷ *Id.*

¹⁸ *Id.* at 146.

metaphysical ascription of racist meaning to often facially innocuous acts and language.

Importantly, according to microaggression researchers, microaggressions are not merely insensitive acts that should be avoided lest people of color (POC) misinterpret them as racist. Rather, researchers argue that listed microaggressive items have intrinsically embedded racist meanings, notwithstanding the non-racist intent of the speaker or the lack of malign interpretation by the recipient. As such, the legitimacy of lists of microaggressions depends on researchers being able to divine objectively racist meaning in facially innocuous acts that others cannot detect. And the propagative success of the CMC has relied on the public believing that researchers are able to do just this. This assumed ability to discern hidden forces and essences in social phenomena is now common in social justice discourse and critical academic theory.¹⁹

Assertions by psychologist Monnica Williams, who is one of the leading defenders of the CMC, and whose work will thus be of focus in our attempt to crystalize the CMC, help bring the problem into relief. Williams, in responding to Lilienfeld's criticisms, has explained that whether a statement, such as "America is a melting pot," is a microaggression "is not based on the conscious intent of the offender or the perception of the target."²⁰ "Microaggressions are real and not simply a subjective experience."²¹ Rather, "microaggressions are, *by nature*, offensive in the sense that they are a form of racism"²² Where a speaker commits a microaggressive act in certain contexts, those acts are inherently and at least unconsciously racist because they "by definition [are] caused by socially conditioned racial biases and prejudices."²³ They "function as a form of oppression *designed* to reinforce the traditional power differentials between groups, whether or not this was the conscious intention the offender."²⁴

Because the subjective intent and interpretation of the speaker and recipient, respectively, do not determine whether a statement is a microaggression, when a speaker speaks a microaggression they,

¹⁹ Sociologist Jason Manning argues that this tendency has a problematic kinship with voodoo. Lee Jussim, "*Hidden Forces and Essences*": *Psychology as Magic*, PSYCHOLOGY TODAY, Feb. 22, 2018, available at: <https://www.psychologytoday.com/us/blog/rabble-rouser/201802/hidden-forces-and-essences-psychology-magic>

²⁰ Williams, *Clarification*, *supra* n. 15 at 3.

²¹ *Id.*

²² *Id.* at 5 (emphasis added).

²³ *Id.* at 6.

²⁴ *Id.* at 9 (emphasis added).

at least negligently, direct or “aim” a sonic packet of objectively extant coded racism toward the recipient. Consistent with this, other psychologists, such as Kanter, et al., argue that microaggressions are “rooted in”²⁵ racist beliefs. Similarly, Sue explains that “microaggressions . . . contain both a conscious communication and hidden or metacommunication that is outside the level of perpetrator awareness.”²⁶ Thus, “the power of racial microaggressions lies in their invisibility to the perpetrator and, oftentimes, the recipient.”²⁷

The question then arises: how do researchers know that alleged microaggressions have embedded in them racist messages? Where is the evidence, for example, that racism is the font from which questions such as “can I touch your hair?” stem? Such evidence simply does not exist.

For example, imagine a White student and a Black student are lab partners in college, and the White student asks her partner “how did you get so good at science?” (hereafter “the Question”). This question in context (researchers do at times stress the importance of context) is an example of a microaggression according to Williams and Sue.²⁸ So, it is allegedly an “act of racism.” Microaggression researchers attribute to the Question “assumptions about intelligence, competence, or status” on the basis of race. In other words, the alleged embedded meaning of the Question is roughly: “how can a Black person be so good at

²⁵ Kanter, et al., Jonathan W. Kanter, Monnica T. Williams, Adam M. Kuczynski, Katherine E. Manbeck, Marlena Debreux, Daniel C. Rosen, *A Preliminary Report on the Relationship Between Microaggressions Against Black People and Racism Among White College Students Race*, 9 RACE SOC. PROBL. 291 (2017).

²⁶ Derald Wing Sue, Sarah Alsaidi, Michael N. Awad, Elizabeth Glaeser, Cassandra Z. Calle, & Narolyn Mendez, *Disarming Racial Microaggressions: Microintervention Strategies for Targets, White Allies, and Bystanders*, 74 AMERICAN PSYCHOLOGIST, 128, 135 (2019).

²⁷ Sue, et al., *Everyday Life*, *supra* n. 11, at 275. See also Kristen Rogers, *Dear anti-racist allies: Here's How to Respond to Microaggressions*, CNN, June 6, 2020, available at: <https://www.cnn.com/2020/06/05/health/racial-microaggressions-examples-responses-wellness/index.html>. In an interview with Sue, the CNN writer notes: “Microaggressions have two parts: One is the conscious communication of the initiator, which was likely intended to be a surface-level compliment. Then there's the unconscious metacommunication, which is the message the microaggression sends.” While it is latent independent meaning that qualifies an act as a microaggression, researchers sometimes use language that suggests that a recipient’s interpretation is definitionally important. For example, Kanter, et al. assert that “the experiential reality of group members experiencing microaggressions is foundational to the definition and conceptualization of the construct.” Kanter, et al., *supra* n. 24, at 292.

²⁸ Williams, *Clarification*, *supra* n. 15, at 16.

science?”²⁹

The initial response is obvious: it is at least as plausible that the speaker simply believes that, race aside, her partner is remarkably good at science, and thus that no unconscious stereotype about Black people inspired the Question.³⁰ Why should *this* not be deemed the default embedded meaning rather than a racist meaning? To be sure, the Question *might be* an expression of racism. But recall that the claim is not that the Question *could be* inspired by racism, or that it causes discomfort (though researchers claim this too), but rather that, according to Williams, the question in context “by nature” is inspired by racism, either consciously or unconsciously. Williams rejects the possibility that “certain microaggression items reflect innocuous statements or actions that do not stem from implicit racial biases.”³¹ Why? Researchers provide no meaningful evidence to support the notion that the Question, by its nature and in context, stems from racial bias. It is just assumed. Of course, science is, in principle, open to demonstrating that all sorts of seemingly implausible things are true, and it provides mechanisms for such demonstration. Notwithstanding, the evidence to support the claim of intrinsic racism is non-existent.

Such evidence is conceivably obtainable. Researchers would need to: (1) assess levels of racism among a group of Whites; (2) assess whether those levels of racism perfectly or very substantially correlate with the likelihood of microaggression commission; and (3) rule out alternative explanations for the commission of alleged microaggressions. Nothing provided so far by microaggression researchers comes close to meeting this threshold. Rather, researchers seem to simply assume the respective embedded meanings, and therefore declare statements and questions to be microaggressions essentially by fiat.

Of course, the assumption of embedded racist meanings is not stated as an assumption, but a reliance on intuitive assumptions is what researchers’ methodology in this regard seems to boil down to.

To start with, Sue, et al., in the original 2007 article bringing

²⁹ Id. (noting that this microaggression reflects “assumptions about intelligence, competence, or status”).

³⁰ Though a speaker should apparently not raise this defense, as a “denial from the offender” can cause “social harm.” Id. at 7. In fact, later Williams compares microaggression “offenders” who deny racist intentions to Ku Klux Klan members who have similarly denied their racism, but rather assert they only “want to defend White heritage.” Id. at 9.

³¹ Id. at 6.

the microaggression concept back into the psychological mainstream, provided a list of microaggressions that has been highly influential in the drafting of commonly propagated lists. Yet, the authors did not determine that the listed items were in fact microaggressions. They merely (to their credit) stated that the items “*may potentially* be classified as racial microaggressions.³² However, as Lilienfeld stated, “it is troubling that the original Sue et al. . . . taxonomy of microaggressions, which was generated in an armchair fashion, has been used as a template in virtually all research articles in the [CMC] literature.”³³ Consistent with the apparent armchair fashion of this list’s drafting, Sue, et al., go on to assign “hidden messages” to the listed items.³⁴

Following Sue et al.’s 2007 article, researchers began using a focus group methodology to generate lists of microaggressions. Under this method, POC study participants are placed in small discussion groups to discuss microaggressions they believe they have suffered. These reports are used to generate new items on microaggression lists.³⁵ Of course, this methodology simply makes the study participants’ intuition controlling rather than the researchers’, but the problem remains: this subjective self-reporting is clearly insufficient for showing that listed microaggressive items have objectively embedded in them racist messages.³⁶ It merely demonstrates that some POC suspect such subtle racism is at play when hearing some listed microaggressions.

Consistent with this methodology, Williams has responded to calls for greater evidence of embedded racist meanings with invocation of her “lived experience”:

Lilienfeld argued that there is no evidence that the

³² Sue, et al., *Everyday Life*, *supra* n. 11, at 275 (emphasis added)

³³ Lilienfeld, *Strong Claims*, *supra* n. 16, at 149.

³⁴ Sue, et al., *Everyday Life*, *supra* n. 11, at 275.

³⁵ See, e.g., Derald Wing Sue, Christina M. Capodilupo, & Aisha M. B. Holder, *Racial Microaggressions in the Life Experience of Black Americans*, PROFESSIONAL PSYCHOLOGY: RESEARCH AND PRACTICE, 329, 331 (Black participants were asked questions about their experiences with subtle racism, with the goal of “generat[ing] a variety of microaggressive examples.”).

³⁶ And, as Lilienfeld has noted, “[a] potentially serious concern with this methodology is that most focus groups have been drawn from highly selected samples, many or all of whom are already predisposed to endorse the concept of microaggressions.” Lilienfeld, *Strong Claims*, *supra* n. 16, at 149. For example, the study just discussed “included only [participants] who agreed that subtle discrimination in the form of racial microaggressions exists.” See, e.g., Sue, et al, *Black Americans*, *supra* n. 35, at 334.

commission of microaggressions is related to racial prejudice. Admittedly, those of us who study microaggressions have not felt a need to prove this because the connection between racism and microaggressions appears evident through our research and lived experiences.”³⁷

In short, the methodology generally employed to generate lists of microaggressions has been to simply ask POC or other psychologists (“diversity experts” for example) to think of ways in which racism can subtly manifest in language, then to generate examples of statements or questions that they intuitively conclude reflect this subtle racism. The problem with this methodology should be obvious: how do we know the respondents are correct?

In response to critics highlighting this problem, Williams has responded suggesting that this complaint is a red-herring, and that identifying microaggressions is more simple than critics claim. In response to the claim that researchers simply by fiat declare alleged microaggressions to contain racist messages, Williams responded that the “cardinal considerations of a microaggression are these: (1) Does the behavior reinforce pathological stereotypes or promote exclusion?; (b) Is it easy to explain away as not being due to race? If the answers to *both* are yes, then we have a microaggression.”³⁸ There are several blatant problems with this response.

First, notice that Williams’ first prong centralizes the effects of behavior, but elsewhere she definitionally centralizes a state of mind on the part of the speaker: at the very least, unconscious racism. To be more consistent with her prior assertions, one would expect prong (1) to read “is the speaker committing an act with at least the unconscious intent of reinforcing pathological stereotypes?” This is especially the case given that prong (2) focuses on whether the speaker could explain the act away as not being due to race. What would the speaker need to “explain away” if prong (1) focuses only on effects? The phrase “not being due to race” only makes sense if Williams is referring to the speaker’s motivation. So, which is it? Is it effects or state of mind that makes an act a microaggression?

Second, and most damningly, if we focus on effects, notice how Williams’ new formulation rebegs the same vexing questions.

³⁷ Williams, *Clarification*, *supra* n. 15, at 12.

³⁸ Williams, M. T., *Psychology Cannot Afford to Ignore the Many Harms Caused by Microaggressions*, 15 PERSPECTIVES ON PSYCHOLOGICAL SCIENCE, 38, 39 (2020).

For example, imagine students are in a study session in which they're discussing current events, and a White student says "all lives matter, not just Black lives," a microaggression according to Williams.³⁹ This statement may be obnoxious to some, but how do researchers know that this "reinforce[s] pathological stereotypes?" Of course, anything is conceivable, but this is beside the point. Williams provides no meaningful answer that this is the *necessary* effect. She merely suggests that, to find out, "people should educate themselves on subtle prejudice in America and the life experiences of those from different ethnic groups."⁴⁰ But other than a citation to a study that, as discussed below, provides no substantial support for her argument, Williams leaves it at that, and therefore fails to meaningfully respond to the challenge of critics. Indeed, she at times seems to imply that other psychologists should simply believe her because she's a diversity expert. But this, of course, doesn't count as evidence. Rather, it resembles a declaration by fiat that what she claims is true is in fact true, the very criticism she was attempting to disarm in providing the above formulation.

Third, Williams' formulation proves another point she was contesting. She was responding to, among other things, Lilienfeld's assertion that the CMC has "excessively open boundaries" given that there doesn't seem to be a principled way of determining what qualifies as a microaggression. Prong (b) suggests that the more an act can possibly be motivated by non-racial factors the more it qualifies as a microaggression. But a vast majority of statements possible in the English language meet this standard. Thus, this prong, combined with the elusiveness of how the first prong is satisfied, helps reveal how the breadth of acts qualifying as microaggressions is breathtakingly vast and indeterminate.

So the problem remains: microaggression researchers, no matter how many times they respond to criticism, seem to be unable to substantiate their designation of listed acts as microaggressions consistent with their own definitions of the phenomenon. The intractability—and the significantly discrediting nature—of this evidentiary problem with the CMC is highlighted when one engages in steelmanning attempts to reconstruct the methodology of the CMC in order to ground the relevant conclusions in something measureable and verifiable.

³⁹ Williams, *Clarification*, *supra* n. 15, at 16.

⁴⁰ Williams, *Cannot Afford*, *supra* n. 38, at 39.

1. Methodological Reconstruction: Subjective Appraisals of POC

A first attempt at this exercise might definitionally center how POC experience alleged microaggressive acts. That is, even though this is generally not how researchers proceed, suppose the interpretations of acts by people of color are deemed authoritative as to the objective embedded meanings of facially innocuous language (of course, this approach would raise a host of problems, but let's put this aside for now). After all, as discussed above, Kanter, et al., assert that "the experiential reality" of POC is "foundational to the definition" of microaggressions.⁴¹ Similarly, Sue explains that part of his project is to validate the "experiential reality" of people of color by shifting the "power to define reality" from Whites to POC who perceive embedded racism in alleged microaggressive acts.⁴² So some of the researchers' language, taken in isolation, can support this recipient-centered approach.

Using this tentative methodology, let's revisit the lab partner Question above: "how did you get so good at science?" One response to our challenge about the Question might be that 53% of Black participants in a study by Michaels, et al., (along with Williams) believed The Question to be at least "slightly racist" in context.⁴³ The study, discussed further later, attempted to determine if White and Black participants tend to agree on what acts are offensive. As part of this effort, the researchers first generated a list of microaggressions and asked Black participants how racist they thought the various items were.

Again, 53% of the Black participants thought the Question was at least "slightly" racist. But on its face this is extremely weak evidence of racist embedded meaning.

First, putting this first significant problem aside, what do we make of the damning fact that 47% of Black students disagreed and thought The Question was not at all racist, not even "slightly"? Isn't this meaningful evidence that attributing inherent racism to the Question in context is unwarranted? Williams speculates that perhaps those in the 47% are less intelligent,⁴⁴ that they "engage in denial as a coping strategy," or that they "may be individuals who

⁴¹ Kanter, et al., *supra* n. 24, at 294.

⁴² Sue, *Black Americans*, *supra* n. 35, at 335.

⁴³ Williams, *Clarification*, *supra* n. 15, at 16 (discussing Timothy L. Michaels, Natalie Gallagher, Michael Crawford, Jonathan W. Kanter, & Monnica T. Williams, *Racial Differences in the Appraisal of Microaggressions Through Cultural Consensus Modeling*, *THE BEHAVIOR THERAPIST* 314 (2018)

⁴⁴ Williams, *Clarification*, *supra* n. 15, at 11.

simply may not be offended by anything.”⁴⁵

Never is the possibility seriously entertained that the Question is not a microaggression given that about half of POC in the study determined that it is not. Rather, the 53% is assumed to be correct, as the racist embedded meaning is treated as *a priori*. If one is going to make an argument that “microaggressions can be validly assessed using respondents’ subjective reports,”⁴⁶ one should not at once dismiss respondents’ subjective reports because those reports are inconsistent with the preferred conclusion.

Second, if we take the figure at face value, what does it mean for 53% of Black respondents to consider something “slightly” racist? Does it mean “hardly anyone who says this is racist”? Does it mean “everyone who says this is expressing a tiny bit of racism?” We do not know, as neither Williams’ work nor the study she references by Michaels, et al., so clarifies.⁴⁷ This is important. Notice we wrote above that 53% of Black participants found the Question to be “at least slightly racist.” But in the study, researchers allowed Black participants to rate items as either “slightly racist” or “very racist.”⁴⁸ The problem is, we don’t know how many of this 53% chose to categorize the Question as only “slightly racist,” as Williams does not reveal the breakdown. As such, depending on what “slightly racist” means, it very well could be that most of the Black students in the 53% believed that the chance of the Question being racist was only slight, or that they had only a “slight” belief that the Question is racist.⁴⁹

⁴⁵ Id.

⁴⁶ Williams, *Clarification*, *supra* n. 15, at 13.

⁴⁷ Michaels, et al., *Racial Differences*, *supra* n. 43, at 314.

⁴⁸ Williams, *Clarification*, *supra* n. 15, at 15.

⁴⁹ The response might be that the Michaels, et al., study accurately generated microaggressions because the study found “a significant negative correlation between [B]lack students’ ratings of the statement being racist with [W]hite students’ ratings of their likelihood of thinking the microaggression.” Michaels, et al., *supra* n. 43, at 317. In other words, the more racist Black participants deemed an item to be, the less likely Whites were to think or express the item. Does this show that both Whites and Blacks know microaggressions when they see them? Hardly.

The authors seemed to assume that this reflects agreement between Black and White participants about *what constitute microaggressions*. But there is no reason to think this is the case, as the White participants weren’t asked if they thought items were microaggressions or “intrinsically racist in context” or the like. They were merely asked how likely they were to say/think the items. Asking White students whether they thought the items were racist seems to us to be the obviously best way to show cross-racial understanding of what constitutes microaggressions, but the researchers didn’t take this route; it’s unclear why. For obvious reasons, one cannot assume that just because White students would

These problems plague many other items on Williams' list of alleged microaggressions, such as "I don't see race . . . I see people for who they really are," which 73% of the Black participants found be at least "slightly racist, and "why do Black people listen to rap music where they always say the n-word," 66%.

And in any event, it is important not to reify the above figures, as there have been no rigorous, pre-registered attempts to replicate this study, and the dismal replication rate of psychological research strongly suggests that nothing about this study should be accepted as established until such replications are conducted and found to confirm this figure. Indeed, there are other major limitations to the study that suggest it should not be taken at face value. First, it was conducted with a small sample of 20 Black students,⁵⁰ and small sample studies routinely produce unreliable findings. Second, as the authors admit, the study focused on "college-aged students within one region of the United states, a demographic that is increasingly exposed to diversity training and therefore whose response[s] may not generalize to older, community or clinical samples."⁵¹ This is an understatement: if these students' "diversity training" included assertions about what statements or acts are microaggressions, there's a good chance they were, coming into the study, already primed to agree with researchers that the listed items were indeed racist. As such, there are sound reasons to suspect that this sample of 20 students were, in their responses, highly unrepresentative of Black Americans in general.

In short, this subjective appraisal methodology does not get researchers to where they want to land, as no study—neither the study discussed above nor any either we have found—reliably demonstrates that POC agree with researchers about what constitute microaggressions. Or, more to the point, that any agreement is strong and consistent enough to validate common lists of microaggressions based on the subjective appraisals of POC.

refrain from expressing a given item, this is because they understand the item to be racist. For example, many or most of the White participants might, if asked, explain their reluctance to say/think an item as inspired by the fact that certain statements may erroneously *be perceived* as racist, or may be socially awkward or insensitive to express, even if not necessarily racist. And in any event, even if the White students agreed that the items were indeed racist, cross-racial agreement like this wouldn't transform the impressionistic hunches of some Black and White participants into objective fact.

⁵⁰ Michaels, et al., *supra* n. 43, at 316.

⁵¹ *Id.* at 319.

2. Methodological Reconstruction: Correlation with White Racism

A second salvaging methodology might be, as we've already suggested, to measure the racism of White study subjects, and determine if only racist Whites would commit listed microaggressive items. This is measurable, and a perfect or overwhelming correlation might suggest embedded racism. In this vein, Williams invokes a study by Kanter, et al. (including Williams),⁵² wherein researchers employed this methodology. As Williams describes the study, it provides “important empirical support for something that diversity researchers knew all along—microaggressive acts are rooted in racist beliefs”⁵³ But the study does no such thing.

The study sought to “document the degree to which microaggressions reflect objective acts of prejudice.”⁵⁴ The authors ultimately concluded that their study “provide[s] empirical support that microaggressive acts are *rooted in* racist beliefs and feelings of deliverers, and may not be dismissed as simply subjective perceptions of the target.”⁵⁵ But the study re-elicits the same challenges to the CMC that inspired the study in the first place, as the phrase “rooted in” is doing more work than it can bear. To see why, a sketch of the study’s methodology is in order.

The researchers first asked Black participants to review various alleged microaggressions to determine if they believed the items to be at least “possibly racist.” Students could also score the items as “somewhat racist” or “very racist.”⁵⁶ After compiling a list of microaggressions that at least half of the Black students deemed to be at least “possibly racist,” the researchers next asked White participants to review the remaining 30 items and rank how likely they were to say or think them. Lastly, the researchers measured the racial hostility of the White participants.

All the usual caveats for small-scale psychology studies apply once again. This was a small scale study, including only 33 Black

⁵² Kanter, et al., *Preliminary Report*, *supra* n. 25.

⁵³ Williams, *Clarification*, *supra* n. 15, at 12.

⁵⁴ Kanter, et al., *Preliminary Report*, *supra* n. 25, at 292.

⁵⁵ *Id.* at 294 (emphasis added).

⁵⁶ Interestingly, the researchers parred down the list to 30 by eliminating 16 questions that were thought to be microaggressions, but which over half the Black participants concluded were *not* at least “possibly racist.” This alone meaningfully suggests that many items researchers deem microaggressive are not even “possibly racist,” at least if, as the researchers earlier state, “the experiential reality” of minorities is “foundational to the definition” of microaggressions.

and 118 White students, all from a single university. These numbers are so small and so unrepresentative of any population that the entire study should be viewed as little more than question-raising. Furthermore, it has never been subjected to attempted replication by independent scientists. But there are bigger problems.

First, even if we could take correlations as evidence of causation, only 10 of 30 correlations reached the conventional cutoff for “statistical significance”; meaning that 20 of the 30 correlations were statistically indistinguishable from 0. This means that for 2/3 of the supposed microaggressions, the study effectively showed no meaningful relationship between White prejudice and a White participant’s likelihood of expressing it. Importantly, among the 2/3 of microaggressions that failed to meaningfully correlate with White racism, most were the very ambiguous items that give rise to overbreadth challenges to the CMC. In other words, *the facially innocuous items that researchers claim are microaggressions—the only items that make the CMC allegedly useful—are the very items the researchers failed to connect with White racism.* One alleged microaggression—I “don’t think of Black people as Black,” actually correlated with *positive* attitudes toward Blacks at .12. Yet it’s still claimed to be a microaggression.

And *even if* the correlations for all alleged microaggressions were statistically significant (most weren’t), the study would tell us very little, notwithstanding the researchers’ claim that the study supports the notion “that microaggressive acts are rooted in racist beliefs.” In this hypothetical steelmanning of the study, its primary revelation would be simply that the more racist someone is, the more likely they are to say things that POC deem problematic. This would hardly be surprising. Analytical gymnastics would be required to conclude from this result that the study provides meaningful evidence that the respective items are “rooted in” racism.

To illustrate the point, imagine researchers found that those who carry pocketknives are 20% more likely to commit acts of violence than those who don’t carry them. This would reveal nothing about either the nature of pocketknives, or the nature of the act of possessing one, since a vast majority of people who carry pocketknives don’t commit acts of violence against others with them. Researchers therefore could not credibly conclude with this data that the possession of a pocketknife is “rooted in” violent tendencies.

In any event, far from generally validating “the experiences of those who report being microaggressed against,” the study merely

highlights the inability of researchers thus far to provide meaningful evidence for their most important premise: that “microaggressions” are indeed microaggressions.

A second problem with leveraging the Kanter, et al. study is revealed upon review of the 30 microaggression items researchers included in the study. Recall that an item was deemed to be a microaggression if at least half of Black students deemed it to be at least “possibly racist.” An example of an item that at least half of the Black participants found to be “at least possibly racist” is the following statement made in the following scenerio:

Scenario: [A White person is] with a mixed (Black and White) group of friends, and [he is] talking about various current events and political issues, including police brutality, affirmative action, unemployment, and education. . . .

Statement by White student: I don’t think of Black people as Black

A common translation for this type of “colorblindness” microaggression is something along these lines: “I am not recognizing your identity-based experiences, challenges, and needs.”⁵⁷ But what did the Black study participants think?

Of the Black participants, 33.3% deemed this item “possibly racist,” and 27.3 deemed it “somewhat or very racist.” Implicative of the prior discussion, if researchers claim that the statement above is “rooted in racism,” it is problematic that only 27.3% of Black participants thought that the chance of this being true was meaningfully high.

“Possibly racist” is an extremely low threshold, as it can include items that the participants believed were almost certainly not racist. Counting the “possibly racist” responses from Black participants gives the superficial impression that most of them believed that the 30 items were “rooted in racism.” But the details of the study reveal that for a majority of the items, Black participants were more likely to deem them “possibly racist” rather than “somewhat” or “very” racist.⁵⁸

Only 13 of the items were identified by a majority of the Black participants as “somewhat” or “very” racist. Thus, the

⁵⁷ See Sue, *Black Americans*, *supra* n. 35, at 329 (“When Blacks are told that ‘people are people’ and that ‘we are all human beings,’ the inherent message is that their experiences as racial cultural beings are not valid”).

⁵⁸ Kanter, et al., *Preliminary Report*, *supra* n. 25, at 295.

researchers' decision to include in the 30 items those that most of the Black participants did not find to be likely problematic⁵⁹ gives the misleading impression that the Black participants deemed all of the statements or questions to be microaggressions as well.

Tellingly, items that most of the Black participants deemed "somewhat or very racist" were statements and questions that are significantly more facially offensive than a vast majority of the items that appear on microaggression lists produced by researchers and used in diversity training programs. For example, 85% of Black participants unsurprisingly found the statement "you are smart for a Black guy" "somewhat" or "very racist."⁶⁰ An item more representative of what appears on training materials would be the question "can I touch your hair?" directed at a Black woman; only 27.3% of the Black students found the chance of this being racist as meaningfully high. Most people, including apparently most Black people, would apparently deem it to be most likely simply a genuine expression of appreciation of difference,⁶¹ or otherwise non-racist, even if sometimes annoying to Black women.

This tendency for researchers to include a handful of relatively clearly racist items with a high number of much more ambiguous items gives the impression that they all belong on the same continuum of racism, albeit perhaps at different locations. But, again, researchers provide no basis for this implicit notion. The effect of this is that the inclusion of the relatively problematic items misleadingly appears to establish that what researchers deem to be microaggressions, Black participants strongly agree are racist acts.

Similarly, as for correlation with White racism, the inclusion of a small number of more likely problematic statements that actually do correlate with measures of racism, when summed together with the weaker items, serves to create the impression that the overall scale correlates with racism.

For example, in Kanter et al., the blatantly hostile statement, "you are smart for a Black guy," unsurprisingly correlates -.34

⁵⁹ To be sure, as Williams argues, "behavior does not have to be offensive to everyone or even most people to be problematic." Williams, *Clarification*, *supra* n. 15, at 12. We argue here not that the response "I don't think of Black people as Black" is not problematic (we take no stance on that here), but rather that the responses of the Black participants hardly support the notion that the response is, by its nature, "rooted in racism."

⁶⁰ Kanter, et al., *Preliminary Report*, *supra* n. 25, at 295.

⁶¹ Ironically, not appreciating difference can also be a microaggression. For example, according to Sue, et al., stating "there is only one race, the human race" translates to "color blindness," which is allegedly a form of racism. Sue, et al., *Everyday Life*, *supra* n. 11, at 276.

with attitudes toward Black people (spoiler alert: people willing to say this have more negative attitudes toward Black people). When Williams declares that “microaggressive acts are rooted in racist beliefs”⁶² on the basis of correlations of .36-.45 of the entire microaggression scale with prejudice, the problem is clear. The problem—besides the assumption of causation from correlation—is that she erroneously interprets the correlation of the total scale score as evidence that all listed items are microaggressions. The more ambiguous and facially non-racist items ride on the correlative coattails of the more blatant, weaseling their way into seeming conceptual legitimacy as microaggressions when they don’t belong.

This is damning; why? Because this method appears to be central in maintaining the seeming legitimacy of the CMC, for few people would find the CMC useful in any way if it merely proclaimed the banal: that relatively blatantly problematic statements can be “microaggressions.” Invidiously, this rather obviously problematic method fuels the common misimpression that microaggressions are more pervasive and varied than they really are. If all 30 questions are interpreted as being “rooted in racism,” when there is in fact no reason to believe this, the paper can and will be cited as evidence for the validity of the entirety of commonly propagated lists of microaggressions.

But, of course, neither the recipient-appraisal method nor the correlative racism method are what (generally) researchers use. We suspect this is because neither method is likely to justify researchers’ claims about hidden, embedded “metacommunications” that exist independent of how either the speaker or recipient experience a given statement. Microaggression researchers simply have not provided a valid basis for concluding that alleged microaggressions are what researchers claim they are. And even a charitable reconstruction of methodology cannot hide the fact that the basis for the researchers’ conclusions about embedded meanings appears to be an *a priori* belief in existence of those embedded meanings.

Although we have focused primarily on a methodological critique of Kanter, et al., essentially the same problems—problematic assumptions, small and unrepresentative samples, and widespread lack of rigorous validation work—characterize work throughout the social science literature on microaggressions.⁶³ In light of this, the current propagative success of the CMC appears to

⁶² Williams, *Clarification*, *supra* n. 15, at 12.

⁶³ See generally Lilienfeld, *Strong Claims*, *supra* n. 16.

be an example of so-called “idea laundering.”

C. Idea Laundering and the Work to be Done

Idea laundering refers to a process that may be growing more common in academic publishing. It involves the capture of peer review processes by activists to create the false impression that certain ideologically and rhetorically useful claims have scientific credibility, even when, by conventional scientific standards of rigor, logic, and strong evidence, the claims command no credence.

The process at its most extreme works like this. Some idea is presented or even claimed to be true in a book chapter or article, with little or no evidence. It might even be done reasonably, as speculation, or it might involve a researcher leaping to an unjustified conclusion based on weak evidence. The idea, now published in a peer reviewed journal, can now be cited by other researchers publishing in other peer reviewed journals as “evidence” for the validity of the claim. In the total absence of validity evidence, new researchers can then further cite one another’s peer reviewed publications in support of the claim.

The CMC appears to be a product of idea laundering because it is currently ricocheting through psychology scholarship and the broader culture as if its validity has already been scientifically established. The problem is, discovery that the emperor has no clothes (at least not yet) requires the deep dive into primary sources that most writers are not inclined to, or don’t have time to, undertake.

Here, studies like the one discussed by Kanter, et al., intentionally or not, facilitate the idea laundering that items researchers and “diversity experts” claim are microaggressions actually deserve such categorization. However, the study showed only that strongly bigoted statements reflect prejudice among 118 college students and are perceived as bigoted by 33 Black college students; and this study is now cited, not as preliminary evidence requiring vastly more research, but as evidence “indicative of racial prejudice in offenders.”⁶⁴

What’s needed is “severe testing.” A severe test is one that will find flaws in a claim, including alternative explanations, if they are present. After surviving severe testing, application of claims to the real world then require additional research that is plausibly described as an order of magnitude more difficult. For

⁶⁴ Williams, *Clarification*, *supra* n. 15, at 20.

example, far more validity work is needed to identify which types of behaviors consistently stem from prejudice and are perceived as slights.

If microaggressions really are as pervasive as claimed, that work would then need to be expanded to examine new manifestations of microaggressions. All of that research would then need to be replicated, probably first with small convenience samples, but, eventually, with large nationally representative samples. Meta-analytic studies would then be needed to evaluate the overall levels, patterns, and conditions of support for the CMC in what would then be a large body of research. Furthermore, all of this work would need to be pre-registered, meaning that, in order to reduce a slew of potential researcher biases, the hypotheses, methods, and analyses would all need to be articulated in writing prior to conducting the study (a practice that has, so far, been implemented in precious few studies of microaggressions).

Only after the phenomenon is well-understood via this rigorous scientific manner could researchers begin to apply the CMC in real world settings with anything resembling scientific rigor. Work in microaggressions, by these standards, is in its infancy, and is most definitely not ready for applications in the real world.

Indeed, while we have focused on the issue of embedded racist messages, we don't mean to suggest that this is the only problem with the CMC; far from it. In fact, we decline to address these other problems in detail here precisely because they deserve more focused attention than this paper, given space limitations, can provide.

For example, CMC researchers regularly claim or suggest that POC face an onslaught of microaggressions with high frequency. For example, Sue asserts that minorities don't "just occasionally experience racial microaggressions." Rather, "they are a constant, continuing, and cumulative experience" in their lives.⁶⁵ He also claims that POC experience microaggressions "daily."⁶⁶ As Williams puts it, "many if not most microaggressions can be conceptualized as manifestations of everyday racism."⁶⁷ But, when understood thoroughly, some highly influential research suggests that this is wrong.

Psychologist Kevin Nadal sought to "measure the microaggressions that people of color experience in their everyday

⁶⁵ Sue, et al., *Define Reality*, *supra* n. 12, at 277-78.

⁶⁶ Sue, et al., *Everyday Life*, *supra* n. 11, at 273.

⁶⁷ Williams, *Clarification*, *supra* n. 15, at 7.

lives.”⁶⁸ POC respondents were provided with examples of subtle racism, such as “someone assumed I would have a lower education because of my race,” and were then asked how frequently they had experienced such discrimination in the prior six months. For a vast majority of the items, most respondents reported that they either had not experienced the supposed microaggression in the past six months at all, or, if they had, did so one to three times. In light of this result, it’s difficult to characterize microaggressions as constituting a major social ailment, as the assumption of high frequency often seems to undergird researchers’ claims about the supposedly caustic effect microaggressions have on the psyches of POC.

In short, a vigilant analysis of the research comprising the CMC reveals its manifold shortcomings, which are so severe as to raise questions about the precise nature of the project of which the CMC is a part. One can be forgiven for concluding that the CMC is not the product of a traditional scientific undertaking wherein researchers dispassionately identify and soundly verify the contours of a particular problem, then propose ways to combat that problem. Rather, one could fairly suspect that the CMC represents an activism of sort, wherein the problem—widespread subtle racism—is assumed, such that reinforcement of an activist narrative is the pre-ordained conclusion. We turn to this next.

II. Power Dynamics and Methodological Activism

At this point, it should be sufficiently clear that researchers have not come close to meeting their central premise about embedded meanings. Researchers rather assume the validity of the premise, and this assumption is the thread that holds the CMC together. Without it, the CMC would reduce to simply lists of items that people do or say that *could* be inspired by, or interpreted as, racist. But such a construct would be next to useless for obvious reasons.

The CMC is sweeping through the social justice zeitgeist precisely because it claims to be so much more than a warning to not say facially offensive things, or an admonition to Whites to think about how they might be misinterpreted by POC before speaking, and to empathize accordingly. Rather, Sue and others, using powerful, sweeping, and often unqualified language, claim to

⁶⁸ Kevin L. Nadal, *The Racial and Ethnic Microaggressions Scale (REMS): Construction, Reliability, and Validity*, 58 *Journal of Counseling Psychology* 470, 471 (2011).

have *revealed* something hereto hidden from view. As Sue has put it, his research seeks to make “the invisible visible.”⁶⁹

Such revelations are taken as groundbreaking and important because they are consistent with critical race theory, which is popular in the academy and activist communities today. A central thesis of critical race theory is what might be termed the “insidiousness tenet,” which is the *a priori* belief that the subtle contours of culture, especially those created by language, are saturated with hidden racism.⁷⁰

Given their belief in the power of culture to maintain various groups’ respective social situations, critical race theorists are social constructionists; that is, they believe that “races are the products of social thought and relations.”⁷¹ “[Critical] discourse analysts . . . focus on ideas and categories by which our society constructs and understands race and racism.”⁷² That is, in choosing what to problematize, many critical theorists focus on aspects of culture—often language—that help maintain the current oppressive social constructions of race via stereotypes, microaggressions, and other practices that insidiously keep minorities “in their place.” So, critical race theorists reason, “many of our chains are mental and . . . we will never be free until we throw off . . . demeaning patterns of thought and speech.”⁷³

Although the civil rights legislation of the 1960s ended legal racial discrimination, inequality still persists almost 60 years later. Why? Many have concluded it must be because of something secret, subtle, hidden, and underground. But what? By the 1970s, the social sciences were on a quest to find these supposedly hidden, camouflaged, or unconscious forms of racism. Those efforts generated a slew of concepts, such as “modern”⁷⁴ or “symbolic racism,”⁷⁵ “implicit bias,”⁷⁶ and “stereotype threat.”⁷⁷

⁶⁹ Sue, et al, *Black Americans*, *supra* n. 35, at 335. See also generally Sue, et al., *Everyday Life*, *supra*, n. 11, wherein Sue repeatedly refers to the importance of making “invisible” racism “visible.”

⁷⁰ Richard Delgado & Jean Stefancic, *Critical Race Theory: An Introduction*, 91, 159 (2017 3d ed.) (“[R]acism is pervasive, systemic, and deeply ingrained [in American Society]. . . . The status quo is inherently racist, rather than merely sporadically or accidentally so.”).

⁷¹ *Id.* at 9.

⁷² *Id.* at 140.

⁷³ *Id.* at 121.

⁷⁴ McConahay, J. B., *Modern racism, Ambivalence, and the Modern Racism Scale*, in *PREJUDICE, DISCRIMINATION, AND RACISM*, 91 (J. F. Dovidio & S. L. Gaertner (Eds.) 1986).

⁷⁵ Kinder, D. R. & Sears, D. O., *Prejudice and Politics: Symbolic Racism Versus Racial Threats to the Good Life*, 40 *J. OF PERSONALITY AND SOCIAL PSYCHOLOGY*, 414 (1981).

Interestingly, just as is the case with microaggressions, each of these areas have been characterized by a wave of initial enthusiasm including many publications, followed by critical reviews highlighting weaknesses, flaws, confounds and alternative explanations that consistently indicated that the initial enthusiasm was largely unwarranted.⁷⁸

The influence of critical race theory on microaggression research is obvious, and it is often advertised.⁷⁹ Research on microaggressions is invaluable to the critical race narrative because, given the influence of critical race theory on

⁷⁶ Greenwald, A. G., McGhee, D. E., & Schwartz, J. L. K., *Measuring Individual Differences in Implicit Cognition: The Implicit Association Test*, 74 J. PERSONALITY AND SOCIAL PSYCHOLOGY, 1464 (1998).

⁷⁷ Steele, C. M., & Aronson, J., *Stereotype Threat and the Intellectual Test Performance of African-Americans*, 69 J. OF PERSONALITY AND SOCIAL PSYCHOLOGY, 797 (1995).

⁷⁸ See Finnigan, K. M. & Corker, K. S., *Do Performance Avoidance Goals Moderate the Effect of Different Types of Stereotype Threat on Women's Math Performance?* 63 J. OF RESEARCH IN PERSONALITY, 36 (1996); Jussim, L., Careem, A., Goldberg, Z., Honeycutt, N., & Stevens, S. T., *IAT Scores, Racial Gaps, and Scientific Gaps*, in press, to appear in, Krosnick, J.A., Stark, T. H & Scott, A.L. (Eds.), *THE FUTURE OF RESEARCH ON IMPLICIT BIAS*. New York: Cambridge University Press; Sniderman, P. M. & Tetlock, P. E., *Symbolic Racism: Problems of Motive Attribution in Political Analysis*, 42 JOURNAL OF SOCIAL ISSUES, 129 (1986).

⁷⁹ Prominent microaggression researchers such as Derald Wing Sue and Kevin Nadal have nodded to the relevance of critical race theory in their work. Derald Wing Sue, Jennifer Bucceri, Annie I. Lin, Kevin L. Nadal, and Gina C. Torino, *Racial Microaggressions and the Asian American Experience*, Vol. S. ASIAN AMERICAN JOURNAL OF PSYCHOLOGY, 88, 89 (2009) (“Ever since the civil rights movement, critical race theory has provided a means for challenging Eurocentric epistemologies and dominant ideologies such as beliefs in objectivity and meritocracy that has masked the operation of racism”). See also Shilpa M. Pai Regan, *Book Review: Microaggressions and Traumatic Stress: Theory, Research, and Clinical Treatment*, 10 ASIAN AMERICAN JOURNAL OF PSYCHOLOGY, 373 (2019) (noting that the work of Kevin Nadal, a prominent microaggression researcher, employs critical race theory); Solorzano, D., Ceja, M., & Yosso, T. (2000). *Critical race theory, racial microaggressions, and campus racial climate: The Experiences of African American College Students*. 69 THE JOURNAL OF NEGRO EDUCATION, 60 (2000); Kristen J. Mills, “It’s Systemic”: *Environmental Racial Microaggressions Experienced by Black Undergraduates at a Predominantly White Institution*, 13 J. OF DIVERSITY IN HIGHER EDUCATION, 44, 53 (2020) (“[T]heoretical frameworks such as critical race theory . . . have been used in the study of prejudice, racism, discrimination, and racial microaggressions”); Lindsay Pérez Huber and Daniel G. Solorzano, *Visualizing Everyday Racism: Critical Race Theory, Visual Microaggressions, and the Historical Image of Mexican Banditry*, 21 QUALITATIVE INQUIRY, 223, 225 (2015) (noting that the work of Daniel Solorzano, a microaggression researcher, has drawn “heavily from critical race theorists”).

microaggression research, the insidiousness tenet is so often imbedded in that research. For example, researchers don't merely claim that subtle racism has always existed, and that the lessening of overt racism moves combating subtle racism to the top of the priority list. Rather, they regularly claim that the subtle racism of today is the product of old-fashioned overt racism *transforming itself* into subtle forms. Here's Sue, et al. on this score:

Instead of overt expressions of White racial superiority, research supports the contention that racism has *evolved* into more subtle, ambiguous, and unintentional manifestations in American social, political, and economic life. The "old fashioned" type where racial hatred was overt, direct, and often intentional, has increasingly *morphed* into a contemporary form that is subtle, indirect, and often disguised.⁸⁰

Similarly, Mercer, et al., claim that "old-fashioned racism has been *replaced* by more subtle forms."⁸¹

Recitation of this notion is a virtual introductory staple in microaggression research articles. When read together with other presuppositions in the work of some prominent researchers, this language suggests that subtle racism is a tactic of sorts, not attributable to the intentionality of individuals, but nevertheless reflecting a social arrangement diffusedly bent on preserving White supremacy. For example, Williams argues that microaggressions are a "manifestation of the aggressive goals of the dominant group, taught to unwitting actors through . . . social mechanisms."⁸² In this we see tendencies common in critical race theory: a confidence in a descriptive critical social metaphysics and a certainty in the critical mind's (and only the critical mind's) ability to identify subtle social evils that others are not equipped to see.

Microaggression research provides a veneer of scientific credibility to vested critical premises, as those studies have statistics, p-values, and reliability coefficients, all useful for creating the appearance of scientific foundations for assumptions, so long as one does not examine the methodological details of the

⁸⁰ Sue, et al., *Asian American Experience*, *supra* n. at 88 (emphasis added).

⁸¹ Mercer, S. H., Zeigler-Hill, V., Wallace, M., *Development and Initial Validation of the Inventory of Microaggressions Against Black Individuals*, 58 JOURNAL OF COUNSELING PSYCHOLOGY, 457, 457 (2011) (emphasis added).

⁸² Williams, *Clarification*, *supra* n. 15, at 8.

studies too closely.

But the undertone of much microaggression research is not one of caution commensurate with the guardrails normally imposed by the scientific method. Because of extreme methodological shortcomings of current microaggression research, the current perceived integrity of the CMC must be ostensibly maintained through indulging in significant assumptions, and through the tactic of concept creep, which both support the pretense that the CMC reveals as much about social reality as it claims.

A. Crutch Assumptions, Concept Creep, and Methodological Activism

Researchers repeatedly recognize that those who commit alleged microaggressions might not have the conscious intent to communicate racism. Researchers deal with this reality simply by declaring, without basis, that microaggressors' racism is unconscious. Certainly, the study by Kanter, et al. did not establish this (and, to their credit, they described their report as "preliminary").

By expanding the normal boundaries of terms, some researchers claim microaggressions are always committed with a racist "intent," even when individualized conscious racist intent is lacking. Again, Williams argues that microaggressions are "in fact intentional" because, at the very least, microaggressions are a "manifestation of the aggressive goals of the dominant group, taught to unwitting actors through . . . social mechanisms."⁸³ As such, "all microaggressions are *meant* to cause harm, either by the individual or society at large, and this is what makes them all forms of aggression."⁸⁴ Even assuming that this use of the concept of intent is valid, no evidence is provided that "society's intent" is to perpetuate racial inequality via listed microaggressions. It appears to be a creature of critical social metaphysics.

On this score, it is apparent that much of microaggression research is driven by what appears to be a form of methodological activism, the ultimate design of which is to advance a critical race theory narrative of social reality. A primary feature of this methodological activism is the perception of the scientific method as illegitimately constraining on "other ways of knowing" by traditionally marginalized people.

⁸³ Id. at 8.

⁸⁴ Id at 9 (emphasis added).

This methodological activism serves the primary role of bridging empirical gulfs in the research. Researchers invoke the “experiential reality” of *some* POC as being somehow scientifically authoritative; or they reject calls for greater empirical support with the charge that such demands represent an epistemological imperialism by critics seeking to, as White males, hold on to their “power to define reality.”⁸⁵

For example, in responding to criticisms from colleagues about the lack of empirical bases for the CMC, Sue has asserted that “what constitutes evidence is often bathed in the values of the dominant society. . . .”⁸⁶ After asserting that “power and privilege determines the nature of reality,” he criticized his critic for “applying the accepted scientific principle of *skepticism* to the study of microaggressions, which may unintentionally dilute, dismiss, and negate the lived experience of marginalized groups in our society.”⁸⁷

Sue has responded to other critics similarly. For example, he has accused critics of continuing “to question the racial realities of” people of color, and working “strongly” to “impose their racial realities” on them:

As a privileged White male, Thomas [a scholarly critic] failed to understand how European Americans have historically had the power to impose their own reality and define the reality of those with lesser power. That is perhaps one of the reasons why Thomas tried to impose his own reality so freely in his response.

In other words, Sue responded to the normal scientific skepticism of his detractors with the implicit argument—made in the unmistakable spirit of postmodernism,⁸⁸ which significantly

⁸⁵ Sue has explained, in his response to critics, that those White critics traditionally have enjoyed the “power to define reality,” which they enjoy at the individual “and the institutional and societal levels as well.” Sue, *Black Americans*, *supra* n. 35 at 335.

⁸⁶ Derald Wing Sue, *Microaggressions and “Evidence”*: *Empirical or Experiential Reality?*, 12 PERSPECTIVES ON PSYCHOLOGICAL SCIENCE 2017, 170, 170 (2017).

⁸⁷ *Id.* at 171. One may wonder what “lived experience” means, given that all experience is lived. We have not found a satisfactory answer to this question.

⁸⁸ Joachim I. Krueger, *Postmodern Parlor Games*, 57 AMERICAN PSYCHOLOGIST, 461 (June/July 2002) (“The postmodernist challenge is to deny scientific methods’ privileged status as ways of gaining knowledge.”) Brian D. Haig, *Truth, Method, and Postmodern Psychology*, 57 AMERICAN

influences critical race theory—that the application of scientific rigor was an attempt at “defining reality,” and therefore was a power play. Thus his critics’ empirical skepticism about some of Sue’s key claims, was “truly arrogant,”⁸⁹ and reflected not a scientific epistemic caution but rather an attempt to overpower the “experiential realities” of oppressed people.

Williams takes this same tack in responding to criticism from psychologist Scott Lilienfeld, who, in the most professional manner, has incisively and thoroughly critiqued the CMC more than any other psychologist. Williams accused Lilienfeld of employing a “racist framework” via his demand for empirical substantiation, arguing that such “[research] approaches . . . favor the dominant racial group at the expense of subordinate groups.”⁹⁰ According to Williams, Lilienfeld’s “research framework could itself constitute a microaggression.”⁹¹ She then chastised Lilienfeld for not having his critical article reviewed by a “diversity researcher” to prevent people of color from being “unnecessarily hurt and offended” by the piece.⁹² Lilienfeld—in a remarkably restrained fashion—replied with further sound objections. How did Williams respond? Williams accused him of “reinforce[ing] pathological stereotypes about Africans Americans [Williams is African-American] [as] being angry, argumentative, and aggressive.”⁹³ We encourage readers to read the respective papers, which will reveal that nothing in Lilienfeld’s paper⁹⁴ could reasonably be read to support this accusation.

Importantly, we highlight exchanges such as these not in a tawdry fashion, that is, not with a design to highlight interesting but unimportant interpersonal drama for its spectacle value. Rather, the point is to demonstrate a more pernicious manifestation of methodological activism, one that should further undermine faith in much of microaggression research: an aggressive fragility, combined with an assumed but unjustified moral an epistemic

PSYCHOLOGIST, 457 (2002) (“Postmodern thinkers have mounted a number of attacks on the widely accepted modern mental outlook known as the Enlightenment. Gergen’s case for embracing a postmodern psychology specifically challenges the Enlightenment notions of science and reason as they are used in modern psychology.”).

⁸⁹ Id.

⁹⁰ Williams, *Clarification*, *supra* n. 15, at 19.

⁹¹ Id.

⁹² Id. at 21.

⁹³ Williams, *Cannot Afford*, *supra* n. 38, at 41.

⁹⁴ Scott O. Lilienfeld, *Microaggression Research and Application: Clarifications, Corrections, and Common Ground*, 15 PERSPECTIVES ON PSYCHOLOGICAL SCIENCE, 1 (2019).

authority, that together serve to stigmatize challengers to the CMC as either racists or racially insensitive. Examples of this strike us as power plays. We fear this strongly disincentivizes good-faith and scientifically sound critiques of claims by microaggression researchers. It is therefore profoundly anti-scientific. Scientists must address good-faith criticism of their work on the merits, not simply by deflection with *ad hominem* impugning of the integrity or decency of the critic.

In sum, it is evident that the disagreement over the legitimacy of the CMC is not only a conventional disagreement about whether researchers have sufficiently observed traditional scientific standards. Rather, in the background—and often in the foreground—the disagreement is one over what counts as the legitimate production of knowledge. Concerning to us is this: if researchers take the view that disagreement about the legitimacy of the CMC is a struggle between oppressors and oppressed over the “power to define reality,” how do proponents of the CMC exercise this power once they obtain it?

B. Language and Power

To paraphrase Nietzsche, when there are no relatively objective truths, there is only power. Given the critical race theory prism through which social justice oriented scholars often proceed with their work, it is fair to ask whether their descriptive emphasis on the alleged relationship between language, power, and truth claims also bespeaks something about the nature of the truths they seek to establish. We don’t doubt that microaggression researchers want to change society for what they believe to be the better. But, while we cannot impute bad motives to microaggression researchers, we also cannot help but notice that both the evolution of the CMC, and the contentious discussion over its legitimacy, intentionally or not track quite well a strategic plan to stigmatize and silence those who disagree with a certain ideological view of social reality.

The first example of this we’ve already illustrated: researchers at times respond to reasonable and professional challenges to their work with pointed charges of implicit racism, and accusations that critics have committed microaggressions by merely raising scientific objections to the CMC. But there are other examples.

The choice of the term “microaggression” to describe the given phenomenon stands out as a term chosen not for its descriptive accuracy as much as for its insinuating power. The term “aggression” is a powerful one, with its connotation of hostility,

intentionality, and less directly but atmospherically, oppression and domination. Rarely if ever would the lay person label an act committed with benign conscious intent a form of “aggression.” But consistent with tactical concept creep, this is the term chosen, even with the knowledge that use of the term means imputing to well-meaning actors a state of mind normally associated with culpability.

Psychologist Jonathan Haidt has written about the phenomenon of concept creep specifically in the context of microaggressions. In lamenting that psychology is “becoming a tribal moral community bound together by moral commitments to social justice and progressive ideals,”⁹⁵ Haidt noted that psychologists are incentivized “to find new ways in which members of allegedly victimized groups are harmed by current practices”;⁹⁶ hence the creeping expansion of the concept of harm. Particularly on point, Haidt also described as a “central innovation[] of microaggression theory” the disposal of a *mens rea* predicate for concepts such as “abuse” and “discrimination” “in ways that make it ever harder for *anyone* to defend themselves against ugly moral charges.”⁹⁷

More possibly telling is how the CMC has evolved in a manner that would seem to have the effect of silencing perspectives that are inconsistent with a critical race worldview. Microaggression researchers regularly declare to be microaggressions statements that reflect mere reasonable moral, political—and, as we have seen, scientific—disagreements with a certain social justice perspective. For example, according to Williams, when a White person says to a Black person “just because I don’t believe in political correctness doesn’t mean I’m a racist,” this amounts to a “denial of individual racism,” a microaggression. Assuming this attribution is logically warranted,⁹⁸ the speaker here, according to Williams, is not only guilty of a lack of self-awareness or simple-mindedness, but rather of an “act of racism.” The message: a White person who denies that she is a racist (or who dislikes “political correctness”?) is a racist because of that denial.

⁹⁵ Jonathan Haidt, *Why Concepts Creep to the Left*, 27 PSYCHOLOGICAL INQUIRY, 40, 41 (2016).

⁹⁶ *Id.* at 43.

⁹⁷ *Id.* at 44 (emphasis in original).

⁹⁸ It’s not. This assertion is simply one about a false equivalency: being against political correctness does not make one racist. One could, without contradiction, make this assertion and at once admit that they may hold unconscious racist views.

Along the same lines, it is apparently a racist microaggression for a White person to state opposition to affirmative action by saying “Black people get unfair advantages due to scholarships and affirmative action,”⁹⁹ even though this assertion represents one side in a reasonable disagreement about race and fairness. Unsurprisingly, some critical race theorists make claims that parallel this sentiment. For example, Mari Matsuda writes that “[t]he various implements of racism find their way into the hands of different dominant-group members. . . . Lower- and middle-class white men might use violence against people of color, while upper-class white might resort to . . . righteous indignation against “diversity” and “reverse discrimination.”¹⁰⁰

Similarly, consistent with critical race theory,¹⁰¹ an entire subcategory of microaggressions is devoted to taring and feathering as unconscious racists those who subscribe to an ethic of colorblindness. For example, in the chart included in the appendix, racist microaggressions include statements such as “there is only one race, the human race,” and “America is a melting pot.” Usually these phrases are used to celebrate diversity, or to emphasize the common humanity of people of different races and the progressive cultural values of many Americans. However, labeling these assertions microaggressions has the conspicuously convenient effect of delegitimizing those values and branding as racists those who may have constructive doubts about the legitimacy of so-called “identity politics.” Some may reasonably, even if incorrectly, believe that achieving social justice does not require the relatively high emphasis on identity and difference that characterizes the currently fashionable critical worldviews of academics and activists.¹⁰² But reasonable disagreement is made unreasonable when trusted academics, intentionally or not, construct a device that virtually begs for weaponization against those with more conservative, moderate, or liberal (as opposed to

⁹⁹ Kanter, et al., *supra* n. 24, at 295.

¹⁰⁰ Mari Matsuda, *Legal Storytelling: Public Response to Racist Speech Considering the Victim’s Story*, 87 MICH. L. REV. 2320, 2334 (1989).

¹⁰¹ Athena D. Mutua, *The Rise, Development and Future Directions of Critical Race Theory and Related Scholarship* 84 DENV. U. L. REV. 329, 336 (2006) (“A central theme of Critical Race Theory . . . is to explore the ways in which legal colorblindness, in supplanting overt legal racial ordering, has . . . blunted efforts to dismantle the racial caste system, working instead to maintain it.”).

¹⁰² Delgado & Stefancic, *Introduction*, *supra* n. 70, at xvi, xx (“Critical race theory has exploded . . . into a literature read in departments of education, cultural studies, English, sociology, comparative literature, political science, history, and anthropology around the country. . . . and constituencies such as campus activists”).

“critical” or “radical”) worldviews.

As yet another example, consider that Sue, et al., label as a racist microaggression the statement “I believe the most qualified person should get the job.”¹⁰³ This is forbidden because it reflects the “myth of meritocracy;” that is, believing that society is largely meritocratic.¹⁰⁴ The “myth of meritocracy” is a driving idea in critical race theory. Hereto, critical theorists have labeled those who believe in meritocracy perhaps naïve or uninformed; the CMC establishes that they are racists. Who benefits from this new truth in, say, a faculty hiring meeting, wherein a spirited debate might normally ensue about what ought to count as legitimate candidate “qualifications”? Might this debate no longer happen if that university’s administration and broader culture has subscribed to the CMC?¹⁰⁵

Robert Shibley is the Executive Director for the Foundation for Individual Rights in Education (FIRE), an organization that devotes most of its efforts to combating infringement on free speech rights of professors and students on college campuses. In a 2016 address, Shibley put it this way:

[W]hoever is making the decisions about what constitutes a microaggression has been handed an enormous amount of power to put certain political beliefs off-limits. There are a lot of people out there that believe that America is a melting pot, or that the most qualified person should get the job. It has not escaped their notice that it is their beliefs and not others' that have been singled out as harmful.

In short, patterns in the CMC, as well as in researchers’ accusations toward one another, make the enterprise resemble a system designed to insulate itself from healthy challenge, and to

¹⁰³ Sue, et al., *Everyday Life*, *supra* n. 11, at 274.

¹⁰⁴ Again, the attribution is unwarranted, as one could make this statement and at once believe that society is far from ideally meritocratic.

¹⁰⁵ Speaking of faculty meetings, one vigilant social science professor at Michigan State, Amy Bonomi, recently warned that other professors were committing microaggressions during Zoom meetings by, for example, using opposite-sex wedding photos as background. According to Bonomi, this expressed unconscious bias, in that “it unintentionally reinforces the idea that marriage is most fitting between opposite sexes.” Caroline Brooks, *There’s an Unconscious Bias in Virtual Meetings. Here’s How You Can Avoid It*, MSUTODAY, May 14, 2020, available at: <https://msutoday.msu.edu/news/2020/theres-an-unconscious-bias-in-virtual-meetings-heres-how-you-can-avoid-it/>

stigmatize and silence interlocutors. The implications of an idea bear on its legitimacy. This, combined with the scientific weaknesses of the CMC, suggests that the CMC is little more than a mechanism to vindicate the intuitive hunches of those who see racism as more pervasive than others do, and to silence those whose worldviews that are premised on different hunches.

III. The Costs of the CMC's Propagation

What are the costs of educators, scholars, and administrators accepting the CMC? We are concerned with two primary categories of costs: first, the harm that propagation of the CMC might cause to the social harmony between students, and between students and professors. Second, we are concerned about harmful influence on legal theory and law.

A. The Social Costs

Both of us remember our years of college and graduate education quite fondly. While the turmoil of youth invariably crept into those experiences, our minds were supple, and we experienced the growth that springs from the openness and intellectual wanderlust of young adulthood. Both of us doubt we will ever again experience the kind of intellectual and personal growth that comes from being thrust into the college environment: brilliant professors ready to tax our minds, peers from different parts of the country (or world) and with different backgrounds, and a tacit understanding that we were all there not only to grow but to help others grow as well.

Given the nature of the college atmosphere, and the purposes for that atmosphere, it might be second to none among contexts wherein impressionable minds can be taught to tolerate, respect, and appreciate difference. For example, a White student who grew up around very few POC is likely to recalibrate her worldview and interpretive instincts upon experiencing friendships and genuine connections with non-White peers. And she is likely to gain an empathy for those peers that flows from open and authentic interaction and familiarity with them. Perhaps there are moments of tension as previously conditioned kinks are ironed out, but this is an unavoidable part of the process of personal enrichment through engagement with difference, a process that depends on the willingness of all involved to meet in the commons of a shared humanity.

Both of us are from traditionally marginalized groups, and

we have both faced ugliness from others as a result. But neither of us remembers being constantly assaulted with microaggressions while in college, nor do we remember suffering extreme harm when we did experience them. Perhaps this is because psychologists had not yet lifted the veil for us, such that we could not yet see hidden and extremely subtle racism in everyday encounters with well-intentioned people. Perhaps, but microaggression researchers have not provided a good basis for us to believe they have revealed anything of the sort; they merely claim it, and to us this is not enough.

Given the influence of critical race theory, both of our respective disciplines—law and psychology—are currently preoccupied with the notion that racism has gone into hiding, as overt racism, now unacceptable, lurks in the subtle features of daily life. While we don't doubt that racism can and does take subtle and unconscious forms, we find no basis to conclude that the nature and extent of this subtle racism are what critically oriented scholars claim.

Yet, we fear that microaggression researchers via their alleged insights are increasingly teaching POC that they are under constant assault; that they are being conditioned to be constructively offended—that is, offended because they're taught that they're supposed to be—in situations that do not implicate racism. In other words, we fear they're being encouraged to develop what Sue, et al., term a “healthy paranoia” as a result. But “[i]t is bad enough to suffer real prejudice . . . without having to suffer imaginary prejudice as well.”¹⁰⁶ There is nothing healthy about the racial paranoia that the CMC might be stoking, as it may be a recipe for fanning the flames of intergroup conflict without any noticeable benefits with respect to justice.

And we fear that researchers are teaching White people that racism permeates virtually everything they do, that their good intentions don't matter, and, resultingly, that they should walk on eggshells when interacting with POC. This strikes us as an excellent recipe for harming rather than helping interracial relations. As psychologist Kenneth R. Thomas has stated, “[t]he restrictions on normal human interaction recommended by Sue and his associates, if implemented, could have a chilling effect on free speech and on the willingness of White people, including some psychologists, to interact with people of color.”¹⁰⁷

¹⁰⁶ Edward C. Banfield, *THE UNHEAVENLY CITY: THE NATURE AND FUTURE OF OUR URBAN CRISIS* 87 (1970).

¹⁰⁷ Thomas, *supra* n. 13, at 274.

Is this sustainable? In attempting to answer this question, readers should consider also that this walking-on-eggshells response by well-intentioned Whites can also be considered a racist microaggression. According to Williams, this can be an example of “aversive racism”:

Avoidance, exclusion, and ostracization are all recognized in psychology as forms of aggression, and many microaggressions fall into this category. Interracial anxieties on the part of offenders may play a role in situations in which would-be offenders do not want to appear prejudiced and are motivated by a desire to avoid wrongdoing. As a result, when in the company of people of color, they may stumble over their words, say something they did not intend, say nothing, or leave the situation entirely. Although wanting to avoid wrongdoing could be considered well-intentioned behavior, one must also consider what motivates the offender’s discomfort and the consequences to the person of color in that interaction.¹⁰⁸

Readers should also consider that an alternative to walking on eggshells—a speaker’s denial of having committed a microaggression—is also a microaggression. According to Williams, “[i]t is problematic that a typical response to a microaggression is denial from the offender . . . Also conceptualized as ‘gaslighting,’¹⁰⁹ this is a second microaggression and only compounds the damage from the initial assault.”

We submit the answer is no: this is not sustainable.

In short, we are concerned that the CMC can be disruptive to what arguably is the most significant prerequisite to effectively combat bigotry: interpersonal connection, goodwill, charity, and a reflexive humanism (as opposed to a reflexive emphasis on difference). In light of this, we think greater vigilance about the integrity of knowledge production is needed, especially when it comes to socially controversial, complicated, and sensitive topics such as the nature and extent of subtle racism.

¹⁰⁸ Williams, *Clarification*, *supra* n. 15, at 13.

¹⁰⁹ Williams, *Cannot Afford*, *supra* n. 38, at 40.

B. Microaggressions and Law

The Supreme Court is not on the verge of allowing the government to ban any speech researchers claim to be microaggressions. So, we don't mean to suggest that the problem we identify is currently knocking on constitutional doors; but the problem is already soliciting in the constitutional neighborhood.

From a legal perspective, our biggest concern are contexts such as campus speech codes. We are not aware of any campus speech codes that outright ban and penalize the commission of microaggressions. However, many colleges and universities now have "bias reporting systems"¹¹⁰; students are encouraged to report to authorities anything they witness, whether it happens to them or someone else, that constitutes some sort of bias. If students learn that statements like "I believe in merit" or "America is melting pot" reflect racism, they may well report those making these statements to authorities, thereby chilling speech even without direct punishment.

There is a long history of universities pushing—and often violating—First Amendment boundaries in order to "protect" students from offensive speech.¹¹¹ This, combined with the fact that academic culture is extremely inclined to subscribe to ideas such as the CMC, provides ample reasons to be concerned that First Amendment problems are brewing.¹¹²

For example, recently University of North Texas professor Nathaniel Heirs was fired for criticizing the concept of microaggressions and for failing to attend microaggression training that would set him straight.¹¹³ Apparently, the head of Heirs'

¹¹⁰ FIRE, *2017 Report on Bias Reporting Systems*, available at: <https://www.thefire.org/research/publications/bias-response-team-report-2017/report-on-bias-reporting-systems-2017/>

¹¹¹ See Susan Kruth, *UCLA Report Suggests Chilling Speech Is the Answer to Offensive 'Microaggressions'*, FIRE, Jan. 8, 2014, available at: <https://www.thefire.org/ucla-report-suggests-chilling-speech-is-the-answer-to-offensive-microaggressions/> ("Colleges routinely punish students for speech others have found offensive, and speech that might make listeners uncomfortable. With schools already restricting speech beyond what the First Amendment permits, it wouldn't be a huge step to censor speech that might negatively affect students over time.").

¹¹² Alexander Tsesis, *Campus Speech and Harassment*, 101 MINN. L. REV. 1863, 1865 (2017) ("Heated debate over these matters has in recent years drawn journalistic and legal attention with the burgeoning of clamorous national and local movements calling for university administrators to suppress microaggressions, issue trigger warnings, and designate safe spaces.").

¹¹³ Michael Ross & Tyson Langhofer, *ADF Sues Univ. of N. Texas on Behalf of Math Professor Fired for Joke About 'Microaggressions'*, ALLIANCE DEFENDING

department told Heirs that “he fired him because he criticized . . . microaggressions fliers and didn’t express ‘honest regret’ about his actions.”¹¹⁴

As mentioned in the introduction, student protestors at UCLA have attacked professors for committing the microaggression of correcting students’ grammar. In the wake of this controversy, a report advised the administration to engage in tactics to chill microaggressive speech without banning or punishing it outright (which the First Amendment clearly would not allow):

We recognize that not all of the incidents of perceived discrimination of which faculty members complain will be actionable. Several faculty members referenced the notion of “microaggressions” Some enhanced recordkeeping would allow the university to monitor the number of complaints regarding such incidents, and therefore to better understand the campus climate for faculty (and students) of color. And finally, investigations might deter those who would engage in such conduct, even if their actions would likely not constitute a violation of university policy.¹¹⁵

Students at Emory University have demanded that student evaluation forms be modified to include a field wherein students can report instructor microaggressions. As the Emory students have made clear, questions like this “on the faculty evaluations would help to ensure that there are repercussions or sanctions for racist actions performed by professors.”¹¹⁶ That is, students have demanded professors be punished for committing acts the professors likely would not have known—and, likely, had no way of knowing—would be perceived as racist.

In response to incidents such as these, The Foundation for Individual Rights in Education (FIRE) has raised concerns:

The inherent subjectivity and elasticity of the

FREEDOM, April 16, 2020, available at: <http://www.adfmedia.org/News/PRDetail/10968>

¹¹⁴ Id.

¹¹⁵ Id.

¹¹⁶ Black Students of Emory, *Black Students at Emory: List of Demands*, THE EMORY WHEEL, Dec. 2, 2015, available at: <https://emorywheel.com/Black-students-at-emory-list-of-demands/>

concept of microaggressions make a clear, objective definition all but impossible in practice. And without a shared understanding of what speech or action may constitute a microaggression, students and faculty run the risk of being reported for speech protected by the First Amendment that nevertheless crosses an invisible line, drawn by and known only to the offended party.¹¹⁷

As FIRE notes, the Emory administration came “perilously close to saying it will” accede to student demands, and that such demands are clearly designed “to motivate professors to toe the political line” in class.¹¹⁸

As another example, the student government at Ithaca College a few years ago passed a resolution to create an online system to report microaggressions on campus, with some students pushing for a system wherein “oppressors”—those who commit microaggressions—would have their names recorded.¹¹⁹

To his credit, microaggression researcher Sue has cautioned against using his work to support punishing individuals who commit microaggressions. Sue has stated that he “was concerned that people who use these examples [of microaggressions from his work] would take them out of context and use them as a [sic] punitive rather than an exemplary way.”¹²⁰ But the horse is out of the barn, and researchers have no control over where it tramples.

Consider also how some critical race theorists frame the nature and extent of racism in American society, and call for speech regulations to combat it. While not mentioning microaggressions specifically, Richard Delgado has written about how:

[r]acism's victims become sensitized to its subtle

¹¹⁷ FIRE, *What Are Microaggressions?*, FIRE, June 12, 2019, available at: <https://www.thefire.org/issues/microaggressions/>

¹¹⁸ *Id.*

¹¹⁹ Evan Popp, *IC SGA Passes Bill to Create System to Report Microaggressions*, March 18, 2015, available at: <https://theithacan.org/news/ic-sga-passes-bill-to-create-system-to-report-microaggressions/> (“The bill does not currently state that the names of people accused of committing microaggressions will be reported. While Pradhan [the bill’s sponsor] said she believes the names of alleged offenders should be reported, she said there could be possible legal barriers.”).

¹²⁰ Fernanda Zamudio-Suarez, *What Happens When Your Research Is Featured on ‘Fox & Friends’*, THE CHRONICLE OF HIGHER EDUCATION, June 29, 2016, available at: <https://www.chronicle.com/article/what-happens-when-your-research-is-featured-on-fox-amp-friends/>

nuances and code-words—the body language, averted gazes, exasperated looks, terms such as "you people," "innocent Whites," "highly qualified Black," "articulate" and so on—that, whether intended or not, convey racially charged meanings.¹²¹

It should be clear at this point that what Delgado was describing in 1992 were microaggressions (and, incidentally, this quote should also make clear the fact that the critical race conception of the nature and extent of racism has most certainly spread to other fields, such as psychology). Delgado suggested that First Amendment doctrine ought to bend to accommodate, for example, campus speech codes that would “protect lowly and vulnerable members of our society, such as isolated, young Black undergraduates.”¹²²

Delgado is not alone. Calls for current free speech doctrine to bend to allow for the “protection” of POC from “hate speech” is a common feature in critical race theory. For example, prominent critical race theorist Mari Matsuda has called for “formal criminal sanction” for “racist speech.”¹²³ Ioanna Tourkochoriti has argued, “drawing on critical race theory . . . that the harm caused by [hate] speech is significant enough to justify limitations.”¹²⁴

To be fair, such scholars are usually referring to speech that is more blatantly and aggressively racist than microaggressions usually are. But, three realities are, we fear, problematically converging. First, critical race theory is increasingly enjoying mainstream status in academic work on race, race discourse in the media, and in the social justice zeitgeist.¹²⁵ Second, critical theorists generally subscribe to the postmodern presupposition about the subtle role of discourse in shaping reality and identity.¹²⁶

¹²¹ Richard Delgado, *Images of the Outsider in American Law: Can Free Expression Remedy Systemic Social Ills?*, 77 CORNELL L. REV. 1258, 1283 (1992).

¹²² *Id.* at 1286.

¹²³ Matsuda, *supra*, n. 110, at 2321.

¹²⁴ Ioanna Tourkochoriti, *Should Hate Speech be Protected? Group Defamation, Party Bans, Holocaust Denial and the Divide Between (France) Europe and the United States*, 45 COLUM. HUMAN RIGHTS L. REV. 552, 595 (2014).

¹²⁵ Delgado and Stefancic, *Introduction*, *supra* n. 70, at 158 (“Consider how in many disciplines, scholars, teachers, and courses profess, almost incidentally, to embrace critical race theory. Consider as well how many influential commentators, journalists, and books . . . develop critical themes while hardly mentioning their origins in critical thought.”).

¹²⁶ Calvin Massey, *The Constitution in a Postmodern Age*, 64 WASH & LEE L.

Third, the social sciences—heavily influenced by critical theory—are increasingly “uncovering” ever more ways that subtle aspects of daily life, such as discourse norms, help further entrench an unjust status quo. The ostensibly empirical basis that the latter phenomenon provides the first two portends, we fear, increasing demands for the policing of ever more subtle aspects of human interaction. As discussed above, we’ve already seen this beginning to happen on college campuses with regard to microaggressions.

CONCLUSION

Importantly, this article only scratches the surface regarding potential problems with the CMC. We have chosen to focus on what we see as the most fundamental weakness of the CMC, the problem of defining an act as a microaggression in the first place. But, as Scott Lilienfeld has incisively pointed out in his thorough detailing of the CMC’s potential problems, there are other challenges CMC researchers face, such as the possible unreliability of their conclusions about the harms microaggressions allegedly cause.¹²⁷ Thus, our critique should be interpreted as introductory rather than exhaustive.

When scientists speak, people listen, even if the science is unscientific. If scientists are going to declare a broad and indeterminate number of acts inherently subtly racist, and a critical mass of those in positions of power and influence are ideologically inclined to believe them, it is imperative that the claims not be grossly exaggerated and that they be grounded in solid scientific methodology. The current CMC fails in this regard. After critical

REV. 165, 174 (2007) (“The postmodern contention is that there is no coherent self that lies outside the disparate social discourses that inevitably construct us.”); Anthony V. Alfieri, *(Er)Race-ing an Ethic of Justice*, 51 STAN. L. REV. 935, 953 (1999) (“The postmodern prong of critical race theory embraces the socially constructed nature of identity categories.”); Delgado, *Introduction*, *supra* n. 70, at 121 (noting the postmodern influence on critical race theory, and stating “many of our chains are mental and . . . we will never be free until we throw off . . . demeaning patterns of thought and speech.”); *Elusive Quest: Reflecting on Bell and Brown*, Randall O. Westbrook, 34 HARV. J. RACIAL & ETHNIC JUST. 117, 117 (2018) (“[Derrick] Bell was a founder of Critical Race Theory (CRT), a set of theories developed to combat the subtler forms of racism”); Delgado, *Outsider*, *supra* n. 123, at 1283 (emphasizing the “subtle nuances” and “code-words” for racism, and asserting that “[s]ome refuse to see racism in acts that trigger suspicion in the mind of any person of color.”).

¹²⁷ Lilienfeld, *Strong Claims*, *supra* n. 16, at 159 (asserting that there is “minimal research evidence” for the assertion that microaggressions meaningfully adversely impact recipients, and thus that “the unqualified causal claims of [CMC] proponents are insufficiently justified.”).

analysis, the CMC appears to be a project in attempting to retroactively validate initial ideological hunches; or, at best, to give voice to POC by substituting the scientific method for the perceptions of *some* of them. Whichever it may be, it is clear that, at this point, nobody—neither diversity administrators, academics, or journalists—should take currently propagated lists of microaggressions as representative of anything meaningful. We assert this not to be gratuitously insulting to CMC researchers, but to forestall the harms that the CMC we fear may cause.

Appendix

Tool: Recognizing Microaggressions and the Messages They Send

Microaggressions are the everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, that communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership (from *Diversity in the Classroom*, UCLA Diversity & Faculty Development, 2014). **The first step in addressing microaggressions is to recognize when a microaggression has occurred and what message it may be sending. The context of the relationship and situation is critical.** Below are common themes to which microaggressions attach.

THEMES	MICROAGGRESSION EXAMPLES	MESSAGE
<p>Alien in One's Own Land When Asian Americans, Latino Americans and others who look different or are named differently from the dominant culture are assumed to be foreign-born</p>	<ul style="list-style-type: none"> • <i>"Where are you from or where were you born?"</i> • <i>"You speak English very well."</i> • <i>"What are you? You're so interesting looking!"</i> • A person asking an Asian American or Latino American to teach them words in their native language. • Continuing to mispronounce the names of students after students have corrected the person time and time again. Not willing to listen closely and learn the pronunciation of a non-English based name. 	<p>You are not a true American.</p> <p>You are a perpetual foreigner in your own country.</p> <p>Your ethnic/racial identity makes you exotic.</p>
<p>Ascription of Intelligence Assigning intelligence to a person of color or a woman based on his/her race/gender</p>	<ul style="list-style-type: none"> • <i>"You are a credit to your race."</i> • <i>"Wow! How did you become so good in math?"</i> • To an Asian person, <i>"You must be good in math, can you help me with this problem?"</i> • To a woman of color: <i>"I would have never guessed that you were a scientist."</i> 	<p>People of color are generally not as intelligent as Whites.</p> <p>All Asians are intelligent and good in math/science.</p> <p>It is unusual for a woman to have strong mathematical skills.</p>
<p>Color Blindness Statements that indicate that a White person does not want to or need to acknowledge race.</p>	<ul style="list-style-type: none"> • <i>"When I look at you, I don't see color."</i> • <i>"There is only one race, the human race."</i> • <i>"America is a melting pot."</i> • <i>"I don't believe in race."</i> • Denying the experiences of students by questioning the credibility /validity of their stories. 	<p>Assimilate to the dominant culture.</p> <p>Denying the significance of a person of color's racial/ethnic experience and history.</p> <p>Denying the individual as a racial/cultural being.</p>
<p>Criminality/Assumption of Criminal Status A person of color is presumed to be dangerous, criminal, or deviant based on his/her race.</p>	<ul style="list-style-type: none"> • A White man or woman clutches his/her purse or checks wallet as a Black or Latino person approaches. • A store owner following a customer of color around the store. • Someone crosses to the other side of the street to avoid a person of color. • While walking through the halls of the Chemistry building, a professor approaches a post-doctoral student of color to ask if she/he is lost, making the assumption that the person is trying to break into one of the labs. 	<p>You are a criminal.</p> <p>You are going to steal/you are poor, you do not belong.</p> <p>You are dangerous.</p>
<p>Denial of Individual Racism/Sexism/Heterosexism A statement made when bias is denied.</p>	<ul style="list-style-type: none"> • <i>"I'm not racist. I have several Black friends."</i> • <i>"As a woman, I know what you go through as a racial minority."</i> • To a person of color: <i>"Are you sure you were being followed in the store? I can't believe it."</i> 	<p>I could never be racist because I have friends of color.</p> <p>Your racial oppression is no different than my gender oppression. I can't be a racist. I'm like you.</p> <p>Denying the personal experience of individuals who experience bias.</p>
<p>Myth of Meritocracy Statements which assert that race or gender does not play a role in life successes, for example in issues like faculty demographics.</p>	<ul style="list-style-type: none"> • <i>"I believe the most qualified person should get the job."</i> • <i>"Of course he'll get tenure, even though he hasn't published much—he's Black!"</i> • <i>"Men and women have equal opportunities for achievement."</i> • <i>"Gender plays no part in who we hire."</i> • <i>"America is the land of opportunity."</i> • <i>"Everyone can succeed in this society, if they work hard enough."</i> • <i>"Affirmative action is racist."</i> 	<p>People of color are given extra unfair benefits because of their race.</p> <p>The playing field is even so if women cannot make it, the problem is with them.</p> <p>People of color are lazy and/or incompetent and need to work harder.</p>

Tool: Recognizing Microaggressions and the Messages They Send

THEMES	MICROAGGRESSION	MESSAGE
<p>Pathologizing Cultural Values/Communication Styles The notion that the values and communication styles of the dominant/White culture are ideal/"normal".</p>	<ul style="list-style-type: none"> To an Asian, Latino or Native American: <i>"Why are you so quiet? We want to know what you think. Be more verbal."</i> <i>"Speak up more."</i> Asking a Black person: <i>"Why do you have to be so loud/animated? Just calm down."</i> <i>"Why are you always angry?"</i> anytime race is brought up in the classroom discussion. Dismissing an individual who brings up race/culture in work/school setting. 	<p>Assimilate to dominant culture.</p> <p>Leave your cultural baggage outside. There is no room for difference.</p>
<p>Second-Class Citizen Occurs when a target group member receives differential treatment from the power group; for example, being given preferential treatment as a consumer over a person of color.</p>	<ul style="list-style-type: none"> Faculty of color mistaken for a service worker. Not wanting to sit by someone because of his/her color. Female doctor mistaken for a nurse. Being ignored at a store counter as attention is given to the White customer. Saying <i>"You people..."</i> An advisor assigns a Black post-doctoral student to escort a visiting scientist of the same race even though there are other non-Black scientists in this person's specific area of research. An advisor sends an email to another work colleague describing another individual as a "good Black scientist." Raising your voice or speaking slowly when addressing a blind student. In class, an instructor tends to call on male students more frequently than female ones. 	<p>People of color are servants to Whites. They couldn't possibly occupy high status positions. Women occupy nurturing positions. Whites are more valued customers than people of color.</p> <p>You don't belong. You are a lesser being.</p> <p>A person with a disability is defined as lesser in all aspects of physical and mental functioning. The contributions of female students are less worthy than the contributions of male students.</p>
<p>Sexist/Heterosexist Language Terms that exclude or degrade women and LGBT persons.</p>	<ul style="list-style-type: none"> Use of the pronoun "he" to refer to all people. Being constantly reminded by a coworker that <i>"we are only women."</i> Being forced to choose Male or Female when completing basic forms. Two options for relationship status: married or single. A heterosexual man who often hangs out with his female friends more than his male friends is labeled as gay. 	<p>Male experience is universal. Female experience is invisible.</p> <p>LGBT categories are not recognized. LGBT partnerships are invisible.</p> <p>Men who do not fit male stereotypes are inferior.</p>
<p>Traditional Gender Role Prejudicing and Stereotyping Occurs when expectations of traditional roles or stereotypes are conveyed.</p>	<ul style="list-style-type: none"> When a female student asks a male professor for extra help on an engineering assignment, he asks <i>"What do you need to work on this for anyway?"</i> <i>"You're a girl, you don't have to be good at math."</i> A person asks a woman her age and, upon hearing she is 31, looks quickly at her ring finger. An advisor asks a female student if she is planning on having children while in postdoctoral training. Shows surprise when a feminine woman turns out to be a lesbian. Labeling an assertive female committee chair/dean as a "b____," while describing a male counterpart as a "forceful leader." 	<p>Women are less capable in math and science.</p> <p>Women should be married during child-bearing ages because that is their primary purpose.</p> <p>Women are out of line when they are aggressive.</p>