Microaggression Theory: A Selected Bibliography, 2017

**BOOKS**


**PSYCHOLOGY AND SOCIOLOGY JOURNALS**


LAW REVIEW ARTICLES


Dubin, Jon C. “Faculty Diversity As A Clinical Legal Education Imperative” 51 Hastings Law Journal 445 (March 2000). Vigilance and psychic energy are required not only to marshal adaptational techniques, but also to distinguish microaggressions from differently motivated actions.


Tremblay, Paul R. “Interviewing and Counseling Across Cultures: Heuristics and Biases” 9 Clinical L. Rev. 373 (2002). In their work, lawyers must take cultural background into consideration expressly, but at the same time they must avoid harmful and unfair generalizations and stereotypes.

Fox, Suzy & Stallworth, Lamont E. “Employee Perceptions of Internal Conflict Management Programs and ADR Processes for Preventing and Resolving Incidents of Workplace Bullying: Ethical Challenges for Decision-Makers in Organizations” 8 Emp. Rts. & Emp. Pol’y J. 375, 378-79 (2004). The workplace provides ample opportunity for subtle and often unconscious manifestations of racism in the form of incivility, neglect, humor, ostracism, inequitable treatment, or other forms of microaggression and microinequities.

Ahmad, Muneer I. “Interpreting Communities: Lawyering Across Language Differences” 54 UCLA L. Rev. 999 (June 2007.)

Robinson, Russell K. “Perceptual Segregation” 108 Colum. L. Rev. 1093 (June 2008). Outsiders and insiders tend to perceive allegations of discrimination through fundamentally different psychological frameworks. Sensitizing white people to the gap between what they intend and how they are perceived should help reduce such microaggressions and improve intergroup relations.
Abdo, Aliah, *The Legal Status Of Hijab In The United States: A Look At The Sociopolitical Influences On The Legal Right To Wear The Muslim Headscarf*, 5 Hastings Race & Poverty L. J. 441 (Summer 2008). Reaction to the hijab takes the form of microaggression: smaller everyday incidents of racism, committed either consciously or subconsciously.


**Discrimination in the 21st Century: Are Science and the Law Aligned?** 17 Psychol. Pub. Pol'y & L. 54 (2011). This research explores the presence, severity, and frequency of microaggressions that appear in a random sample of race and gender discrimination cases in federal court dockets since the year 2000. The results suggest that microinsults, microinvalidations, and microassaults are reported in a variety of discrimination claims. However, only overt and intentional forms of microaggressions (microassaults) increased the likelihood that decisions favored plaintiffs. Thus, there may be a disconnect between forms of discrimination perceived by claimants and how those forms are evaluated by the legal system that protects victims of discrimination. This potential misalignment of science and practice is discussed, as are directions for future research.

Lee, Brant T. “Biological Metaphors For Whiteness: Beyond Merit And Malice” Berkeley Journal of African-American Law & Policy 13 Berkeley J. Afr.-Am. L. & Pol'y 103 (2011). If we consider the automatic nature of implicit bias we see that microaggressions can contribute to a feedback effect: microaggression contributing to poor Black performance, which confirms the negative associations giving rise to the microaggression. A microaggression is a behavioral tic that people exhibit when confronting something or someone with whom they bear a strong implicit association.

Sperino, Sandra F. “Rethinking Discrimination Law” *Michigan Law Review* 110 Mich. L. Rev. 69 (October, 2011). Modern employment discrimination law is defined by an increasingly complex set of frameworks. These frameworks structure the ways that courts, juries, and litigants think about discrimination. This Article challenges whether courts should use the frameworks to conceptualize discrimination.

Stone, Kerri Lynn “Shortcuts In Employment Discrimination Law” *Saint Louis University Law Journal* 56 St. Louis U. L.J. 111 (Fall 2011). The same actor inference, the stray comment doctrine, and strict temporal nexus requirements, as courts have applied them, make up large and dangerous trend in the area of employment discrimination jurisprudence.


Carter, Ph.D., Robert T., and Scheuermann, M.A., J.D., Thomas D. “Legal And Policy Standards For Addressing Workplace Racism: Employer Liability And Shared Responsibility For Race-Based Traumatic Stress” *University of Maryland Law Journal of Race, Religion, Gender and Class* 12 U. Md. L.J. Race, Religion, Gender & Class 1 (Spring 2012). While overt bigotry may have receded in recent decades, rumors of its demise as an ongoing social problem, microaggressions can cause cumulative injurious effects.


Greene, D. Wendy “A Multidimensional Analysis Of What Not To Wear In The Workplace: Hijabs And Natural Hair” *FIU Law Review* 8 FIU L. Rev. 333 (Spring, 2013). Black and Muslim women may experience daily microaggressions, rude behavior, dismissive statements, or outright disrespect because of their hairstyles and head coverings which cumulatively, can have adverse consequences on [their] well-being.”...

Fujimoto, David W. “Thrown Under The Bus: Victims Of Workplace Discrimination After Harris” *University of San Francisco Law Review* 48 U.S.F. L. Rev. 111 (Summer 2013). While the study of microaggressions is a more recent development in discrimination law, the available research suggests that the presence of microaggressions impairs relationships between individuals, and in the employment context can lead to exhaustion and stress, which is likely to impair performance.

Green, Tristin K. “Racial Emotion In The Workplace” *Southern California Law Review* 86 S. Cal. L. Rev. 959 (July, 2013). The concept of microaggressions has also been developed in critical race scholarship, including legal scholarship.


Carter, Terry, “Implicit bias is a challenge even for judges,” American Bar Association, 5 August 2016.

**ADDITIONAL RESOURCES**


