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PRACTICE POINTS

Micro-Aggressions from the Boardroom, Courtroom, to the Presidential Campaign Trail

By Sathima Jones

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A number of special interest groups, including [Ultraviolet](#) and a group called the [HRC Super Volunteers](#), have recently launched campaigns aimed against journalism utilizing sexist language in covering Hilary Clinton and her potential candidacy for the 2016 presidential election. The public focus and media expression of [Clinton's behavior](#) or other females in high-powered positions are not a new phenomenon, but it creates an opportunity for us to witness, through media representation, some of the challenges that women face in the workplace, which often go unrecognized. These challenges have existed since the inception of women in the workplace. As attorneys, we have special gifts with words and language, and are thus similarly susceptible to the coded language of sexism, which permeates many workplaces in America. Law firms are not particularly immune.

In the spring of 2015, [Professor Paula Franzese](#) of Seton Hall University School of Law moderated a panel at Seton Hall University Law School "Knowing Our Worth," in which the panelists explored some of this coded language and behavior, which is aptly named micro-aggressions. Micro-aggressions are verbal and nonverbal behaviors that communicate negative hostile and derogatory messages to people rooted in their marginalized group memberships, such as sex or race. "Making the Invisible Visible: Gender Microaggressions," University of New Hampshire, National Science Foundation. Rowe, Mary P., "Barriers to Equality: The Power of Subtle Discrimination to Maintain UnEqual Opportunity," Employee Responsibilities and Rights Journal. In Hilary Clinton's bid for the presidential election, we are seeing a communication of covertly sexist messages, that take jabs at her femininity, humanism, her ability to work effectively, and questioning her tactics as inherently deceptive or faulted, [in large part based on her identity](#).

With the current movement toward increasing diversity in the workplace, the existence of micro-aggressions may be largely unintentional, but the subtle byproduct of an integrated workforce

where biases and prejudices may become internalized, and overt sexism is not politically correct. Micro-aggressions in the workplace come in many forms, including assaults, insults and invalidations, and exclusion. They exert influence on two levels: (1) by walling out the "different person" and (2) by making the person of difference less effective. For example, the seemingly benign behavior of ignoring a co-worker's comments, ignoring, or interrupting them in a staff meeting will have the effect of the "different" individual experiencing a feeling of being shut out of workplace culture or made to feel small and unimportant. Eventually, they silence themselves and stop contributing to the discussion, which results in management viewing them as incompetent or not a team player. This invalidation operates on one's self-confidence and self esteem.

A major challenge to responding to micro-aggressions is the subtlety of the behavior. Some other explanation can usually be offered, other than discrimination. In Clinton's case, harsh press coverage has been attributed to the fact that she, as yet, has no [democratic challenger](#). Other problems with addressing micro-aggressions in the workplace include the victims' fear of being viewed as hypersensitive, not being a team player, and the fear of retributive actions taken by an employer, or their complaints simply being ignored.

There are a number of helpful solutions to combat micro-aggressive behavior. First, individuals must also be able to test their perceptions to insure that the treatment they are experiencing is actually unequal or unfair. For example, if your boss neglects to greet you with "Good morning," a possible explanation is that he may not be a morning person. Individuals must search for clear patterns of pervasive behavior before taking action.

In situations where negative comments are being made against a victim, repetition of the negative statements and questioning to the speaker are invaluable tools for combating [micro-aggressions](#). Individually, it is also important for bystanders to micro-aggressive behavior to stand up for victims of micro-aggression when it is observed. Recognition and acknowledgement of the problem are keys to combatting micro-aggression. Organizations must also create policies that allow the opportunity for victims of micro-aggressions to report such behavior openly without fear of retribution and to hold individuals accountable for their behavior.

As we observe the Hilary Clinton campaign in the media and all of the adjectives used to describe her behavior and tactics, let us also look to our own workplaces for echoes of the same covert language that undermines "the other" and instead of using code to demoralize, actively utilize these strategies to encourage diversity in our workplaces.

Keywords: minority trial lawyer, litigation, micro-aggressions, sexism, Hilary Clinton, sexist language, workplace

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