

Institutional gaslighting, cultural gaslighting, and regulatory harm: an examination of misrecognition, authority, and procedural justice

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Abstract. This paper examines institutional gaslighting, cultural gaslighting, and regulatory harm from a legal perspective. It argues that, although "gaslighting" is not ordinarily recognized as a standalone legal cause of action, the concept is analytically useful for identifying patterns of institutional conduct that may already be actionable under anti-discrimination law, administrative law, accommodation doctrine, and principles of procedural fairness. Institutional gaslighting refers to the use of organizational authority, process, and credibility assessments to deny, distort, or minimize a person's account of harm. Cultural gaslighting refers to a related process in which institutions interpret claims through dominant cultural assumptions and, in doing so, treat culturally situated experiences, communicative styles, or interpretations as irrational, exaggerated, or non-credible. These processes can generate regulatory harm not only through formal sanctions, but also through investigative design, credibility framing, denial of context, reprisal, and the normalization of dominant institutional perspectives. Drawing on Canadian human rights and administrative law, including the *Ontario Human Rights Code*, accommodation principles, and leading Supreme Court of Canada jurisprudence, this paper argues that existing legal doctrine already contains partial tools for addressing these harms. At the same time, current doctrine often under-theorizes the epistemic and dignity-related dimensions of institutional misconduct. The paper concludes by proposing a more explicit legal framework for identifying and addressing institutional reality-distortion in regulatory and administrative settings.

Keywords: institutional gaslighting, cultural gaslighting, Ontario Human Rights Law, Canadian Law, regulatory harm

1. Introduction

Legal systems generally recognize overt discrimination, arbitrariness, bad-faith administration, and procedural unfairness. They are often less precise, however, in addressing patterns of institutional conduct that cause harm by destabilizing a person's credibility, interpretive authority, or capacity to have their account received on fair terms. Yet many individuals who interact with regulators, employers, universities, hospitals, and administrative bodies describe a recurring experience: they raise a concern, provide context, or explain a culturally specific reality, and the institution responds not by squarely engaging the account on its merits, but

by subtly recasting them as confused, oversensitive, unreliable, unprofessional, or incapable of accurately describing what occurred. In contemporary language, this is often described as gaslighting.

Although gaslighting originated in interpersonal and psychological discourse, scholarship increasingly treats it as a social and structural phenomenon rather than merely a private manipulative tactic. Sweet argues, for example, that gaslighting is best understood sociologically, as a practice rooted in power inequalities and reinforced by broader institutional and structural arrangements [1]. Ruíz similarly extends the concept beyond intimate relationships, arguing that "cultural gaslighting" names systemic psychological harm directed at women of color and Indigenous women through dominant social worlds that render minority experience unintelligible or suspect [2]. Likewise, scholarship on racial gaslighting describes it as a political, social, economic, and cultural process that normalizes dominant racial realities by pathologizing those who resist [3].

From a legal perspective, the significance of these concepts does not depend on courts or tribunals adopting the term *gaslighting* as a formal doctrinal category. Rather, the concept is useful because it helps identify recurring mechanisms through which legally cognizable harm may occur. What is described socially as institutional gaslighting may, in legal terms, appear as adverse-effect discrimination, discriminatory harassment, poisoned environment, reprisal, failure to accommodate, denial of meaningful participation, procedurally unfair process, or unreasonable decision-making. The Ontario Human Rights Code protects equal treatment in services, employment, accommodation, and self-governing professions, and it also protects against harassment and reprisal [4]. Canadian administrative law further requires fairness, intelligibility, justification, and lawful exercises of public power [5, 6].

This paper argues that institutional gaslighting and cultural gaslighting are analytically useful legal concepts because they illuminate how institutions may convert structural bias into apparently neutral judgment. When that occurs in regulatory or administrative settings, the resulting harm is not confined to the final sanction or outcome. Harm may arise throughout the process: in what evidence is taken seriously, how credibility is framed, whether cultural and linguistic context is recognized, whether accommodation is explored, whether the complainant is subtly pathologized, and whether the institution's "normal way of doing things" is treated as inherently legitimate despite its disparate effects. In this sense, regulatory harm should be understood as including material, dignitary, participatory, and epistemic injury.

2. Conceptual framework

Institutional gaslighting may be defined as a pattern in which an organization uses its authority, procedures, records, norms, or credibility assessments to deny, minimize, or distort an individual's account of events, thereby undermining that individual's epistemic standing and ability to secure fair treatment. This does not require overt deception. It may instead occur through obfuscation, selective attention, dismissive incomprehension, formal neutrality, or the institutionalization of doubt. Watson-Creed, writing about anti-Black racism in academic medicine, describes organizational gaslighting as conduct through which institutions confronted with allegations of systemic racism distort or dismiss the claim, thereby allowing the organization to conclude that no real problem exists [7].

Cultural gaslighting is a narrower but related phenomenon. It occurs when an institution filters a person's account through dominant cultural assumptions and treats culturally situated perceptions, language patterns, communication styles, emotional expressions, or normative frameworks as inherently less trustworthy. Ruíz frames cultural gaslighting as a systemic pattern linked to abusive social worlds and to the hidden rules of settler-colonial and racialized structures [2]. In legal settings, this may occur when dominant institutional

norms of clarity, professionalism, chronology, emotional restraint, documentation, or "credibility" are treated as universal rather than culturally contingent.

Racial gaslighting can be understood as one especially salient subtype. Davis and Ernst define racial gaslighting as a political, social, economic, and cultural process that perpetuates and normalizes a white supremacist reality through pathologizing those who resist [3]. Their formulation is particularly important for law because it emphasizes that reality-distortion is not merely interpersonal; it can also be embedded in public narratives, official reasoning, and institutional responses to claims of racism.

These concepts also overlap with the literature on institutional betrayal. Recent reviews define institutional betrayal as wrongdoing by institutions against people who depend on them, including failures to prevent harm or respond supportively once harm occurs [8]. That framework is useful because many regulatory and administrative bodies present themselves as protectors of the public or guarantors of fairness. When such institutions respond to complaints by denying reality, recasting injury as confusion, or using process itself in ways that exhaust and isolate the claimant, the resulting harm is intensified by dependence and trust.

3. Institutional gaslighting and equality law

Anti-discrimination law provides one of the clearest doctrinal pathways for analyzing institutional and cultural gaslighting. The Ontario Human Rights Code protects equal treatment in services, housing, employment, contracts, and self-governing professions, including protection against harassment in accommodation and employment and against discrimination in occupational and professional settings [4].

This matters because institutional gaslighting often does not appear as direct exclusion alone. Instead, it may operate through a pattern of subtle disbelief, dismissal, reframing, or stigmatizing interpretation that produces discriminatory effects. Ontario human rights policy expressly recognizes that systemic discrimination can arise from an organization's "normal way of doing things" when those ordinary practices negatively affect racialized persons [9]. It also recognizes that systemic discrimination may overlap with adverse-effect discrimination and with the discriminatory manner in which a rule is administered [9].

That principle is significant. An institution may insist that it is merely applying ordinary standards of professionalism, communication, documentation, or investigation. But if those standards are calibrated around dominant cultural norms and then applied without adequate attention to language, context, migration history, creed, disability, or racialization, they may function as adverse-effect discrimination. The foundational Canadian case on adverse-effect discrimination, *Ontario Human Rights Commission v. Simpsons-Sears Ltd.*, recognized that apparently neutral rules may still discriminate in operation [10]. In contemporary settings, that logic extends readily to institutional practices that treat dominant forms of demeanor, expression, chronology, or "credibility" as natural and self-evident.

Institutional gaslighting may also intersect with harassment and poisoned environment doctrine. Ontario human rights policy states that a poisoned environment is a form of discrimination and may arise even from a single incident; the conduct need not be directed at a particular individual to contaminate the environment [11]. Repeated patterns of ridicule, dismissive incomprehension, condescension, or institutional mockery can therefore be legally significant even where the institution never explicitly states that the complainant's race, creed, disability, or culture is the reason for the treatment.

Reprisal is another important legal pathway. Section 8 of the Code protects people from retaliation for claiming or enforcing their rights [4], and Ontario human rights policy confirms that reprisal includes actions or threats intended as punishment for asserting Code-based entitlements [12]. Institutions sometimes respond to claims of bias or exclusion by escalating scrutiny, hardening procedural posture, discrediting the

complainant, or signaling that speaking up itself demonstrates instability or lack of professionalism. Where such reactions follow the assertion of rights, their legal relevance is not merely conceptual; it may be actionable reprisal.

4. Accommodation, individualization, and cultural misrecognition

Cultural gaslighting is especially visible where institutions fail to accommodate difference because dominant norms are mistaken for neutral ones. Ontario human rights policy states that the duty to accommodate is informed by dignity, individualization, and integration and full participation [13]. It also stresses that accommodation has both a substantive and a procedural component, and that a failure to seriously consider accommodation options may itself breach the Code even where no final accommodation could have been provided short of undue hardship [13].

This has direct implications for legal analysis. If an institution receives a culturally or linguistically inflected explanation and treats it as evasive, manipulative, or irrelevant without genuinely exploring what accommodation, contextual inquiry, or interpretive adjustment might be needed, the problem is not only epistemic but legal. The institution may have failed in its procedural duty to accommodate. The accommodation framework is especially important because it shifts the analysis away from whether the claimant is objectively "too sensitive" and toward whether the institution took adequate steps to understand and respond to difference.

Canadian law on creed and religious meaning reinforces this point. In *Multani v. Commission scolaire Marguerite-Bourgeoys*, the Supreme Court of Canada rejected a blanket prohibition on a Sikh student wearing a kirpan at school, emphasizing that restrictions on religious manifestation must be justified and proportionate rather than assumed [14]. Ontario human rights guidance similarly recognizes that accommodation aims to ensure equal participation and that individuals should not have to choose between following creed-based commitments and participating in society [15]. This jurisprudence is relevant beyond religion narrowly understood. It illustrates a broader principle: institutions should not dismiss symbolic, cultural, or identity-linked practices merely because they are unfamiliar to dominant decision-makers.

5. Administrative law, procedural fairness, and reality-distortion

Administrative law offers a second major doctrinal frame. In *Baker v. Canada*, the Supreme Court of Canada affirmed that procedural fairness is flexible but fundamental where state decisions affect rights, interests, and important personal stakes [5]. In *Vavilov*, the Court emphasized that administrative decisions must be justified, intelligible, and transparent, and must reflect the legal and factual constraints bearing on the decision [6]. These principles are not merely formal. A process may be outwardly orderly yet still fail to hear a person meaningfully if it filters their evidence through an interpretive framework that has already marked them as unreliable, exaggerated, or unintelligible.

Institutional gaslighting is therefore relevant to procedural fairness in at least four ways. First, it may affect what counts as relevant evidence. Institutions may privilege contemporaneous documents, dominant linguistic fluency, or emotionally restrained testimony while dismissing narrative, relational, community-based, or culturally inflected forms of explanation. Second, it may distort credibility assessment. Stereotypes about accent, emotional tone, note-use, chronology, or communicative style can be silently converted into findings about honesty or professionalism. Third, it may narrow the framing of the issue. A structurally or culturally complex problem may be redescribed as a simple interpersonal misunderstanding or as evidence of the complainant's instability. Fourth, it may undermine justification itself. A decision can appear reasoned while

failing to engage the strongest version of the person's claim. That is not simply disagreement; it is a form of institutional misrecognition.

Seen in this way, institutional gaslighting is closely connected to what philosophers call testimonial and hermeneutical injustice. Some people are assigned less credibility because of who they are, while some harms are rendered difficult to describe because dominant institutional language leaves inadequate room for them. Administrative law does not usually use those terms. But fairness doctrine is already moving in that direction whenever it insists that process must be meaningful, reasons must address the real issues, and public authority must justify itself in relation to the actual record and statutory purpose [5, 6].

6. Regulatory harm

Regulatory harm should not be confined to formal discipline, license revocation, dismissal, or denial of service. It also includes the harms produced by investigative design, selective framing, overbroad suspicion, coerced settlement dynamics, reputational contamination, and the cumulative burden of being required to defend one's reality to an institution that repeatedly casts doubt on it. In many settings, process itself becomes punishment.

This broader understanding is consistent with both equality law and institutional betrayal research. Harm may be material, as where a person loses income, opportunities, or professional standing. It may be dignitary, as where the institution communicates that the person's account of self and experience is inherently suspect. It may be participatory, as where the individual is formally heard but substantively excluded from shaping the narrative through which their case is decided. And it may be epistemic, as where the institution systematically discredits the claimant's capacity to know and describe what happened [8]. In regulatory settings, these harms may also have collective effects. When culturally responsive practice, community-based knowledge, or minority communicative norms are repeatedly redescribed as suspicious, unprofessional, or non-credible, the institution teaches entire communities that fairness is available only on dominant terms. This creates chilling effects: practitioners may avoid culturally specific service models, complainants may stop reporting harm, and marginalized groups may reasonably conclude that institutional redress is itself another site of distortion.

7. Limits and counterarguments

Not every institutional disagreement, adverse credibility finding, or dismissal of a complaint is gaslighting. Law must distinguish between unfair reality-distortion and genuine evidentiary disagreement. The concept becomes most useful where certain indicators recur: the institution begins from disbelief and works backward; contextual evidence is ignored or trivialized; dominant norms are treated as natural rather than contingent; the complainant's attempts to explain are recast as proof of instability or evasiveness; and procedure is used less to discover truth than to secure submission.

A related objection is that gaslighting is too colloquial or psychological for legal analysis. That concern has some force if the term is treated as a substitute for doctrine. But it loses force if the term is used diagnostically rather than doctrinally. The law often benefits from concepts that identify patterns before formal causes of action fully catch up. The point here is not to create a free-floating tort of gaslighting. It is to make visible the connective tissue between discrimination, accommodation failure, procedural unfairness, poisoned environment, reprisal, and unreasonable decision-making.

8. Conclusion

Institutional and cultural gaslighting must be regarded with gravity in legal analysis, since they reveal how institutions wield power via denial, distortion, and misrecognition, rather than solely through overt exclusion. In administrative and regulatory contexts, these behaviors can transform structural inequalities into seemingly impartial judgments, thereby generating harm that is material, dignitary, participative, and epistemic simultaneously. Canadian law already offers mechanisms to redress these harms via human rights safeguards, accommodation doctrine, anti-reprisal principles, procedural fairness, and reasonableness evaluation. However, these ideologies frequently remain inadequately developed concerning the reality-distorting aspects of institutional behavior.

An appropriate legal response would acknowledge that fairness encompasses not only the occurrence of a hearing but also the comprehensibility of the individual within it; that equality transcends mere formal neutrality to consider whether institutional norms implicitly reinforce dominance; and that regulatory harm extends beyond final penalties to include the burdens imposed by processes that systematically undermine the credibility and reality of those affected. Designating these things does not undermine the law. It enhances the law's ability to discern the dynamics of power when institutions claim to adhere solely to standard procedures.

References

- [1] Sweet, P. L. (2019). The sociology of gaslighting. *American Sociological Review*, 84(5), 851–875. <https://doi.org/10.1177/0003122419874843>
- [2] Ruíz, E. (2020). Cultural gaslighting. *Hypatia*, 35(4), 687–713. <https://doi.org/10.1017/hyp.2020.33>
- [3] Davis, A. M., & Ernst, R. (2017). *Racial gaslighting. Politics, Groups, and Identities*. Advance online publication. <https://doi.org/10.1080/21565503.2017.1403934>
- [4] *Human Rights Code*, R.S.O. 1990, c. H.19. <https://www.ontario.ca/laws/statute/90h19>
- [5] *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817. <https://www.canlii.org/en/ca/scc/doc/1999/1999canlii699/1999canlii699.html>
- [6] *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65. <https://www.canlii.org/en/ca/scc/doc/2019/2019scc65/2019scc65.html>
- [7] Watson-Creed, G. (2022). Gaslighting in academic medicine: Where anti-Black racism lives. *CMAJ*, 194(42), E1451–E1454. <https://doi.org/10.1503/cmaj.212145>
- [8] Christl, M. E., Gobin, R. L., & Freyd, J. J. (2024). A scoping review of institutional betrayal. *Trauma, Violence, & Abuse*. Advance online publication. <https://doi.org/10.1177/15248380241265382>
- [9] Ontario Human Rights Commission. (n.d.). *Racism and racial discrimination: Systemic discrimination (fact sheet)*. <https://www3.ohrc.on.ca/en/racism-and-racial-discrimination-systemic-discrimination-fact-sheet>
- [10] *Ontario Human Rights Commission v. Simpsons-Sears Ltd.*, [1985] 2 S.C.R. 536. <https://www.canlii.org/en/ca/scc/doc/1985/1985canlii18/1985canlii18.html>
- [11] Ontario Human Rights Commission. (n.d.). *Harassment/poisoned environment*. <https://www3.ohrc.on.ca/en/policy-discrimination-against-older-people-because-age/8-harassmentpoisoned-environment>
- [12] Ontario Human Rights Commission. (n.d.). *Punishment for exercising rights*. <https://www3.ohrc.on.ca/en/part-i-freedom-discrimination/punishment-exercising-rights>
- [13] Ontario Human Rights Commission. (2016). *Policy on ableism and discrimination based on disability*. <https://www3.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability>
- [14] *Multani v. Commission scolaire Marguerite-Bourgeoys*, 2006 SCC 6. <https://www.canlii.org/en/ca/scc/doc/2006/2006scc6/2006scc6.html>

- [15] Ontario Human Rights Commission. (n.d.). *Creed and the duty to accommodate: A checklist for accommodation providers*. <https://www3.ohrc.on.ca/en/creed-and-duty-accommodate-checklist-accommodation-providers>