

Gender-Based Interruption and the Supreme Court

"Manterruption" persists even in the highest court in the land.

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Nurturing Self-Compassion

A recent study done by Northwestern's Pritzker School of Law looked at the frequency with which United States Supreme Court Justices interrupted one another during oral arguments and how gender, political ideology and seniority factored in. Overall, the study concluded, regardless of ideology or seniority, female justices were interrupted about three times more often than their male counterparts.

An in-depth analysis of court proceedings transcripts from the 1990, 2002, and 2015 terms uncovered the disproportionate rate at which the women were interrupted or spoken over. To put things into perspective, during the 2015 term, Justice Sonia Sotomayor was interrupted by her male counterparts a total of 60 times, while Justice Antonin Scalia was interrupted only 19 times. This was one of many such examples.

Also interesting to note was that women on the Supreme Court spoke less than men during oral arguments but were still interrupted at markedly higher rates.

A 1975 study done at the University of California, Santa Barbara analyzed same-sex and cross-sex conversations within a college community, yielding similar results to the recent Northwestern study. Authors, Don Zimmerman and Candace West explained that micro-level interactions between the genders are microcosms for a much larger issue—society's apparent gender-

based hierarchy. “Just as male dominance is exhibited through male control of macro institutions in society, it is also exhibited through control of at least a part of one micro-institution.” They also noticed a resemblance of the male-female dynamic to that of the adult-child conversation, in which the dominant adult, who is clearly in power, speaks over the subservient child.

What’s sad is that the Zimmerman and West study was conducted over 40 years ago and, based on the Northwestern study, it appears not much has changed since—even in our nation’s highest courts.

“In general, people interrupt people they see as inferior or having less power or prestige than they claim,” says Anne Wilson Schaef, PhD, DHL, New York Times best-selling author of *Women’s Reality: An Emerging Female System in a White Male Society*. “Many white men still believe it is their right and prerogative to define and control every aspect of the system, and that people who do not realize that are either stupid or worthless. It is not just a personal issue; it is a systems issue.”

Maninterrupting, as it has been coined, wasn’t the only gender-based offense the Northwestern researchers highlighted. In 2002, they wrote, Justice Kennedy interrupted Justice Sandra Day O’Connor and “proceeded to ‘mansplain’ to a lawyer by explaining a question O’Connor had asked perfectly clearly.” The study describes several instances in which male justices interrupted female justices to mansplain, or “unnecessarily explain something to a female justice, or explain to a third party what a woman was ‘trying to say.’”

Writer Liz Cookman attributes these behaviors to a deeply ingrained assumption that women are “too ignorant—their pretty little heads too full of boys and makeup, no doubt—to understand.”

Since we know we can’t change systems without first changing ourselves, below are some suggestions offered by experts for how women can respond to maninterrupting, mansplaining and other patronizing behaviors.

1. Prepare

Licensed psychologist and career coach Dr. Pei-Han Cheng specializes in helping women who experience “gender-based microaggressions” develop skills to effectively advocate for themselves. Cheng suggests keeping some

useful responses in your back pocket. “Developing and practicing what you would like to say in advance can help you handle manterruption more effectively.” This can also be applied to mansplaining and other annoying gender-based behaviors.

2. Deflect

Psychologist and professor at William Paterson University Elizabeth Haines says women themselves need to be part of the deflection strategy. “Women need to learn how to deflect an interruption with phrases like ‘I’m not done’ or ‘Please let me finish’ instead of just yielding to the interrupter—which is too often the outcome. This is hard to do and takes practice, she says, but with time does become easier.

3. Assert and express

“DEAR MAN it!” suggests Cheng, referring to a skill taken from Dialectical Behavior Therapy. DEAR MAN is the acronym for:

D= Describe the facts
E= Express feelings
A= Assert your needs
R= Reinforce
M= Stay mindful
A= Appear confident
N= Negotiate

This technique helps people get their point across while asking for what they need in an effective and non-confrontational way. A woman taking this approach might say for example, “I notice you tend to interrupt me when I speak. I felt frustrated when you cut me off. I would like it if you could be more mindful and listen to me. I think the team would really benefit from the great ideas I share.” The authors of the Northwestern study suggest, “Men need to recognize that this occurs in order to change their behaviors.”

4. Inquire

Eileen Scully, founder of The Rising Tides, an organization advocating for women in the workplace, suggests approaching the offender(s) privately and in a non-threatening way and asking for their help in solving the problem, saying,

for example: “I’ve noticed that frequently you find it necessary to restate my point in meetings or talk over my statements. I’d like to understand why that happens, and what you think I can do to make myself heard in those situations so that doesn’t happen. Why do you think that happens to me and other women in our department/office/etc.?” This approach informs the offender that you are aware of the behavior and you are interested in solving it, as, she says, “many of them do not realize they are guilty because they are so accustomed to doing it and hearing others do it also.”

5. Humor them

“Smart women understand men’s tendency toward aggression, accept it, and work with it,” says behavioral expert and author, Robert Weiss, LCSW, CSAT-S “Sometimes they let impatient and ‘important’ men (in the man’s mind) go first, giving themselves time to contemplate and strategize their moves. In this respect, letting the man have his say can be a power move—more so than fighting to be the first one heard.”

6. Apply the Golden Rule

In an interview with CBS, Heidi Moore, editor-in-chief of digital magazine Ladders, suggests that all women can learn from those on the court. “The female justices just keep talking instead of saying ‘Excuse me’ or ‘This is my time now’ or ‘I’m making a point.’ They just keep talking until they steamroll the interrupter.” In other words, treat the interrupters as they treat you. “A golden rule of sorts,” Moore says, “applied to balance the scales of a workplace conversation.”

“With time, female justices learn to stop using the female register,” noted the authors of the Northwestern study, “in particular by using framing words such as ‘May I ask,’ which primarily operates to give men an opportunity to interrupt.”

7. Find your allies

Cheng suggests finding your allies. “It’s important for women to establish their support network with people who can understand and validate their experiences of being interrupted. Having a good ally means you have someone who can be a good bystander for you and say, ‘Hey, let her finish’,

when you get interrupted. Or someone who comes to you to tell you, ‘It really sucks that you are treated that way. Is there anything I can do to help?’”

Haines suggests phrases that bystanders can direct at conversational hijackers, like “Hey, I want to hear what Michelle is saying; Michelle, please continue,” or “Wait a second, Michelle isn’t done speaking. Let her continue.”

“This strategy,” Haines says, “also helps reduce ‘bropropriation’ or a man’s repackaging a woman’s ideas or suggestions that were mentioned previously within the meeting. A bystander can call out bropropriation with phrases like, ‘Hey, Steve, your ideas are very similar to what Julie said.’ Calling out one person’s conversational missteps can make others less likely to interrupt as it creates a small social sanction—via vicarious social learning.”

8. Refuse to be a doormat

Weiss advises, “No matter what, women should not let themselves be intimidated by a man’s energy, forcefulness, or dynamism, no matter how much of those qualities he possesses. Women do not have to be doormats, letting a man walk on them and their ideas just because the man is more aggressive.”

As long as we keep naming them, drawing attention to them, and challenging them, maybe these persistent attitudes will silently fall away. Until then, as Weiss suggests, “Pick your battles, be prepared, and keep your power.”