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Interruptions of female justices has increased with their representation on SCOTUS, study finds

POSTED APR 06, 2017 10:06 AM CDT

BY [DEBRA CASSENS WEISS](#)



Women justices on the Supreme Court are interrupted more often than men are, and the disparity has grown as more women joined the court, a [new study](#) has found.

The 2015 term marked the “apex of inter-justice interruptions,” according to the study authors, who wrote a summary of the study, *Justice, Interrupted: The Effect of Gender, Ideology and Seniority at Supreme Court Oral Arguments*, [for SCOTUSblog](#). That year, 65.9 percent of all interruptions were directed at the three women justices. In 2002, 45.3 percent were directed at the two female justices, while in 1990, 35.7 percent of interruptions were directed at the single female justice, Sandra Day O’Connor.

The justices who accounted for most of the interrupting were men, according to the study. Women interrupted only 15 percent of the time, while men interrupted 85 percent of the time, more than their 78 percent representation on the court.

“As more women join the court, the reaction of the male justices and the male advocates has been to increase their interruptions of the female justices,” wrote the study authors, Northwestern Pritzker School of Law professor Tonja Jacobi and Northwestern JD candidate Dylan Schweers.

Their article uses the 2015 term to illustrate: “For example, in the 2015 term, Justice Elena Kagan was interrupted 10 times or more each by Chief Justice John Roberts and by Justices Samuel Alito and Anthony Kennedy. Justice Sonia Sotomayor was interrupted 15 times by Kennedy, 14 times by Alito and 12 times by Roberts. Kennedy also interrupted Justice Ruth Bader Ginsburg 11 times. Only two male justices suffered interruption by another justice at the double-digit level, despite there being twice as many men as women on the court. The most any woman interrupted any individual male justice during that term was seven times.”

Some—but not all—of the difference can be explained by seniority. Justices Kagan and Sotomayor are junior justices, and they are interrupted more often than Ginsburg is. However, gender has a bigger impact—it is about 30 times more influential than seniority is.

Seniority gives a female justice time to change her talking style to avoid being interrupted. Early on, female justices tend to begin questions with polite prefatory phrases, such as “may I ask” and “can I ask.” That gives other justices a chance to jump in. “We found that women gradually learn to set aside such politeness,” the authors said in SCOTUSblog summary.

Some of the interruptions of female justices involves “mansplaining,” a now recognized phenomenon in which a man unnecessarily explains something to a woman that she is likely to know, or explains to a third party what the woman is trying to say.

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