The potential presence of gender and race bias during the Supreme Court confirmation hearings is important. One way such bias might be demonstrated is through the interruption patterns in the exchanges that take place between nominees and senators when nominees testify before the Senate Judiciary Committee. By making such interruptions, senators attempt to exert conversational control and exercise dominance. If this pattern manifests at the hearings in a gender- and racial-biased way, it would affect both the experience and the perception of female and minority nominees. We provide a preliminary examination of the interruption patterns present for U.S. Supreme Court nominees during their confirmation hearings before the Senate Judiciary Committee. To do so, we draw on data from confirmation hearings from 1939-2010. Our descriptive data reveal that female and racial minority nominees receive a higher percentage of interruptions than do white, male nominees, and that this pattern is magnified when the nominees do not share the partisan affiliation of the questioning senator. We also briefly examine the gender of the senators doing the interrupting. While this analysis is limited by the low numbers of female senators who have sat on the Senate Judiciary Committee, it provides interesting initial insights into how the senators behave differently both based on the gender of the nominee and their own gender.

*We are grateful to Elisabeth Lopez for her outstanding research assistance on this project. Collins and Ringhand thank the Dirksen Congressional Center for a research grant that partially funded the data used in this project.
During the confirmation hearings for U.S. Supreme Court nominee Elena Kagan, the following exchange took place between Kagan and Senator Coburn (R-OK):

**Senator COBURN.** . . . Do you have a comment about what I’ve said?

**Ms. KAGAN.** Well, I suppose a few comments, Senator Coburn. Let me take on just a couple of the particulars, and then maybe make a more general comment. You said, as Solicitor General, I advocated the use of—of foreign law in some circumstances. I do just want to make clear that what I said in those—those questions——

**Senator COBURN.** Here’s your quote exactly.

**Ms. KAGAN—[continuing].** Was—was that, because there are justices on the Supreme Court who believe in the use of foreign law in some circumstances, that I would think it was appropriate, as an advocate, to argue from foreign law or to cite foreign law in any circumstance——

**Senator COBURN.** Well, but that isn’t what you said here.

**Ms. KAGAN.** Well, I think, Senator Coburn, with all respect, that if you look at the question and you look at the answer, I was speaking in my role as an advocate, saying that the primary consideration of an advocate is to count to five and to try to do the best the advocate can to ensure that the position that the advocate has taken will prevail.

**Senator COBURN.** But it’s not your position, because some other justices are using foreign law, you have the authority to do that as well.

**Ms. KAGAN.** As an advocate, to the extent that I think that foreign law arguments will help the government’s case, then I will use those foreign law arguments, is what I——

**Senator COBURN.** All right. Let me read something to you. As is obvious, I’m not a lawyer. OK. It’s pretty obvious. But Article 3, Section 2 says this: “The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and the treaties made.”

This exchange highlights how speakers like Senator Coburn can use interruptions (noted by the “—” at the end of a speaker’s turn) to seize the conversation floor and assert power over the original speaker. In this particular line of questioning, Senator Coburn, a male, interrupted Kagan, a female nominee three times. Of course, interruptions happen in all speech contexts and speaker pairings. However, there is reason to suspect that Senator Coburn’s interruption of nominee Kagan is just
one of many examples of similar interruptions of female and racial minority nominees’ statements during Supreme Court confirmation hearings.

For years, scholars have found evidence that female and racial minority speakers are often much more likely to experience interruptions than are male and white speakers (Anderson and Leaper 1999; Hancock and Rubin 2014; Leman and Ikoko 2010; Snyder 2014). Research indicates that politicians are not immune from these interruption patterns (Kathlene 1994; Mattei 1998). Very recent work also finds gender-based interruptions during U.S. Supreme Court oral arguments, both related to interruptions of the justices (Feldman and Gill 2016; Jacobi and Schweers 2017) and interruptions of the lawyers (Patton and Smith 2017).

The potential presence of gender and race bias via interruption patterns during the Supreme Court confirmation hearings is important. Speech interruptions are often intrusive attempts to exercise conversational control (Johnson 1994) that place the interrupter in a “dominant position, relative to the speaker” (Karpowitz, Mendelberg, and Mattioli 2015, 161). Even when an interruption is intended to help the original speaker in some way, the act can still communicate that the interrupter is the “more dominant or confident” participant in the conversation (Mendelberg, Karpowitz, and Oliphant 2014, 20). Interruptions can thus have a silencing effect on women and minorities (Mendelberg, Karpowitz, and Oliphant 2014, 21).

In this paper, we provide a preliminary examination of the interruption patterns present in the exchanges between U.S. Supreme Court nominees and members of the Senate Judiciary Committee during the confirmation hearings held before the Senate Judiciary Committee. To do so, we draw on data from U.S. Supreme Court confirmation hearings from 1939-2010. Our descriptive data reveal that female and racial minority nominees receive a higher percentage of interruptions than white, male nominees. This pattern is greatly magnified when the nominees do not share the partisan affiliation of the questioning senator. We also briefly examine the gender of the senators
doing the interrupting. While this analysis is greatly limited by low numbers of female senators on
the Senate Judiciary Committee, it provides interesting initial insights into this important dynamic.

I. Interruptions as Control and Dominance

Speaking provides a meaningful opportunity to “establish authority and status as a valuable
member of the group” (Mendelberg, Karpowitz, and Oliphant 2014, 20). The right of a speaker to
have a full, unimpeded turn to talk during a conversation is considered by many to be critical to
respectful discourse (Goldberg 1990, 884). In multi-person speaking settings, the strong norm is that
of turn-taking. Speech exchange systems and turn taking exist across types of speech – from casual
conversation to formal debate to high ceremony (Zimmerman and West 1975).

Interruptions – the act of “talking before the speaker's turn is finished and perhaps prevent
him or her from completing the thought” (Smith-Lovin and Brody 1989, 425) – break this
conversational turn-taking rule. Interruptions “are used to control the topic of conversation” (Aries
1996, 79), “disorganize the speech and ideas of the interrupted” (Smith-Lovin and Brody 1989, 425),
and “build the power of the interrupter by placing him or her in a dominant position, relative to the
speaker” (Karpowitz, Mendelberg, and Mattioli 2015).

Scholars agree that many interruptions are closely linked with dominance, control, power,
and status (e.g., Goldberg 1990; Johnson 1994; Karpowitz, Mendelberg, and Mattioli 2015; Smith-
Lovin and Brody 1989). As Smith-Lovin and Brody (1989) put it, “attempting to interrupt is an
excellent indicator of attempted conversational control; successful interruptions are a sensitive
measure of actual dominance. Power is a human accomplishment, situated in everyday interaction;
interruptions are one of the mechanisms that accomplish power in discussions” (425). Interruptions
are often “a power play” (Mendelberg, Karpowitz, and Oliphant 2014). Goldberg (1990, 884)
provides this powerful take on interruptions:
An interruption is designed to gain immediate control of the discourse – of the turn and/or topic – by pressuring the speaker to relinquish his/her control. Whether successful or not, it is the imputation of volitional intent – intent to disrupt, to take over the turnspace occupied by another, and to generally interfere with the projected form, content, and/or ‘ownership’ of what is said – which leads to the assumption that interruptions are interactional strategies for exerting and overtly displaying power or control over both the discourse and its participants (internal citations omitted).

II. Gender and Race Connections with Interruptions

Bias toward women and racial minorities can result in a lack of conversational deference to these speakers, which can manifest through more frequent interruptions of their speech. Race and gender, in particular, are status cues that “signal individuals to subconsciously assume that members of nonmajority classes are of different status than majority class members” (Christensen, Szmer, and Stritch 2012, 627). Interruptions can be used to maintain these statuses and foster inequality. Because of real or perceived greater status and power in society, men are more likely to infer that “they are entitled to take the conversational floor” (Anderson and Leaper 1998, 226). And because interruptions are generally assertive behavior, “it may be something women are not expected to do; and when they do engage in the behavior, women may be judged negatively for it” (Mattei 1998, 443).

When female and minority speakers experience a disproportionate number of interruptions in a public forum, the implications can be grave. Interruptions “clearly allow the powerful, high-status speakers more access to important interpersonal resources (the ‘floor’) at the expense of their lower-status partners” (Smith-Lovin and Brody 1989, 425). Interruptions may also “have a particularly negative, silencing effect on lower-status groups, since those groups’ authority is fragile and disagreements they may direct at high-status members tend to be countered with aggressive reactions or backlash” (Mendelberg, Karpowitz, and Oliphant 2014, 21). To be frequently interrupted in public, therefore, is to be perceived as of as having lower status, to be silenced, and to risk backlash.
Empirical research finds strong evidence that gender disparities in groups are an important factor in predicting interruptions, with female speakers often much more likely to experience interruptions than male speakers (Anderson and Leaper 1999; Hancock and Rubin 2014; Snyder 2014). Similarly, Leman and Ikoko (2010) find that racial minority speakers receive more negative interruptions than those belonging to the racial in-group. The empirical results are also strong in more political and legal contexts.¹ In her study of the 1990 Souter Senate Judiciary Committee Hearings, Mattei (1998) finds that senators interrupted female witnesses far more often than they did male witnesses. At the U.S. Supreme Court, recent studies examine the interruption phenomenon and find striking gendered effects. Feldman and Gill (2016) and Jacobi and Schweers (2017) find that female justices on the Court are interrupted more frequently by fellow justices than are their male colleagues. And Patton and Smith (2017) find that female lawyers are, for most issue areas, interrupted more than male lawyers during oral arguments.

III. Gender, Race, and Interruptions at Supreme Court Confirmation Hearings

The United States Constitution says very little about the Supreme Court nomination and confirmation process other than charging the president with appointing justices and the Senate with confirming them. In 1816, the Senate created the Committee on the Judiciary to assist in its task of providing the president with advice and consent regarding appointments to the federal courts. Committee hearings were initially held in private, were reserved for “controversial” nominees, and

¹ Not all research finds that women receive more interruptions than men. Some studies find no statistical differences (see James and Clarke’s (1993) review), while others find that men receive more interruptions (see, e.g., Kathleen’s (1994) study of committee members in the Colorado legislature). Despite these findings, the bulk of the literature and theory tends to expect interruption behavior differences in many circumstances.
involved limited testimony from witnesses who addressed particular issues of concern to the senators. The first modern confirmation hearing did not occur until 1939, when Felix Frankfurter took unrestricted questions in an open public forum, setting the precedent for the current process, in which nominees are expected to testify in public and under oath about a wide array of topics (Collins and Ringhand 2016).

Hearings play an important role in the Supreme Court selection process and the answers nominees give (or do not give) can affect their fate before the Senate (Collins and Ringhand 2013a; Farganis and Wedeking 2014). Moreover, confirmation hearings play a robust role in public engagement with the Court and the Constitution (Collins and Ringhand 2013a). The hearings, however, are more than this. They also are the moment at which we ponder the characteristics we expect in the individuals who want to interpret the Constitution on our behalf. Presidents and senators always have been concerned not just with the technical legal skills of Supreme Court nominees, but also with their character, leadership, and professional competence. Presidents routinely praise their nominees for traits not itemized on any resume: empathy, personal dignity, discipline, and devotion (e.g., Bush 2005; Obama 2009; Reagan 1981; Trump 2017). Senators ask nominees questions about their character and personal backgrounds (Collins and Ringhand 2013a), and commentators pontificate about whether a nominee will be a “technocrat” or a “liberal lion” (Leib and Lee 2017; Toobin 2017). Inadequate or unprofessional answers can harm a nominee’s confirmation prospects (Collins and Ringhand 2013a) and thereby shape the ideological orientation of the Court (Epstein and Segal 2007).

Evaluating the characteristics of Supreme Court nominees in this way is perfectly appropriate, but this type of evaluation can pose challenges to nontraditional nominees who risk stereotyping and other forms of bias when confronted with racialized and gendered expectations regarding their character and capabilities. Because of the above-described status-based biases, we
expect that the race and gender of Supreme Court nominees will affect how they are treated, discussed, and evaluated by senators during the confirmation process. Much of this expectation arises from (presumably) subconscious biases and stereotypes toward these participants. We have already seen strong evidence of this bias affecting female nominees’ experience during confirmation hearings, with male senators asking female nominees more questions requiring them to exhibit their professional competence than they ask of male nominees (Boyd, Collins, and Ringhand n.d.).

This also is likely to play out with interruptive behavior during the confirmation hearings. Members of the Judiciary Committee may be more likely to interrupt female and minority nominees than white male nominees because they see, consciously or not, female and minority nominees as unfamiliar out-group members who may not share their core values. Further, by interrupting a nominee, a senator can attempt to paint the nominee as less than forthcoming, in the sense that interruptions at confirmation hearings often signal that the senator is unhappy with the nominee’s answer to the senator’s question.

IV. The Conditional Nature of Partisanship in Interruptive Behavior

We expect that partisanship will have a conditioning effect on gender and race-biased interruptive behavior during the confirmation hearings. Davidson and Burke (2000) argue that bias is more likely to lead to discriminatory behavior when there is an attitude-behavior link. Shared values and policy priorities may make it easier to control biased perceptions and stereotypes and lessen their impact (Kawakami 2000). In the context of interruptions, Smith-Lovin and Brody (1989) argue that “friends” interrupt less frequently than others. Other research finds that individuals who do not know each other well more likely “to rely on characteristics such as sex to define status/power relationships” and have higher interruption levels (James and Clarke 1993, 261). While not addressing gender and race, recent work by Johnson, Black, and Wedeking (2009) also find that
“Justices who take opposite ideological positions more frequently interrupt each other” (350). This result is confirmed in work by Feldman and Gill (2017).

Prior research finds evidence that shared political preferences affect the operation of gender and race bias. Koch (2000) and Sigelman et al. (1995) find that close links between political preferences and candidate gender and race, respectively, when it comes to perceptions of candidates. Szmer, Sarver, and Kaheny (2010) find that while Supreme Court justices are less likely to vote female attorneys’ favored legal positions, that effect is greatly reduced when the female lawyers’ arguments align with the justice’s ideology. Boyd, Collins, and Ringhand (n.d.) reveal that opposite party male senators disproportionately ask more questions of female Supreme Court nominees regarding their competence to serve on the Court than they do of male nominees. Jacobi and Schweers (2017) confirm the presence of an interactive effect between justice gender and ideology in the likelihood of interruptions, finding that “interruptions occur most frequently when gender and ideology are both different” and that the “strongest effect is of conservative men interrupting liberal women” (1488).

There is good reason to expect that Senate partisanship plays a similar role in the context of interruptions and the Supreme Court confirmation hearings. The modern Senate is highly partisan (Lee 2008), with Senate parties coordinating on important issues as “teams” (Lee 2009) and stacking committee membership along partisan lines (Epstein and Segal 2005). In the Senate’s historical Supreme Court confirmation process, nearly all senators from the president’s party vote in support of his nominees; by contrast, many opposition-party senators do not (Epstein and Segal 2005; Farganis and Wedeking 2014).

How might this “partisan climate” in the Senate’s deliberations over Supreme Court nominees affect interruptive behavior toward female and racial minority nominees (compared to male and white nominees) during the confirmation hearings? We expect that shared party will lessen
the gendered and racial effects of interruptive behavior. Regardless of race or gender, senators will be more likely to view shared-party nominees as “friends” than those appointed by an opposing-party president. Because of the shared party, there will be much less need for assertiveness or aggressiveness in questioning since there is unlikely to be attempts to sink the nomination. The shared party is also likely to create “a set of common expectations for the senator and nominee that may help avoid the strong activation” of bias against the female or racial minority nominee (Boyd, Collins, and Ringhand n.d., 17). This should, in turn, reduce the likelihood of interruptions based on gender or race. By contrast, opposite party nominees may face heightened stereotypes and hostility. They are seen as “different,” without the mitigating salve of a shared party identity, and questioning senators are incentivized by partisan loyalties to behave assertively. These opposite party, female and minority nominees are thus likely to receive a higher rate of interruptions than their shared party counterparts.

V. Data

We use the U.S. Supreme Court Confirmation Hearing Database developed by Collins and Ringhand (2013b) to provide a preliminary descriptive examination of the interruption patterns present during Supreme Court nominee confirmation hearings before the Senate Judiciary Committee. The Collins and Ringhand dataset contains information on every statement made at every open, transcribed Supreme Court confirmation hearing held before the Senate Judiciary Committee from 1939 to 2010. The data exclude the re-opened portion of the testimony from the Clarence Thomas hearing that relates to the sexual harassment allegations made by Anita Hill since the scope of senatorial questioning during that portion of the hearing was formally limited to those allegations.

Our unit of analysis in this paper is the change in speaker during the hearing. This means that there is a new observation for each time the speaker changes from senator to nominee (or vice
versa). We code whether that change in speaker occurred naturally or because of an interruption.\(^2\) Interruptions are identified in the confirmation hearing transcripts as long dashes that end a statement,\(^3\) as exemplified below:

Ms. Kagan: …I guess I would like to go back to—I’ll just give you one case, just to make sure that——

Senator Kyl: Well, can I just keep moving on?... (U.S. Senate 2011, 106).

We code the observation following the long dash as an interruption, coded 1 if the statement interrupted the previous speaker and 0 otherwise. Because the data also contain information on who was speaking, we can use this to determine how often nominees and senators were interrupted and interrupted each other, although our focus in this paper is solely on senatorial interruptions of nominees.

To investigate whether there are gender, racial, and party dynamics in the interruption patterns of Supreme Court nominees, we have used the following codings in the descriptive data that follow. Female nominees are Ginsburg, Kagan, O’Connor, and Sotomayor, while male nominees are all other nominees. Minority nominees are Marshall, Sotomayor, and Thomas, while white nominees are all other nominees. Same party indicates whether the party of the senator questioning the nominee matches that of the president who appointed the nominee, based on

\(^2\) We are not the first to code interruptions during Supreme Court confirmation hearings. In addition to the above-described Mattei (1998) study of the Souter hearings, Farganis and Wedeking (2014) coded interruptions as one of multiple categories of response candor during the confirmation hearings.

\(^3\) We code all such occurrences as interruptions. We leave it for future work to consider excluding backchannels or differentiating between positive and negative interruptions.
information in Carroll et al. (2015) and Epstein et al. (2013). Different party senator indicates that the questioning senator is of a different party than the president who appointed the nominee. Female senators are Feinstein (D-CA), Moseley-Braun (D-IL), and Klobuchar (D-MN), while male senators are all other senators.

VI. Empirical Results

Figure 1 plots the percentage of statements in which nominees were interrupted by senators at their hearings from 1939-2010. Nominees are arrayed along the x-axis and the percentage of interruptions constitutes the y-axis. We have also included a linear trend line to obtain a sense of how interruptions have changed over time.

Several notable findings immediately emerge. First, with the exception of Felix Frankfurter, the first nominee to take open questions in a public hearing, all nominees have been interrupted by senators. At the low end, Anthony Kennedy (1987) was interrupted in less than 1.5% of the statements he made at his hearing. Conversely, Elena Kagan was interrupted in more than 18% of her statements. Second, there has been an increase in interruptions over time, and particularly after the Kennedy hearing. Thus, it is evident that senators have been interrupting nominees more frequently over the course of the past thirty years.

*** Figure 1 About Here ***

Figure 2 provides insight into the extent to which gender and party dynamics influence the volume of interruptions at the hearings. The black bars represent the proportion of statements in which senators interrupted female nominees, and the white bars provide the same information with respect to male nominees. This figure separates nominees on the basis of whether the interrupting senator shares the party affiliation of the president who appointed the nominee.

The results are striking. Overall, senators interrupt female nominees 12.2% of the time, compared to 6.7% of the time for male nominees, a statistically significant difference (p < 0.001,
two-tailed). But these interruptions have a dramatic partisan skew, depending on whether the interrupting senator shares the party affiliation of the female nominee. Opposite party senators interrupt female nominees 17.2% of the time, but only interrupt opposite party male nominees 7.9% of the time, an almost 10 percentage point difference (p < 0.001, two-tailed). Same party senators also interrupt female nominees more than same party male nominees, but do so far less frequently, only 7.3% of time, compared to 4.9% of the time for male nominees, although this difference is also statistically significant (p = 0.001, two-tailed). Thus, female nominees are more frequently interrupted by senators regardless of their party, and opposite party senators interrupt female nominees more frequently than do same party senators. This indicates that, while female nominees suffer statistically significantly more interruptions regardless of the party of the questioning senator, a shared party affiliation tempers that effect while an opposite party posture intensifies it.

*** Figure 2 About Here ***

Figure 3 reports interruptions based on the race of the nominee. The black bars indicate the proportion of interruptions racial minority nominees received, while the white bars indicate how frequently white nominees were interrupted by senators. As with Figure 2, this information is provided for same and opposite party senators. Overall, senators interrupt racial minority nominees 9.3% of the time, compared to 7.4% of the time for white nominees (p < 0.001, two-tailed). However, the differences based on party affiliation are quite strong. Same party senators actually interrupt racial minority nominees less than white nominees, although this difference is not statistically significant (p = 0.272, two-tailed). Conversely, opposite party senators much more frequently interrupt racial minority nominees than white nominees. Opposite party senators interrupt racial minority nominees in 13.9% of statements, compared to 8.7% of statements for white nominees (p < 0.001, two-tailed).
Thus, as with gender, minority nominees experience significantly more interruptions than white nominees, and the effect is amplified by the opposing party status of the questioning senators. In other words, there are important partisan differences at play here. Racial minority nominees are more frequently interrupted than their white counterparts overall, and this is exacerbated when they do not share the party affiliation of the questioning senator.4

*** Figure 3 About Here ***

VII. Who does the Interrupting? Senator Gender Dynamics

We next turn to a brief examination of interrupting senator gender and how that affects interrupting practices.5 The most relevant literature focusing on legislative and Supreme Court settings is Kathlene (1994), examining interruptions in the Colorado legislature. That work finds that male legislators generally make more interruptions than do female legislators. Jacobi and Schweers (2017) similarly find that male Supreme Court justices interrupt more during oral arguments than do female justices. By comparison, Feldman and Gill (2017) reveal that male and female justices interrupt at similar rates during oral arguments, and both are more likely to interrupt women than men.

*** Figure 4 About Here ***

Figure 4 plots the proportion of interruptions based on the gender of the nominee and senator. The black bars represent the proportion of the time that female senators interrupted female nominees, the white bars provide this information for when male senators interrupt female nominees.

4 These differences hold if we consider only the time frame in which the first racial minority (1967) and female nominee (1981) testified.

5 Very low numbers of observations for racial minority senators on the Senate Judiciary Committee prevent us from conducting a similar analysis for senators’ race.
nominees, the light gray bars indicate the proportion of the time male senators interrupt male nominees, and the dark gray bars provide this information for female senators interrupting male nominees. Instances in which a female opposite party senator interrupted a female nominee are not represented on the chart, as this alignment has not yet occurred on the Judiciary Committee: all female senators who have sat on the Committee are Democrats appointed after Sandra Day O’Connor’s nomination in 1981 and thus have only questioned female nominees appointed by Democratic presidents.

This figure reveals that female senators interrupt male nominees more frequently than do male senators. For example, female senators interrupt opposite party male nominees 21.1% of the time, compared to 7.6% of the time for male senators and opposite party male nominees (p < 0.001, two-tailed). Female senators interrupt same party male nominees 5.5% of the time, compared to 4.9% of the time for male senators and same party male nominees, although this difference is not statistically significant (p = 0.855, two-tailed). In addition, this figure reveals that shared party plays an important role in conditioning the frequency of interruptions, with same party senators much less frequently interrupting same party nominees, as compared to opposite party nominees, across the board.

These figures are preliminary. Moreover, given the relatively small number of female members of the Judiciary Committee,\(^6\) they may disproportionately reflect the relatively high interruption rate of a single female senator, Diane Feinstein. Feinstein interrupted nominees in 17.6% of her statements, compared to about 10% for Senators Moseley-Braun and Klobuchar. Nonetheless, these findings provide a window into the future of the gender dynamics on the

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\(^6\) Since the Kagan hearing in 2010, two more female senators have joined the Judiciary Committee (Mazie Hirono [D-HI] and Kamala Harris [D-CA]).
Judiciary Committee. As the Committee’s membership continues to diversify, more female senators will presumably engage in confirmation discourse with a broader array of nominees crossing party lines. There is some evidence to suggest that in some scenarios some women will interrupt more often than men (e.g., Kennedy and Camden 1983; Nohara 1992). For example, Roger and Nesshoever (1987) find that women with high dominance scores interrupt frequently. Drass (1986) similarly finds that female subjects that rate high on aggressive, assertive, and dominant factors for their gender role identity tend to interrupt more.

If female senators sitting on the Senate Judiciary Committee follow this pattern and frequently interrupt nominees – particularly male nominees – they may, as anticipated by Mattei, “be judged negatively for it” (Mattei 1998, 443). If so, unmasking and challenging this dynamic in advance, and subjecting it to robust discussion in the public arena, will be critical to accurately evaluating how female senators and nominees participating in the process are being perceived.

VII. Discussion

Our results support Mattei’s powerful statement about the Senate following her study of the 1992 Supreme Court confirmation hearing for David Souter: “members of gendered institutions still treat women differently, thereby perpetuating that outsider status” (459). To a slightly lesser extent, we also have found a similar result for minority nominees. In particular, we have demonstrated that, consistent with existing scholarship, female and minority nominees testifying before the Senate Judiciary Committee are interrupted more frequently than white, male nominees. Female nominees are interrupted in 12.2% of their hearing statements, while male nominees are interrupted in only 7.3% of their statements. Minority nominees, in turn, are interrupted 9.3% of the time, while white nominees are interrupted in only 7.4% of their statements.

We also found that these results are heavily influenced by partisanship. While both same and opposite party senators interrupt women nominees at statistically significant higher rates than male
nominees, the interruptions of same party senators are mitigated, as predicted by out-group theory, by their shared partisan identity. So, while same party senators interrupt female nominees 7.3% of the time (compared to 4.9% for same party male nominees), opposite party senators interrupt female nominees a striking 17.2% of the time, compared to only 7.9% of the time for opposite party male nominees. Much of this pattern also holds for minority nominees. Same party senators actually interrupt minority nominees slightly less often than they interrupt same party white nominees (although this result is not statistically significant), but opposing party senators interrupt minority nominees 13.9% of the time, compared to only 8.7% of the time for white nominees.

Finally, our preliminary findings about the how the gender of the interrupting senator affects interruption patterns shows that female senators interrupt male nominees more often than male senators interrupt male nominees, again mitigated by partisan alignment. Female senators interrupt opposite party male nominees 21.1% of the time, while male senators interrupt opposite party male nominees only 7.6% of the time. This finding is limited by the scant sample size available: there are only three female senators in our dataset. It is nonetheless intriguing. If, as predicted by Roger and Nesshoever (1987) and Drass (1986), women with a higher than average dominance score for people who share their gender identity are more frequent interrupters, we should not be surprised to see women who have accomplished the very difficult task of winning election to the U.S. Senate to interrupt more often. This may be particularly true when they question male nominees, since interruptions are a way to claim space and establish one’s status (Smith-Lovin and Brody 1989, 425). Revealing this dynamic, if present, will be important when assessing the often harsh judgment female leaders can be subject to when operating in a male-dominated environment.

Our findings also pave the way for additional work in this area. As more women are appointed to the Senate Judiciary Committee, the interruption rates of female versus male senators should be further explored. Work examining how the female senators currently serving on the
Committee are perceived also would be fruitful, particularly in regard to whether their relatively high rate of interrupting male nominees is shaping perceptions of them among the public and those who study the hearings.

Examining questions like these are important. The Supreme Court confirmation hearings are the most public event involving the Supreme Court. For most Americans, the hearings are the only time they are able to hear directly from the individuals who will join the high Court (Collins and Ringhand 2013a). Indeed, millions of Americans tune into live coverage of the hearings (Farganis and Wedeking 2014, 100) and learn about the hearings from media (Bybee 2011) and interest group (Vining 2011) reports. Evidence of bias in such a high profile setting could harm the public’s perceptions of the Supreme Court’s legitimacy (e.g., Gibson and Caldeira 2009), and therefore of the legal system itself. In a time of high partisan strife and growing distrust of governmental actors, understanding these dynamics is critical to charting our way forward as a nation.
References


Figure 1. Interruptions at Supreme Court Confirmation Hearings, 1939-2010
Figure 2. Gender, Party, and Interruptions at Supreme Court Confirmation Hearings, 1939-2010

![Graph showing interruptions by gender and party at Supreme Court confirmation hearings from 1939 to 2010. The graph compares interruptions for female nominees and male nominees for opposite party senators and same party senators.](image-url)
Figure 3. Race, Party, and Interruptions at Supreme Court Confirmation Hearings, 1939-2010
Figure 4. Senator Gender, Party, and Interruptions at Supreme Court Confirmation Hearings, 1939-2010