

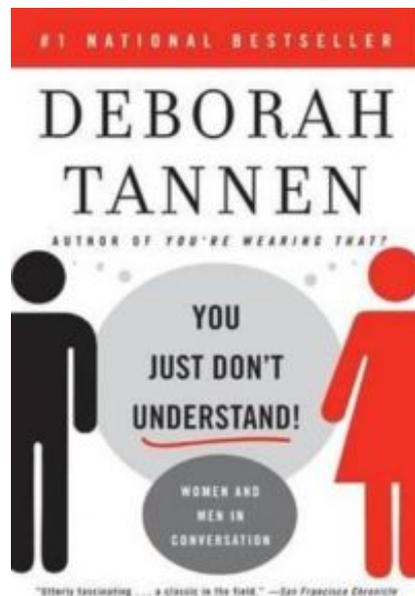
Kluwer Mediation Blog

The Interruption Game - Why are we still playing?

Rosemary Howell (University of New South Wales) · Sunday, March 22nd, 2020

Years ago, as a student in the Harvard Program on Negotiation, I watched the now famous [Hackerstar Negotiation video](#). It's a great teaching tool and I still use it. It is a masterful demonstration of the power of effective preparation using the 7 elements. It's also a great demonstration of what I call **interruption compulsion** - where one negotiator or advocate seems unable to allow another negotiator or advocate to complete an idea or explanation. Here we see Professor Roger Fisher consistently talking over the lawyer on the other side - she never completes a sentence. Today, as I show it to my postgraduate Negotiation students, I am consistently surprised that, with no cue from me, they also notice the interruptions and find them disrespectful.

Searching for more information about what I experienced as a gendered issue, I discovered [Professor Deborah Tannen](#), author of a sizeable library of linguistic texts.



Her 1990 the best-selling 'You Just Don't Understand' tracks men and women in conversation. Interruptions feature. Reinforced in her 1995 Harvard Business Review [The Power of Talk: Who Gets Heard and Why](#), she reports that studying American children at play reveals that, although both girls and boys find ways of managing relationships, girls learn conversational rituals focussing on rapport whereas boys learn rituals that focus on status. This leads to her explanation that women learn that waiting until the other person has finished speaking builds relationships while boys learn that interruptions maximise power and authority.

She points out that these behaviours don't seem to cause problems when men talk to men and women talk to women. Unsurprisingly, problems arise when the conversation is across genders. I naively assumed that naming what was happening would alert us all to build more effective coping behaviour that avoided inflaming the gender wars.

Of course I was wrong.

More research followed.

The 2017 Virginia Law Review published '**Justice, interrupted: The effect of Gender, Ideology, and Seniority at Supreme Court oral arguments**'. The authors scrutinised judicial interruptions during oral argument and concluded that 3 elements are at work to explain female judges being interrupted at disproportionate rates by male colleagues and male advocates:

- **Gendered linguistic differences** ranked first as the most significant influence, followed by
- **Ideology** – scrutiny of transcripts seemed to suggest that all interruptions increased when judges' ideological differences were apparent
- **Seniority** also had some influence, appearing to reduce gendered interruptions primarily through female Justices, as they became more senior, learning to behave more like male Justices and avoid traditionally female linguistic framing.

Covering 3 judicial terms – 1990, 2002 and 2015 – allowed exploration of 'whether the same patterns held when there were one, two, and three female Justices on the Court, respectively'. It confirmed that 'the effects of gender, ideology and seniority on interruptions have occurred fairly consistently over time'.

New Australian research - 2019: 'Female Judges, Interrupted':

This empirical study scrutinises interruption behaviour during oral argument in the High Court of Australia by analysing two years of transcripts of Full Bench hearings. Its findings confirmed the US research but added a surprising element:

- dominant interrupters were **male advocates** – not judges. It also identified that:
- judicial volubility and seniority were relevant but ultimately ruled out as the dominant factor:
- interruption behaviour reproduces gendered conversational norms and power dynamics – female judges were far more likely to be interrupted than their male colleagues;
- the rate of interruption counterintuitively increased when the Court was presided over by its first female Chief Justice; and
- there is an embedded bias towards male judicial authority affecting female judges even at the pinnacle of their legal careers.

Where does that take us?

We are not just talking about female judges. We are not just talking about the legal profession. The interruption game is being played out everywhere.

The 2017 New York Times [opinion piece by Susan Chira](#) discussed Senator Mitch McConnell's silencing of Senator Elizabeth Warren on the U.S. Senate floor.

Chira asked: "Was there a woman who didn't recognize herself in the specter of Elizabeth Warren silenced by a roomful of men?"

Chira speculated that this event "resonates with so many women precisely because they have been there, over and over again. At a meeting where you speak up, only to be cut off by a man. Where your ideas are ignored until a man repeats them and then they are pure genius—or, simply, acknowledged."

Where might this behaviour come from?



Applying Fisher and Shapiro's 5 Core Concerns suggests an explanation. Perhaps our gendered roles and socialisation mean that women's emotional and relationship needs draw heavily on affiliation and appreciation while men lean towards status and role. I have opened this terrific text again to see if there is more to learn here.

So what can we do?

As a community of dispute resolvers, is it time to recognise that this challenge has not gone away and that 'getting a grip' or 'sucking it up' is not a solution that works?

What about humour?



Humour has brought us manterruption, mansplaining and manspreading and I am sure there are more epithets coming.

Much as I enjoy the joke and have even been known to make it myself, the risk is that the humour conceals the anger. This feeds the gender wars - with men feeling misunderstood and belittled, not valued as partners and

colleagues who recognise what respectful behaviour looks like.

We have more tools

Doing things differently and better requires tools for intervention.

[Difficult Conversations](#) could be the game-changer. I had the privilege of attending the pilot program at the Harvard Program on Negotiation from which this text emerged. It guides us through a useful intervention process in the chapter entitled "**Disentangle Intent from Impact**".

We are challenged to question our assumption that the interruption is intentionally or carelessly disrespectful and maybe even misogynistic.

So maybe I can say 'I don't know what your intention was, and I am happy to hear it, but I would like to share with you the impact your interruption had on me'. If we can sit together in the space of how it has been received then we may be able to experience the healing power of acknowledgement. We don't need to agree. We don't need an apology. We just need recognition and acknowledgement.

I am going to try it!

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The screenshot displays the 'Explore Practice Plus' interface. At the top, there is a navigation bar with a checkmark icon and the text 'Explore Practice Plus'. Below this, a profile for 'Gary S. Bore' is shown, including a profile picture, name, and contact information. The main content area features several data visualizations, including three circular charts and a list of results. The interface is clean and professional, with a blue and white color scheme.

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