

Conclusion: What do we now know about emotional labour in criminal justice? Culture, context and conflict

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Chapter 18: Conclusion: What do we now know about emotional labour in criminal justice? Culture, context and conflict

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Abstract

In this concluding chapter we reflect on some of the key things that have cut across many of the chapters contained in this volume. We argue that one can only understand the performance of emotional labour when the particular context and culture is taken into account. Another common theme was the nature of the conflict between display rules which shapes much emotional labour across the field of criminal justice and criminology. We finish by reflecting on some implications in terms of how organisations can best support workers with the emotional demands of their jobs as well as some ideas on future research that could be carried out in this area.

Keywords: emotional labour, criminal justice, criminology, occupational culture, managerialism, display rules.

Introduction

In the introduction to this volume we noted that emotional labour has been used as a lens with which to examine penal practice in most areas of criminal justice and criminology, but to

varying degrees. We also argued that there had – thus far – been little attempt to bring this knowledge into a coherent publication/volume which we considered a real gap in the literature. Emotional labour is a powerful analytic lens which can shed light on how institutions function, their aims, how staff and service users will experience them and – more broadly – what criminal justice is ‘all about’. Our aims for this collection, therefore, were to learn about where emotional labour has and has not been used in the field of criminal justice and criminology; to synthesise what literature there is; and to extend our knowledge. We gave our contributors some guidance in terms of what we wanted them to do – in Part One the brief was to do a review of extant research, with a view to bringing out the main ways in which workers perform emotional in their allotted institution. In Part Two the task was to extend what we already know through short empirical chapters which bring hitherto unexplored areas of criminal justice and criminology to the fore. Without exception, all contributors have risen to the challenge we set and for that we are grateful.

Rather than go over each chapter in turn we use this concluding chapter to identify and highlight some of the themes which cut across some – and indeed, in some cases, all – of the chapters.

The importance of culture

A constant theme throughout all chapters is the importance of culture. This is, perhaps, unsurprising considering culture – in many ways – shapes the occupational display rules which, in turn, govern the performance of emotional labour. The importance of having to understand display rules and the difficulty in doing so comes out in most of the chapters in Part Two. It seems that organisational and occupational display rules can be aligned but can also be in conflict. We see this most clearly in Borelli’s chapter on immigration officers where they have to fulfil dual roles which have different aims. This, we would argue, makes

it difficult for staff to know which rules to conform to, resulting in both inter and intra display rule conflict – see Chapter Three for a particularly good example of this in the context of family lawyers. This also comes out clearly when we look to the hierarchical nature of many criminal justice organisations. Thus, we see different emotional labour expectations being placed upon people doing similar jobs with similar aims, but with differing statuses such as Special Constables in England and Wales (Chapter 16), and non-sworn officers in the US (Chapter 13).

There are deeply engrained cultural expectations (e.g. in the key criminal justice institutions of the police, prison and probation) which inform the emotional labour of workers. On the one hand, this can be beneficial for staff who are embarking on a new job in the sector because it allows them to learn – on the job – the occupational display rules which are at play. However, it raises potential detrimental effects for those who do not ‘fit in’ with these highly prescriptive display rules. We can see this particularly in relation to the chapter on Special Constables in England and Wales (Chapter 16). Special constables learn that they must quickly integrate into the 'regular' police workforce, which means conforming to police culture and the emotional labour expectations that come with it. Police culture is highly masculinised and limits recognition of its emotional demands and the need to access support.

Furthermore, in Chapter 5 where the focus is prisons, we see the importance of formal and informal feeling rules, again, in the perpetuation of a masculinised image (albeit at times an altered image of masculinity which does not conform to the tough, hardened masculinity) of prison officers. This has been seen to impact upon the type of emotional labour regarded as appropriate for male and female prison officers and the expectation to conform to those gender stereotypes.

Gender and emotional labour?

In her studies of air stewardesses and bill collectors, Hochschild (1983) highlighted the gendered nature of the concept, and the chapters in this book show that criminal justice is no exception. Masculinised working practices dominate certain criminal justice institutions and the emotional displays within. Furthermore, we see men and women doing gender in their work with men's emotional labour being more aligned with, while women perform work in more nurturing roles. However, there is little evidence that the gendered nature of emotional labour in criminal justice and criminology has been adequately nor comprehensively analysed and we urge researchers to focus on this area.

The importance of context

Related to the concept of culture, is the importance of context. What stands out throughout this book is the way in which contexts in criminal justice are changing and having a resultant impact on criminal justice sectors. Chapter five on the emotional labour of prison work brings this out particularly clearly. Moreover, there has – over recent years – been a steady move towards commercialisation and managerialism in almost all areas of criminal justice and this has put particular pressure on staff when it comes to the performance of emotional labour. In many cases, the display rules associated with heavily managerialised and commercialised institutions are at odds with the occupational display rules that emanate from work cultures, which are often the result of many years of shared practice. Thus, in Chapter 2 we saw evidence of police officers having to resist managerialism through the use of humour; in Chapter 4 the managerialisation of probation was considered crucial in the marginalisation of emotion in probation policy; and in Chapter 7, prison officers experienced and had to manage the conflict between their own emotions and the way in which the organisation's aims required them to manage their emotions. By ignoring the emotion work inherent to much criminal justice practice means workers conform to particular emotional labour expectations but with little guidance in how to do so. Ultimately, this also means that workers' emotions in

the field of criminal justice are being increasingly appropriated in order to maximise profit for the organisations for whom they work: quite how this sits with those embedded cultures and values discussed above is in need for further exploration.

The omnipresence of conflict

It is evident from all chapters in this volume that criminal justice work requires the performance of emotional labour. But it is also the case that most criminal justice work requires some element of boundary spanning. Boundary spanning (Mastracci et al., 2012; Needham, 2017) requires practitioners who engage in collaborative work to adhere to a different set of display rules across organisational and professional boundaries at the same time and this can present particular issues for staff having to manage their emotions (Needham, 2017). A particularly good example of this can be seen in chapter 6, by Quinn and Tomczak on practitioners in the penal voluntary sector (PVS). They highlight the emotionally labourful working environment of PVS practitioners who are required to negotiate their way through different, and often dissimilar, display rules emanating from a variety of organisations. Furthermore, emotional labour is performed in such a way as to ensure that PVS practitioners are able to access criminal justice institutions such as prisons and other correctional facilities in order to enable them to work with service users. There is a need for organisations to explicitly recognise the boundary spanning nature of the work they demand from their staff, and support is undoubtedly required for staff working in settings where boundary spanning forms a part of their day to day work.

Criminal justice personnel work across institutional boundaries, but they also work across the boundary between the criminal justice system and the general public. Crime and punishment and criminalised people are emotive topics amongst the general public and the political rhetoric around crime and justice is often designed to invoke strong emotions. Moreover, the

rhetoric – especially in recent months in the English and Welsh context – has served to stigmatise those who have broken the law in particularly negative ways. In turn, this means that criminal justice work can increasingly be understood as a form of dirty work.

Importantly, some of the chapters in this volume have highlighted the burden that this can place on people in terms of emotional labour, particularly in relation to societal display rules (although more research needs to be done in here in terms of teasing out this particular relationship), but also the ways in which they reframe or deflect their work in order to minimise it.

Emotional labour and the aims of criminal justice

The lens of emotional labour requires us to think about the aims of the organisation and the way in which staff members' emotions are being managed to achieve those aims. Whilst chapters in this book highlight the ways in which organisations appropriate emotions in order to achieve the formal aims of the organisation they also uncover the ways in which staff resist and even subvert those structures by managing their emotions in a way which sheds light on what else the criminal justice system is doing over and above what organisations want them to do. Thus, probation officers (Chapter 4) manage their emotions to achieve the goals of the organisation such as risk assessment but they also do so in order to convey empathy to offenders; immigration officers in Sweden (Chapter 14) display emotions to the 'irregular workers' in order to both decide whether they should be detained for breaches of immigration rules as well as to convey sympathy for the plight in which they find themselves in; and defence lawyers in Sweden (Chapter 12) convey neutrality to their clients in order to secure a successful outcome to the case but also in order to manage the expectations of their clients. It is here that the chapters in this book really get to the crux of the 'civic heart' which lies at the centre of much of this type of work (Guy et al, 2019)

Values and performing emotional labour

Many people in criminal justice – especially those working in prison, probation and the penal voluntary sector – adhere to the occupational and cultural values of believing in the ability of people to change. A key component of this cultural outlook is the belief that honesty and transparency are key to good work as that enables the creation of constructive professional relationships. Yet they also describe having to manage and conceal emotions from the people with whom they are working. Thus, work in criminal justice appears to be inherently distrustful and deceptive. In many respects this is the result of the contexts in which people work and comes from the need to manage the tensions and conflicts that exist between the different display rules which are at play (see, in particular the case study at the end of Chapter 3 on the Legal Professions). But that does not make it okay. There is an ethical dimension to this - there is the need for a debate about whether it is acceptable for staff who expect clients to be open and honest to be, at the same, dishonest by concealing emotions. Putting the ethics to one side, and looking at this through the lens of emotional labour serves to emphasise the complex emotional labour needed to conform to these competing display rules

People engaged in the criminal justice system are there under duress and this makes truly genuine, open relationships difficult – some may say, impossible without the use of deep acting or genuine emotional displays. Yet, the question – is it possible to create policies and modes of practice that enable more genuine use of emotion possible? – is, in our view, worth asking because it requires workers to hold two different values at the same time. The chapters in this book shed light on the encounters which drive public service in a way which other modes of analysis do not but there is more work to be done in this particularly difficult area.

Next steps for emotional labour in criminal justice and criminology

It may seem trite to say that more research in this area is needed but, in this case, we genuinely believe that to be the case. This volume has highlighted some of the different ways in which performing emotional labour has had positive and negative effects on workers. However, the vast majority of studies cited in the chapters have been relatively small in scope. The book has shone a light on some under-researched groups of people such as special constables, defence lawyers and prison officers working with people at the end of their lives. Yet there are still important gaps and we would argue that future research needs to concentrate on identifying and filling those gaps in knowledge. Not only is most of the research in this book small in scale, but is also qualitative in approach (the only real exception is those data presented in Chapter 13. This is not the place to go over the pros and cons of different approaches to research (in any case, we would argue that qualitative and quantitative approaches result in different forms of knowledge and different levels of insights). However, we would argue that future research on emotional labour needs to adopt a dualistic or mixed methods approach to generating data. In terms of what the focus of this research should be, we would suggest beginning with the following: people doing different roles in organisations; comparative work between privatised and public sector providers (e.g. private versus public prisons); and studies which take explicit gendered and racialised perspectives.

And finally

All of the workers discussed in this book are affected – to varying degrees – by the demands placed upon them in terms of performing emotional labour as part of their work. As outlined in the introduction this type of work can have real - and potentially serious – consequences. Moreover, staff whose wellbeing is affected by their emotional labour are less likely to work as effectively as they could. They are more likely to become burnt out, are more likely to go off sick and, ultimately, are more likely to leave their jobs. Thus, the emotional labour

demands of these jobs are important to understand as it enables organisations to better support their workforce which, in turn, will mean service users receive a 'better' service.

Policy makers can make emotional labour less burdensome in a range of ways – through more explicit recognition of the demands of the job, through support networks or with better training. Organisations should also look at reducing caseloads and limiting time spent at work, high rates of which are linked to burnout and compassion fatigue. Emotional labour is a lens which enables us to look critically at the way in which organisations appropriate workers' emotions for their own ends: it is a critical exercise which should serve to highlight the structures in which people work, rather than the strengths of the individuals within them. Thus, the burden for improving the situation should not be down to individuals. Some organisations are increasingly reliant on resilience building amongst their staff. While resilience is a useful skill to have, especially in the criminal justice system, we would instead argue that if organisations really want to improve the wellbeing of their staff then they need to address the cultures, contexts and conflicts (covered in this book) to make the performance of emotional labour in the criminal justice system and discipline of criminology less damaging. Once organisations commit to this then we should begin to see the emergence of a more humane, relational and effective system. Of course, it should go without saying that the primary – and ultimate - beneficiaries of such work will, and should, be victims and those who find themselves in conflict with the law. We hope that this volume goes some way to achieving this.

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