Briefing Note: A Prospective View of the Emotional Toll of Social Justice Work

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The Medical Humanities Programme at WiSER, in partnership with Section 27 and the Wits chapter of Students for Law and Social Justice at the Wits Law School, will host an event on 14th August at the Adler Museum of the Wits Medical School to begin a discussion around the impact of working on social justice campaigns such as that mounted in response to the recent Life Esidemeni tragedy. We aim to have the discussion from the perspective of the challenges such work poses to entering and sustaining practice in the professions of law and medicine. The event will look at the implications for professional identity, institutional contexts, and the retention of doctors and lawyers in the professions. The event will bring together a small number of final year law students with aspirations to enter social justice work with a number of medical students at an equivalent stage in their studies. <https://wiser.wits.ac.za/event/emotional-toll-social-justice-work-medicine-and-law>

**What Some Literature Says**

 Some recent scholarship has examined the impact of clinical experiences on the career choices of newly graduated or qualified professionals such as doctors and lawyers. The rationale for doing this research is that law schools are often understood to prepare students to reason analytically (the cognitive dimension) but to neither prepare students adequately for the practice of law (the skills dimension), nor instill in them a sense of civic responsibility (the identity or professional dimension). (Tracy Humby, “Legal Professional Identity Formation and the Representation of Legal Professionals in Classroom Talk” (University of the Witwatersrand, 2012). The practice of clinical law at law schools is often mooted as an antidote to this problem. Indeed, some legal educators specifically argue that law schools can learn directly from medical schools in this respect. (Jennifer S. Bard, “Practicing Medicine and Studying Law: How Medical Schools Used to Have the Same Problems We Do and What We Can Learn from Their Efforts to Solve Them,” *Seattle Journal for Social Justice* 10 (2012 2011): 135.)

 In the legal field, one American study looked at the impact of clinical experiences on the career choices of newly minted lawyers. (Rebecca Sandefur and Jeffrey Selbin, “The Clinic Effect,” *Clinical Law Review* 16 (2009): 57.) This study found no statistically significant connection between those lawyers reporting clinical experiences during law school and those reporting pro bono service in their later careers. On the other hand, lawyers’ recollected motivations for entering law were significantly associated to their civic participation (e.g. their experience as active participants or leaders in community organisations, charitable organisations, political advocacy groups, and bar-related organisations). This study also looked at the public service employment aspect. For those lawyers who reported their clinical training in law school as helpful (as distinct from those who did not), significantly more would go on to work in the public service as government lawyers as opposed to private service (20% as compared with 11%). This empirical study thus found what appears to be a clinical effect on public service employment among aspirant lawyers.

 A revised version of this briefing note will parallel the above on the side of the medical profession. It will also survey the state of the South African literature. Participants at the event and the discussion are invited to contribute to this revision.

**What Some Literature on Emotions at Work Says**

 Emotion, emotions, and emotional work are not often explicitly considered in work on professions generally. Céleste M. Brotheridge and Alicia A. Grandey, “Emotional Labor and Burnout: Comparing Two Perspectives of ‘People Work,’” *Journal of Vocational Behavior* 60, no. 1 (February 1, 2002): 17–39, <https://doi.org/10.1006/jvbe.2001.1815>. The literature on social professions such as law and medicine follows this general rule.

 One recent study on emotional work finds the following: “Affective delivery, or expressing positive emotions in service interactions, helps satisfy customers. But employees cannot always feel positive and, to avoid breaking display rules, may act. Surface acting (modifying facial expressions) and deep acting (modifying inner feelings) were tested as predictors of stress and of co-worker-rated affective delivery, Consistent with a dramaturgical perspective, affective delivery ratings were negatively related to surface acting but positively related to deep acting. Surface acting, but not deep acting, was related to stress.” Alicia A. Grandey, “When ‘The Show Must Go On’: Surface Acting and Deep Acting as Determinants of Emotional Exhaustion and Peer-Rated Service Delivery,” *Academy of Management Journal* 46, no. 1 (February 1, 2003): 86–96, <https://doi.org/10.5465/30040678>.

**What Else Should Be Said?**

The recent event of the Life Esidemeni tragedy has many emotional features and emotive elements. <https://www.iol.co.za/news/opinion/lifeesidimeni-what-the-public-didnt-see-at-the-arbitration-hearings-13916293> These elements have also sparked calls for serious reconsideration of taken-for-granted features of professional life.

It is also worthwhile to consider the degree to which the legal structures and discourses brought to bear are able to take into account and work with the emotional registers of the tragedy. Certainly, Justice Moseneke reconsidered and went beyond the prior precedents in his ruling for constitutional damages in the sum of one million rands to each of the families of the persons who died as a result of the enforced exodus from mental health institutions in the Life Esidemeni arbitration hearing. Life Esidimeni Arbitration Award (March 2018). This may be a social location where the medico-legal boundary is generative. Andrew Abbott, “Things Of Boundairies,” *Social Research* 62, no. 4 (1995): 857–82.

Some of the best scholarly work on professions does indeed draw on emotive contexts. One example is Abbott’s understanding of the social symbolic work done within the professions and specializations within the professions. Andrew Abbott, “Status and Status Strain in the Professions,” *American Journal of Sociology* 86, no. 4 (January 1, 1981): 819–35, <https://doi.org/10.1086/227318>. To some extent, he attributes the prestige owed to say heart surgeons and to civil rights lawyers as due to their proximity to sites of blood and suffering.