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## The (un)emotional law student

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**Abstract:** Objectivity is central to many professions, ensuring legitimacy via impartiality and the detachment of emotional involvement. This article conducts an analysis of the emotion talk about objectivity in order to reveal and re-attach the emotions involved. This is achieved by determining how objectivity is presented in a profession viewed to be particularly objective namely the legal profession. Thereafter the article targets the ways in which this construction of objectivity is discussed by those learning to become legal professionals, with the focal point on emotions. The results indicate an ongoing reconstruction of an emotional regime of objectivity using discursive emotion management strategies which create distance from emotions. A new paralinguistic marker is also identified: the emotional sniff. Emotions and emotion work are thus seen by law students as central to legal work. This article contributes to filling the current gap in literature regarding how objectivity and emotions are regarded in legal education.

**Keywords:** emotional regime; emotion work; emotion management strategy; objectivity; law.

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**Biographical notes:** Lisa Flower is a PhD candidate in Sociology at Lund University and is writing her thesis on the intersubjective construction of emotion and objectivity in the legal world. Her research interests include emotion sociology and symbolic interactionism.

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### 1 Introduction

'The legal profession typically celebrates impartiality and endeavours to exclude personal characteristics and emotionality (Bladini, 2013; Deflem, 2008; Lange, 2002; Weber, 1978). The Swedish legal system is an interesting case for exploration since it may be considered a mixture of the Germanic adversarial and Anglo-American accusatorial systems (Eser, 1996). Amongst the guiding principles of the Swedish legal system are orality, concentration and immediacy (The Swedish Code of Judicial Procedure, 1998). Proceedings are led by the judge and are relatively informal with regards to dress and

language style (Dahlberg, 2009). Lawyers are expected to remain courteous and civil even when in conflict with each other and emotions maybe used by lawyers to influence or persuade (Dahlberg, 2009).

Despite the focus on impartiality and neutrality (Jacobsson, 2008) in the Swedish courtroom, we should still expect a rich emotional life. Current research points out the importance of emotions in making decisions in general (Bechara et al., 2000; Damasio, 1999), with calm and supportive background emotions sustaining the performance of rational action, both consciously and subconsciously (Barbalet, 2001). For these reasons I argue that objectivity cannot be seen as a qualifier for the absence of emotions but as a social, professional and ideological guideline for how emotions should be accomplished and handled. Objectivity pertains in this article, to impartiality, neutrality, factuality and the devoid of value judgement (Jacobsson, 2008). In order to investigate the tension between such a directive and everyday practice, we need to understand emotions in their social contexts (Harré, 1986; Hochschild, 2003) and maintain an openness to the role of emotions as internal guides in everyday life and decision-making (Sieben and Wettergren, 2010; Sutton and Wheatley, 2003). This approach can help to explain the emotionally charged puzzle of social life and its ensuing relationships, institutions and processes (Barbalet, 2001), as well as analytically elaborate how to study emotions through body language and cognitive processes (Wettergren, 2010).

The purpose of this article is to explore how emotional aspects become apparent in social activities within a Swedish law degree programme and how they are used to create and maintain objectivity. This purpose will be tackled by analysing how this activity constructs objectivity.

## **2 Emotion work, emotional regimes and professionalism**

The act of attempting to change the quality or degree of an emotion is entitled emotion work (Hochschild, 1979). When the regulation of emotions is defined and controlled by management in order to induce the appropriate state of mind in others for exchange value, that is, the worker is paid and told to display a certain emotion, this is entitled emotional labour (Bergman Blix, 2010; Hochschild, 2003; Miller et al., 2007).

Linked to emotion work is an emotional regime which is a 'normative order for emotions' [Reddy, (2001), p.124] consisting of feeling rules (which emotions are appropriate to feel) and display rules (how these emotions should appropriately be shown) (Hochschild, 2003). Emotional regimes may be learned through habituation (Bergman Blix, 2010) and are formed in collaboration with the socio-cultural embeddings of work, on an individual and a group level, both implicitly and explicitly (Bamberg, 1997; Noon and Blyton, 2007; Roach Anleu and Mack, 2005; Sieben and Wettergren, 2010; Strøbæk, 2011; Wettergren, 2010). This may involve personal identity adjusting to fit organisational identity (Tracy and Trethewey, 2005). It follows therefore, that emotion work is created in a complex relationship between an individual and the social structure in which the individual works (Fletcher and Weinstein, 2003; Shaw, 2011; Strøbæk, 2011). Different feeling rules may be followed depending upon the zone of work, such 'zones of emotion management' [Hochschild, (2003), p.104] or 'emotionalised zones' [Fineman, (2003), pp.37–38] make it possible to display different emotions dependent upon the situation, person or time (Strøbæk, 2011). Bolton suggests emotion management

processes may either fulfil organisational demands or be controlled by ‘the implicit traffic of social interaction’ [Bolton, (2005), p.133]. For instance, an emotional regime labelled ‘procedural correctness’ [Wettergren, (2010), p.414] has been described on the Swedish migration board which entails the strict adherence to rules and regulations, thereby enabling the “impossible perfect correspondence between the law and reality” [Wettergren, (2010), p.414].

Professionalism may be constructed by creating distance between the speaker and the emotion (Coupland et al., 2008; Noon and Blyton, 2007) achieved by ascribing emotions to other rather than self in order to hold emotionality at an appropriate level (Coupland et al., 2008; Vince, 2006). Such constructions of distance can also be used to downgrade emotions whilst emotional vocabularies and their conditions of use may be used to identify how “emotional expressions are forms of action which play a strategic role” [Coupland et al., (2008), p.342]. These can be employed to perform politically sensitive acts, for example, making claims of an excessive workload (Hepburn and Brown, 2001).

### **3 Emotion work and legal professions**

Previous researches in the legal profession show that emotion work may be employed in order to give the impression of impartiality, fairness and legitimacy (Roach Anleu and Mack, 2005). Legal professionals work with emotional expressions to appear detached, distant and impartial (Lange, 2002; Maroney, 2011). Emotional responses may be used to develop trust and confidence in the client/solicitor relationship (Westaby, 2010) with ‘detached concern’ (Lief and Fox, 1963) employed to alleviate the tension that may arise from displaying too much empathy.

Jacobsson introduces the concept of ‘objectivity work’ which looks at how prosecutors ‘make and communicatively realise’ [Jacobsson, (2008), p.47] objectivity. Objectivity work is ‘carried out in a particular language and linguistic style’ [Jacobsson, (2008), p.50] in order to appear professional in part by utilising ‘organisationally embedded vocabulary’ [Jacobsson, (2008), p.54] which neutralises personal involvement.

Emotion work can also contribute to the reinforcement of gendered legal roles, which can have negative consequences in the form of stress as female paralegals may experience dissonance between how they see themselves and how they are expected to act, linked to this are the social expectations associated with others’ perceptions of female paralegals [Pierce, (1995), pp.182–183]. Other research has also pointed to the negative effects of emotion work on legal professionals (Harris, 2002; Lively, 2000; Roach Anleu and Mack, 2005) however emotion work can lead to enhanced psychological well-being in service providers (Ashforth and Humphrey, 1993; Wharton, 1993).

The role of emotions is quietened down by the use of a cognitive bias in legal regulations (Dahlberg, 2009; Lange, 2002) The rules for successfully displaying emotions in the Swedish courtroom are unclear (Dahlberg, 2009) but research from other countries implies there is a hierarchy of emotions in the courtroom whereby appropriate feeling rules and display rules correspond to one’s hierarchical ranking (Lively, 2000; Wessel et al., 2006). Judges may, for example, construct criteria of worthiness upon which decisions may be made (Cowan and Hitchings, 2007). In the UK, emotional management (managing one’s own and others’ emotions) was employed by female legal executives in response to the subordination experienced in the hierarchical legal setting (Francis, 2006)

#### 4 Method

Ten semi-structured interviews were conducted with seven students<sup>1</sup> and three faculty members, totalling over 570 minutes. An ‘active interviewing’ (Holstein and Gubrium, 1995) technique was employed whereby background knowledge gathered during observations and interviews could be used as a resource to contextualise and familiarise the talk. Furthermore, this technique enabled me to work interactionally with the respondents to engage them and provide guidance in order to maintain research-focus.

Interviews were transcribed verbatim and included features such as laughter, hesitations, throat clearing and emphasis<sup>2</sup> (see Poland, 2002). A simplified conversation analysis as outlined by Baker (2002, pp.783–786) was employed whereby interviews are seen as conversational interactions where respondents accomplish a sense of identity by giving reflexive descriptions of their social worlds. A combination of inductive and deductive theme codes was determined after reading through the texts and applying as well as elaborating my theoretical framework. Codes were eventually grouped into ‘families’ and new themes emerged (Bergman Blix, 2010). All interview participants were told of the purpose of the study both in writing and orally. All gave consent and were informed that they were able to terminate their participation at any time and permission was obtained to record aurally. Interviews were conducted in a room with only the researcher and participant present. Anonymity was ensured for all participants by removing location and any statements making the respondent personally identifiable. In the analysis, students are randomly allocated a number and labelled S1, S2 and so on, whilst respondents from the Law Department are labelled LD1, LD2 and LD3. In these ways, an ‘adequate level of anonymity’ [Fangen, (2005), p.211] was deemed to have been achieved.

In addition, I conducted over 30 hours of observations during lectures, seminars and exercises<sup>3</sup>. As the lectures are open to the public, it was judged unnecessary to obtain informed consent (Fangen, 2005) from all those present<sup>4</sup>. Field notes were written in a ‘stream of consciousness’ style [Fangen, (2005), p.102] with events written down as and when they occurred. Awareness was maintained of the technical, methodological and moral responsibilities arising in the process of making and transcribing field-notes (Atkinson, 1992).

Integrating the legal and social realm involves identifying the emotional experience of respondents. Including this in analysis may be a challenge since especially calm background emotions tend to stay below the threshold of consciousness (Barbalet, 2009; Bergman Blix, 1996; Flam, 2009; Lange, 2002). This requires sensitivity in the interview situation in order to encourage reflection on the emotional experiences of the respondent, thus bringing background emotions to the forefront. In addition, not only explicit emotion talk communicates emotional experiences but also narrative structure (Kleres, 2010) and paralinguistic markers (Bamberg, 1997; Katz, 1999). In this study, key focus was placed upon Bloch’s (1996) paralinguistic markers such as pausing, incoherent speech and laughing, which in certain contexts and combinations can mark specific emotional states (Bloch, 1996).

#### 4.1 *Case and context: a Swedish law degree programme*

The studied programme covers four-and-a-half-years of studying, or nine terms with 30 points studied per term. Upon completion of studies, over 90% of students are employed within six months. High levels of stress are seen to be a problem and the largest contributing source of this stress is attributed to the quest to serve as a legal clerk, an achievement that is connected to gaining the highest grade on all exams.

### 5 Analysis

#### 5.1 *The presentation of objectivity in the law programme*

The first excerpt demonstrates how objectivity is viewed and taught by the law department:

“Lawyers [in Sweden] have probably, classically, a little phobia against the first person. We construct objectivity through passive sentences and give it some kind of logical, deductive reasoning: it follows that A wins over B, where you really try to show that this is coming from the law and (...) I don’t own this, I can’t decide.” (LD1)

The students are therefore taught how to present the law in the appropriate way, which, according to the above excerpt, involves removing subjective aspects discursively. This is supported by another member of the law department:

“One can describe the law as having a discourse, that we learn how to package things in a certain way and we talk about them with certain concepts which we recognise and then a lot of it is about simplifying or stripping off things so that the court’s work is a lot of this, that you have to say it in the right way for it to have some weight...A lot of this program is about learning how one has to package things in order for it to be legally/judicially sound.” (LD3)

Objectivity is thus presented here as a discursive construction. Emphasising one’s detachment from proceedings, thereby creating distance, via the use of passive sentences, serves to erect a discursive division between one’s professional role and a more personal role with the lawyer acting as an extension of the law, not as a private individual. This supports Coupland et al.’s (2008) work on the use of discourse to create distance from emotion. The display rule is thus of neutrality and impartiality. Such adherence to rules and regulations and employment of rational reasoning in the form of deductive, logical thinking can enforce claims of objectivity, following along the lines of procedural correctness (Wettergren, 2010). This may also act as a way of downgrading emotions, using emotional expressions for strategic purposes (Coupland et al., 2008). That is, the *suppression* of emotions is an emotional expression (Barbalet, 2001) used strategically to construct objectivity via the use of ‘organisationally embedded vocabulary’ [Jacobsson, (2008), p.54]. In the same way that medical students use science itself as an emotion strategy (Smith and Kleinman, 1989) law students are able to use the law as an emotion management strategy.

This discursive approach to objectivity is adopted by the students, as demonstrated by one of the students regarding how to handle cases where something terrible has happened: “You should perhaps [present the case] professionally and not emotionally, and then you can state that it is an emotional situation” (S6). Again, emotions are

managed discursively, this time by describing an emotional situation rather than displaying the corresponding emotions. In this way, distance is created from an implicated emotion discursively (Coupland et al., 2008) by following display rules in order to maintain ‘objectivity and emotional equilibrium’ [Ashforth and Humphrey, (1993), p.95]. This is akin to the ‘strategic ritual of objectivity’ (Tuchman, 1972) and the ‘strategic ritual of emotionality’ (Wahl-Jorgensen, 2013) found in journalism whereby emotions are outsourced in order for the journalist to maintain objectivity.

Emotions should also be role-appropriate which I consider to be a step in constructing objectivity with certain emotions considered inappropriate in the role of objective legal professional. This role-appropriateness is discussed by a member of the law department:

“As a student, I don’t think that it’s a problem for them to show their feelings; if they are sad or upset about something [...] but I think that in the professional part, of course, then you are a lawyer, and then perhaps you don’t show your feelings in that way.” (LD2)

Although it is acceptable for a student to show emotions, such displays are frowned upon once the role of professional has been adopted. This is an example of the role-appropriateness of emotions and emotion work (Coupland et al., 2008; Lively, 2000) and may also point towards a hierarchical order of emotion work (Pierce, 1995) with the role of legal professional entailing stricter management of emotions with different feeling and display rules than those of law students.

Linked to emotion management is emotional involvement which, rather than *emotion* work can be discussed in terms of *relational* work, defined as “emoting, listening, providing companionship” [Stacey, (2011), p.167]. Whilst there are demands on emotion work, relational work is not considered to be a part of the legal professional’s role as can be seen in the following excerpt regarding the law programme:

“I mean, if you look at the basic values communicated on this program, a lot of it is about (...) how should the relationship to the client look? We should be professional, we should be competent and we should be very conscious about what we do in this relationship. And above all else, [the law department] emphasizes that we should not be the ones who tend to or care for the [clients]. Because, as a lawyer we meet people who are often in vulnerable situations, exactly like social workers for example (...) The most important thing we’ve had conveyed to us (by the law department) is to, in some way, squeeze out the legal problem from a client.” (S5)

The message that students perceive to be conveyed by the law department is that emotions should be used as a tool in order to create a professional relationship which involves emotion work but should not spill over into relational work, especially not caring work.

## 5.2 *Objectivity as a balance of emotions*

Thus far the classic link between objectivity, rationality and impersonality (Bladini, 2013; Deflem, 2008; Lange, 2002; Weber, 1978) is supported by the law department and is reflected by the students. However, the data also shows the importance students ascribe emotions with regards to objectivity, for instance in terms of attending to one’s feelings when working with clients. In the following excerpt a student has previously defined a gut feeling as a situation where something cannot be explained objectively. Later in the

interview the respondent is asked what it means to be professional, according to the law programme:

S2: [Pause] Exactly that which, ah, is expected, I was about to say, no but it's just, that you do the right thing.

I: There aren't any bigger discussions about it?

S2: To be professional? That all the feelings are gone and all that? Yes but of course we have talked lots about objectivity, erm, but it is also something, it's woven into the teaching all the time, it is. You bump into it all the time with something, when, no but I mean, when we handle cases where we know that someone has done it although we can't prove it [sniff] and I think that most people understand it pretty quickly.

I: Is that what objectivity means: that the feelings are gone?

S2: Yes, it is I suppose. Although, then again, no, of course it isn't. You make judgements about how trustworthy someone sounds, and it's obvious that there are lots of feelings mixed in like, 'oh lord, now it feels as though [the client] is lying'.

I: But when you say that 'it feels like [the client] is lying', isn't that a gut feeling?

S2: Yes, although, although, no, erm, [pause five seconds] I don't believe that much in gut feelings at all, I believe in experience. Or gut feeling is probably actually experience.

Here, the ambiguity linked to the role of emotions is evident. Whilst the respondent begins this exchange by quickly responding that professionalism and objectivity are linked to the absence of emotions thereby initially supporting the correspondence between objectivity and professionalism (Macdonald, 1999) and upholding the traditional professionalism/emotionalism dichotomy, this position is adjusted to reveal that emotions play a vital role in making judgements of a client's credibility. Feelings are therefore considered to be a central part of legal work. However, the respondent sees this as an example of decision-making based on *experience*, rather than an example of how attentiveness to one's *feelings* can aide decision-making, or seeing it as an example of gut feelings steering decision-making. This is therefore an elegant example of cognitive mechanisms being used to hide or rationalise emotional experiences (Wettergren, 2010). Objectivity is thus seen here as having an emotional dimension upon which judgements are based. It should also be noted here that the respondent may refer to a gut feeling due to difficulties in uncovering the logic behind a decision.

The following respondent gives a clearer view of emotions' part in decision-making. The respondent is discussing situations where one is faced with a client who one would rather not represent and the importance of using emotions as a tool in argumentation:

S5: A typical example [...] it's that you can meet a situation where you feel that the client who is facing you, you don't sympathise with at all. The client comes and wants you to do something and you feel, no, if I had been able to choose then I would never have taken this case. And then you have to reason with yourself: shall I take this case or shall I say, no, I can't handle it and instead I should pass it on. And once again, it's about being professional and being conscious that, on the one hand, you are coloured by your subjective impressions and perhaps do a worse job if you don't feel strongly, or relate to what the client has said [...] So in some way, a balance there in professionalism.



I: Is your experience of the law program that it is taught that it is a strength or a weakness to show or use emotions?

S5: [...] I think that the law program perhaps has slightly less leeway for emotional expressions, compared to other programs that I have encountered. You are expected to keep yourself gathered and stay grounded, without becoming too excited in a situation. There are lots and lots of times when you sit and argue in a fictional case, or in reality, and you really feel that yes, yes, that argument you are using is damn well not sustainable, you know that I am right! Why are you still arguing? And if you're sitting in an examination, many [students] can become red in the face and get mad, and then it is an art to realise that, in such situations, it's not you who judges what is right or wrong, rather once again, it's about presenting a subjective picture of a problem. But just in those kinds of situations, I think that, in some way, it's seen as negative if you lose your cool because that is very important.

I: As long as you can control your emotions?

S5: Yes, absolutely. In some way, using emotions, to, like, push things that you know people are going to be influenced or affected by, that is argumentation. So it is also an art that nevertheless, to a certain extent is taught to be used. Absolutely.

Here the respondent is saying that being able to represent a client objectively involves an awareness of one's own personal feelings towards that client as one's subjective impressions can affect one's ability to do a good job. At the same time, the role of some lawyers (for example defence lawyers) is to present a subjective account, that is, the client's version of events stemming from personal involvement and experience. So whilst the case should be presented based on the client's subjective experiences, there should still be objectivity in the lawyer's own approach: emotions should remain under control but used or manipulated to achieve certain goals. A balance must be struck here, between emotional discipline and emotional strategies. It is an example of Simmel's dualism of nearness and distance required to maintain objectivity and perspective (Simmel, 1950).

Another important aspect is raised: the idea that a lawyer must feel strongly for a client in order to provide satisfactory representation as shown by another respondent who states, "of course, a person who doesn't care at all will do a worse job" (S7). An emotional involvement can therefore be seen by some as a prerequisite for doing a good job. However, a balance must be struck to avoid tipping into subjectivity or emotional openness. Interest and motivation in helping one's client are central yet such emotional involvement must remain professional. This is also demonstrated in the following response to the question of whether emotions are strength or a weakness to be shown or used on the law programme:

S1: (long pause). Erm. I mean, erm, ah, as with all techniques of argumentation and rhetoric, emotions are something that are reflected in others when you use them or when you express them so they are, of course, a tool (in Swedish: *medel*). (...) It's a technique of argumentation, to express feelings, but then it may not cross over a line so that it, because, it should nevertheless essentially be objective, but, erm, but I believe that it is, to a greater extent, an advantage.

I: How are emotions a part of argumentation?

S1: Well to play on people's feelings, and people's feelings of right or wrong and to seem like you are passionate for your cause [...]. It's a good way of conveying your argument, to package it in feelings.

I: But is it more about that you should seem like you are passionate, rather than actually being passionate?

S1: Yes, I mean, that's what people see so, absolutely [...] but then, of course, it is perhaps more believable and easier to convey the feelings if you really feel them.

I: Which do you think is best or is encouraged? That you really feel the feelings or just pretend to feel the feelings?

S1: Yes, [laughs], to feel the feelings of course! Erm, otherwise I think that you start to feel very bad after a while if it isn't something that you are completely indifferent to and just see as a profession but I don't know, I have a hard time seeing that you can, that you can do this in the long run without crashing, but in the end you can perhaps trick yourself as well, I don't know. But absolutely, really feeling it, I think, that must be better.

Here we can see the delicate balance between using emotions to effectively and convincingly convey an argument in certain legal situations, as supported by the previous respondent and indeed in previous literature (Billig, 1996; Sarbin, 1986). Furthermore emotions should be truly felt in order to avoid burnout, echoing the findings of previous studies (Harris, 2002; Lively, 2000; Roach Anleu and Mack, 2005; Wharton, 2009). However, other researchers have suggested that the goal of 'emotional socialisation' (Cahill, 1999) in certain professions such as medicine, is the detachment of feelings in order for one to professionally conduct one's job (Smith and Kleinman, 1989). This would lead to the development of the impartial and detached lawyer as found by Lange (2002) and Maroney (2011). I believe that a possible interpretation of this discrepancy is related to the relatively early stage of the law student's emotional socialisation whereby the emotional distance required for objectivity and professionalism found in other studies has not yet fully developed. At the same time, it can be argued that even the impartial and detached lawyer must maintain a certain level of emotional involvement in order to fuel motivation and enjoyment. The balance is therefore between objective emotional involvement (professional feelings towards a client or a case) and subjective emotional involvement (personal fulfilment and self-realisation).

Professionalism can thus be seen as a balance of emotions between becoming suitably engaged whilst retaining focus on the facts thereby cultivating 'detached concern' (Lief and Fox, 1963). It is in this balancing act that objectivity can be found: in feeling enough for a client or a client's case in order to become emotionally, but still professionally, involved, without tipping the balance into personal, subjective involvement. Too much emotional involvement, for example, feeling too much sympathy, is considered to lead to 'lying, not doing your job' (S2) whilst displaying too much emotion risks being perceived as a display of morality which according to the respondents, has personal dimensions. Emotions are therefore viewed as positive at intermediate levels but are regarded as negative when shown or felt, in the extreme (Bagozzi, 2003).

The management of emotions in order to maintain objectivity via control and balance can be seen in an excerpt from one student when we are discussing whether or not it is acceptable to show emotions in the courtroom:

"It's ok I guess because, because a trial is a bit like theatre. Everyone knows exactly what they should say beforehand and as there are different sides you may, there is always someone else who can balance out that you are so worked up about it." (S2)

The courtroom is thereby likened to a theatre with the lawyers each playing their roles. This involves emotion work and acting where the acting lawyers must manage their emotions in order to perform a role, supporting previous research on the emotion work conducted by legal professionals (Boon, 2005; Harris, 2002; Roach Anleu and Mack, 2005). Thus, different roles are created and differentiated via the use of emotion work regulating emotional displays, as also seen in the previous example of role-appropriate emotions. The division between these roles is also supported in the following response to a question regarding the ability of legal professionals to learn to turn feelings on and off:

“Yes, I believe so. I believe that absolutely, as with many other professions, (...) working in service professions and such, I believe that, I believe absolutely that you can do that.” (S1)

This answer is interesting as it acknowledges that emotions can be learned to be ‘turned on and off’, but also as it likens this profession to other service professions. This link is mentioned in previous literature (Hochschild, 1983) but is not something that has been fully developed.

As mentioned above, learning when one has crossed over the balance of emotions and consequently become unobjective, is not something that is discussed on the law programme, as may be seen in the following excerpt which begins with the respondent being asked if it is possible to be biased in a case:

S1: Hmm, yes it is, absolutely.

I: How do you judge if you have crossed the line?

S1: Erm (long pause)

I: Or is it something that you talk about?

S1: No, it’s nothing that we’ve talked about in that way, at all. Erm.

I: Do you think it will be brought up later on in the program?

S1: Ah, I mean, I have difficult believing that, although, I don’t know.

I interpret this hesitancy as showing that the skill of identifying the line between objectivity and subjectivity is implicitly learned or understood which implies that there is a tacit dimension to this skill. Previous research suggests that legal education communicates certain personality traits among law students (Boon, 2005), the current study suggests that objectivity is one such trait, cultivated by the process of ‘lawyer socialisation’ [Boon, (2005), p.251].

### 5.3 *Crossing the subjective/objective divide*

The division between the professional and the personal must be upheld in order to maintain the objective facade. When this divide is crossed, the switch in roles must be made clear, therefore students may employ non-verbal markers such as sniffing or throat clearing to highlight the shift in roles and create objectivity and thus distance. This may be seen in the response of one student:

I: It is possible to be passionate about the law but keep that passion under control?

S2: [Pause] I don’t think it’s that difficult [long pause] erm, I mean, we get quite well trained in, erm, seeing when, [pause] we are trained in this that is has

to be, like, objectively correct. To, to, erm, ah, if there aren't any facts there then there aren't any facts there [sniff].

This is an example of where a personal statement deemed to endanger objectivity is distanced from the self by sniffing. Whilst it could be argued that the sniff is a rhetorical device used for emphasis and although Bloch (1996) does not specifically discuss sniffing as a paralinguistic marker, its recurrence at key points, regarding certain issues, is contextually interpreted here to mark a particular tension. I see this as an instance of doing objectivity in the interview situation, a way of demarcating the subjective from the objective. From a Goffmanian perspective, it is a face-saving practice [Goffman, (1967), p.15].

Breaking against emotion rules as well as placing the private self centre stage or failing to show objectivity require demarcation which may be achieved, once again, via the sniff: "I chose the law program perhaps, instead of something more [sniff] ah, as it is quite a good degree [laughter]" (S7). Laughter can be seen as either a method of distracting attention from the personal nature of this statement: an announcement of pride; or embarrassment at revealing the reasons behind choosing to study law (Bloch, 1996).

Throat clearing is also employed to create distance between the professional self and the private self when doubt or insecurity are discussed: "I have had my little [clears throat] existential crisis" (S4). Again this is a breach of display rules therefore a paralinguistic marker is employed to highlight this violation. This may also be seen when breaching rules surrounding displays of pride: "to start with I got [good grades] [clears throat]" (S4).

## **6 Conclusions**

This article has looked at how rationality and objectivity, the backbones of the law, are trained among law students via the discussion and management of emotions and how this emotional regime of objectivity is created. The findings of previous research conducted on qualified professionals have therefore been supported and expanded, by showing that one aspect of the 'acculturation' [Harris, (2002), p.565] or socialisation of law students is the development of appropriate emotion management strategies (Boon, 2005; Smith and Kleinman, 1989). As in other professions such as medicine, 'detached concern' should be cultivated (Lief and Fox, 1963; Smith and Kleinman, 1989; Westaby, 2010) in order to perform the objective role required. This involves learning to fit in with the reigning emotional regimes: to conform to the social and cultural norms prevalent (Granfield, 1991). This is accomplished via emotion work in order to attain and maintain the emotional regime, which is achieved using discursive strategies. The role of the professional self-encapsulates the rules and norms for how one should act, consequently it is possible to talk about an emotional regime of objectivity.

This article has therefore shed light on the widely invoked but rarely interrogated set of unacknowledged cultural assumptions about emotional, communicative and stylistic expectations on law students, involving the suppression of emotionality, individuality and spontaneity in order to conform to institutionalised expectations (Ashforth and Humphrey, 1993; Cheney and Ashcraft, 2007) as well as role-related expectations (Coupland et al., 2008). Support is also provided for previous research finding that emotion work is created in a complex relationship between an individual and the social

structure in which the individual acts (Fletcher and Weinstein, 2003; Shaw, 2011; Strøbæk, 2011).

From a Goffmanian viewpoint, this emotion management can be seen as impression management in the form of ‘face-saving practices’ [Goffman, (1967), p 15] in order to uphold the approved social image (Goffman, 1956), in this case maintaining the law’s normative ideal of objectivity (Rogers and Erez, 1999). By learning to stick to the ‘affective line’ [Goffman, (1956), p.138], students are socialised into the emotional regime of objectivity. The Goffmanian performance of lawyers as seen in previous studies (Harris, 2002) is consequently also seen here.

I argue further that a paralinguistic marker not discussed in similar previous studies is shown: the objective sniff. This may be used to create objectivity in situations where the division between the private self and the professional self becomes unclear. However, it should be noted here that further research is required on this area to gain a fuller understanding. Switching from the role of student to professional involves leaving discursive strategies of hiding uncertainty and moving towards the role of professional.

The law programme provides the opportunity for students to learn the ways in which the law’s notion of rationality and objectivity will be upheld when they enter the professional world of law. The emotional regime of objectivity learned on the law programme consequently reflects that seen in legal professionals ensuring that emotions are managed in order for behaviour to appear balanced and controlled.

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## Notes

- 1 One student from term 2, one from term 4, two from term 6, two from term 8 and one from term 9. All of the available terms are therefore represented in the study.
- 2 Interviews were conducted in Swedish and relevant quotes translated into English for analysis.
- 3 Observations were made before, during and after each session. Lectures were held in large halls with around 150 students attending. Seminars involved groups of 6–12 students discussing judicial cases, which were then presented to the teacher. Exercises were conducted fractionally (around 50 students) in a question-and-answer format whereby students prepared answers to judicial cases. Supplementary documents have been studied for background data and informal meetings. Respondents were gathered using a snowball method. All data collection occurred in 2013. Four of the interviewed students were male and three female, all reported their social class to be either middle- or upper-middle-class and all were born 1985–1990.
- 4 Consent was nevertheless obtained beforehand from the appropriate staff member and it was left to the lecturer's discretion as to whether to make the researcher's presence and purpose known to students.