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Flower, Lisa

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LUND UNIVERSITY

PO Box 117
221 00 Lund
+46 46-222 00 00

Book Review

DEMEANOR, TIME MANAGEMENT AND THE EVERYDAY PERFORMANCES OF JUDICIAL OFFICERS

Lisa Flower

Department of Sociology, Lund University, Sweden

Performing Judicial Authority in the Lower Courts

By Sharyn Roach Anleu and Kathy Mack. 2017. Palgrave. London. ISBN 978-1-137-52158-3 (hardback) \$133.

"Performing Judicial Authority in the Lower Courts" looks at how judicial authority is created by the everyday practices of judicial officers, that is, how interactional demands are managed in order to accomplish the formal obligations of law and procedure. Empirically, the book shows the mundane work behind creating impartiality, legitimacy and judicial authority. As judicial officers working in the lower courts in Australia (the site of research) have a great deal of face-to-face contact and interaction with those passing through the courts, this places interactional demands on the judicial officers to perform appropriately, which the authors refer to as "engaged judging practices" (p.6). Theoretically, the book links Weber's macro understanding of authority with Goffman's micro, interactional approach, thereby contributing to a growing field of work looking at the law from ethnographic, interactionist and sociology of emotion perspectives.

The book begins with an overview of the research field, focusing on the concepts of legitimacy, judicial authority, impartiality and uses a mixed methods approach with empirical material including statistics and narratives. Next comes an interesting overview of lower courts in Australia and other similar English-speaking common law jurisdictions. The next chapter presents the everyday work of judicial officers in lower courts covering a wide variety of activities, tasks and contexts. Chapter four presents judicial attitudes toward everyday work looking at which skills and qualities are deemed by the judicial officers to be beneficial with notable importance placed on interactional skills. Judicial officers' experiences of stress and satisfaction are also discussed along with the role of gender as influential factors here. The book then moves on to a presentation of how time management is also a crucial aspect when forming the detached judicial role. The authors show that a vital factor when discussing the interactional performance of the judiciary is therefore time constraints within which the judicial officers must work: how can a judicial officer appear impartial and detached when he or she knows that there is an enormous backlog of cases to cover?

Chapter six looks at demeanor in court whilst chapter seven explores how decisions are delivered in court and it is these two chapters that were the most interesting for me, having a

professional research interest in this areas. Here the Goffmanian perspective comes to life, however it is more a case of the reader having to read between the lines, rather than being served a Goffmanian analysis on a platter. One way in which these chapters could have brought the courtroom to life even more would have been with ethnographic observations, painting a picture for the reader and thus enabling them to see the courtroom interactions which are currently presented through the eyes of the judicial officers and from material gathered from a previous study which is presented in table-format.

The conclusion discusses how the judicial officer is the link between the abstract concept of law, the court as an institution and the performance of impartiality and, in extension, legitimacy, thus showing how the everyday work of judicial officers generates judicial legitimacy by performing impartiality in interaction. The authors conclude that such performances of impartiality can, contrary to common understanding, entail emotion work. They argue that, of the many demeanors used by judicial officers, the routine, business-like demeanor used when interacting with other courtroom participants, is the “least ‘emotional’ of the demeanors in terms of overt emotional display, though achieving it may entail the most emotion management” (p.168). This book therefore shows the emotions behind the detached and assumed-by-many-to-be-unemotional facade.

“Performing Judicial Authority in the Lower Courts” is written by Sharyn Roach Anleu who is a Matthew Flinders Distinguished Professor in the School of Social and Policy Studies at Flinders University, Adelaide together with Kathy Mack, an Emerita Professor of Law at Flinders University. These are two scholars who have researched and written extensively on law, deviance, social control, gender, legal education and dispute resolution. The authors’ scholarly backgrounds make this book a good starting point for those who want to get a feel for the sociological approach to the judiciary, particularly from a sociology of emotions perspective.

This is a very readable book, easy to follow and digest and adds a behind-the-scenes look at how judicial performances are crafted and performed. For readers interested in a symbolic interaction view of the courtroom performances of judicial officers, then I would highly recommend it. Compared to other ethnographies and studies of courtroom interaction, this book contributes with a detailed description of the everyday, interactional work of judicial officers. It also succeeds in bridging the micro-macro gap, showing how a key legal concept such as impartiality is actually performed in interaction. Impartiality is a concept which is relevant in many other professions, such as doctors, teachers and social workers making the findings relevant for other professions and disciplines. The book is thus aimed at a wide audience and would appeal beyond the immediate field of socio-legal studies into sociology, criminology, sociology of law, sociology of professions. The accessibility of this book also makes it appealing to not just a wide range of disciplines, but also those outside of academia.

Author Bio

Lisa Flower is a doctoral student writing her thesis on the emotion management and impression management of defence lawyers in the Swedish courtroom. Her research and teaching interests include symbolic interaction, sociology of emotions,

ethnography, qualitative interviews and criminology.