

Bringing the feelings back; returning emotions to criminal justice practice

Introduction

This article begins with the paradox that, on the one hand, recent years have seen emotions largely get written out of probation policy whilst, on the other hand, they remain important to practitioners' accounts of their work and feature heavily in terms of their understanding of how to work effectively with offenders. We deal with the second half of this paradox in more depth below by drawing on data that have been generated in three separate but related pieces of research.

The first half of the paradox can be identified in several areas of probation practice and broader criminological theory. The rise of managerialism has been documented in several publications and we do not need to go into this in any great depth. Rather, it is sufficient to point out that the recent tendency to measure the 'success' of probation practice with reference to the wholly quantitative measures of KPIs, timeliness targets and compliance rates illustrates the way in which the 'ineffable' has been sidelined in favour of the concrete.

A separate example comes from research conducted by Phillips (Phillips, 2014) in which he examined the architecture of probation offices and how the layout and use of probation offices served to constitute particular forms of practice and reflected such shifts in policy over recent years. We can see how the design of the building reflects, in many cases, the way in which offenders are seen with a considerable amount of distrust, and that where an emotion does arise it tends to do so in the form of fear. Indeed, it might be argued that the increased securitisation of probation offices through CCTV, panic alarms and key fobs projects an identity of dangerousness onto offenders in a similar way to how risk assessment technologies might impose risky identities (Aas, 2004). We can also look to recent work that has used photographs to generate data on probation across Europe. Carr (Carr et al., 2015) asked practitioners to photograph their working environments. Whilst the study was small in scale, to the degree that no concrete conclusion can be drawn, it is interesting to note that one of their initial themes was that of security and that an artefact of probation is 'security,'.

These two examples are far from exhaustive in terms of how we might go about demonstrating that probation policy, discourse, and the environments which surround probation practice, have become increasingly devoid of emotion. Yet, as we see below, probation practice is still, as it always has been, about dealing with people, with all their messiness, contradictions, and emotions, and to lose sight of this, through the rise of managerialism and the prioritisation of fear and distrust in relation to offenders, risks severely constraining probation practitioners and their ability to assist offenders in desisting from offending.

This article identifies some key themes in relation to emotions and criminal justice. It traces the exploration of emotion work in three different areas of practice and argues that the rise of managerialism, which contributed to the throwing of the emotional baby out with some of the murkier water of earlier, less structured and unaccountable practice, was a mistake. It explores evidence of preliminary findings from research on emotional labour in the National Probation Service, emotional literacy in probation practice with sex offenders in the Midlands, and the practice of restorative justice in Northern Ireland, to try and make

visible the crucial role that emotions play in causing conflict and criminality, but also in offering the opportunity and potential to restore equilibrium, heal the damage caused and bring insights to complex human interactions and behaviour.

The ambivalence of criminal justice policy

Garland (2001) has summarised the changes that had occurred over a twenty year period in criminal justice in the USA and UK. He connected the decline of rehabilitation with expressive justice and an increasingly emotional tone in crime policy particularly related to the fear of crime and the need to protect the public and address the needs of victims. This populist politics led to the reinvention of prison as something that works rather than as a last resort (Garland, 2001). The function of criminology was transformed to generate knowledge and practices, which would be effective to control crime and reduce offending. These trends produced a managerialist approach to the administration of the probation services and ultimately privatisation. This almost paradoxical combination of emotionalism and instrumentalism is sustained by a perpetual sense of crisis. Even though criminal justice has been modernised, it is always seen as failing in some respect.

In this context probation responded to the public's fear of crime by developing its capacity to manage risk and to enforce court orders more rigorously. It also adopted the findings emerging from 'what works' research (Maguire, 1995) and evidence based practices (Chapman and Hough, 1998). These practices based upon cognitive behavioural psychology addressed emotions such as anger as risk factors, and encouraged a highly technical approach to the application of knowledge through standardised assessment systems and procedures and prescribed offending behaviour programmes designed to teach offenders to make more rational decisions uncontaminated by cognitive deficits or emotion. Paradoxically, while the public's emotional reaction to crime is validated in this discourse, the emotions of offenders are assessed as dangerous and requiring correction.

Bringing back the feelings

Reflections on the way in which people regulate and use their emotions in their work has become a significant area of study and research in recent years. Emotion management and ideas of emotional labour in the home and in organisations such as the service industry and nursing practice have been developing since the 1980's (Hochschild, 1983). Goleman introduced the idea of emotional intelligence in business and management (Goleman, 1995). Bunting wrote of the gendered exploitation of emotional labour and commodification of emotions in the workplace. Orbach described the significance of emotional literacy in a range of settings including within politics, and Killick in an educational setting (Bunting, 2005, Orbach, 2001, Killick, 2006). Knight developed some of these ideas in relation to the use of emotional literacy by practitioners working within a criminal justice sector (Knight, 2014).

Emotional labour has been defined as the display of expected emotions by service agents during service encounters and is seen to stimulate pressure for the person to identify with the service role (Ashforth and Humphrey, 1993). The use of feeling rules, as developed by Hochschild, implies a control, and to some extent manipulation, of the emotions of the workforce to further the needs of the organisation in satisfying customer demand; initially examined by Hochschild through the meeting of the needs of airline passengers to feel well cared for by the aircrew (Hochschild, 1983). Bolton's typologies of emotion management in the workplace extended this territory by identifying four different ways in which workers can manage their emotions including pecuniary (meeting the financial

demands of the organisation), presentational (the 'surface acting' of emotions designed to follow accepted social rules about emotions, such as to be polite, helpful and friendly at all times and to conceal expressions of negative emotion); prescriptive (adhering to notions of professionalism, the control of emotions in line with an 'agreed' notion of professional conduct), and philanthropic, (emotions offered as a gift by the worker to the service user) (Bolton, 2005). Although there is evidence of all of these typologies within criminal justice practice it is the concept of emotions offered as a gift that is mostly closely associated with the practice of workers with offenders and victims. Emotions can run high, and workers need to be able to manage their own feelings, respond appropriately to the emotions of the service user and use the emotional content of the discourse to enable narratives to be told, heard and reshaped in pursuit of pro-social behaviour and the resolution of conflict. The following three settings provide examples of how emotions impact on, and bring depth and meaning to, practice with offenders and victims.

Emotional literacy as a concept in criminal justice defines the skills that practitioners may use in understanding their own emotions and working effectively and appropriately with the emotions of offenders, victims and witnesses (Knight 2014). The knowledge base for emotional literacy builds on the concept of emotional intelligence and identifies the components as including self-awareness, self-regulation, motivation, empathy and social competence. It is recognized that a degree of emotional literacy could be employed by staff whose main motivation is to meet the pecuniary needs of the organization, for example a skillful debt collector may extract more money from his/her debtors (Bachmann et al., 2000). A superficial, emotional empathy may well draw in customers and encourage a positive responses. However, in a probation setting it is argued that the worker's response needs to be authentic, and an underlying value base of positive regard, a non-judgmental approach and treating offenders with respect, is crucial to the use of emotional literacy in building relationships, gaining knowledge and insight and working towards a rehabilitative shift in the offender's outlook and behaviour. This is based on a humanitarian approach to work with offenders that promotes the capacity of people to change and adapt, to develop inner controls, and recognizes that this is most likely to happen through the medium of a strong working relationship.

Study 1: Emotional labour in probation practice in the NPS

One of the authors is involved in a piece of research which looks at probation practice through the lens of emotional labour. This interest arose from the observation that emotional labour had been operationalised in research that was concerned with other areas of the criminal justice and legal systems (for example, with lawyers (Westaby, 2010, Westaby, 2014), prison officers (Crawley, 2004) and police officers (Van Stokkom, 2011)) but not specifically in probation, although Knight (2014), as discussed below, has taken a broader look at emotional literacy in probation and covers emotional labour. We (i.e. the researchers) were also interested in the impact of Transforming Rehabilitation on the use of emotion in probation practice, focusing on the fact that some probation practitioners now work for private companies whilst others remain in the public sector. Much of the literature on emotional labour focuses on the way in which the use of emotion is related to the aims of the organisation and so we are drawn to examine the way in which a privatised probation service may differ from a public sector service in that respect. We decided to use emotional labour because we were interested in the way in which practitioners use emotions in their work (in a similar vein to emotional literacy) but also in the consequences of doing so. Whilst we are at an early stage in the process, we are able to offer some emerging findings that illustrate why we think it is important for emotions to take centre stage when it comes to imagining probation practice in 2020.

Semi-structured interviews were conducted with 17 probation officers in the National Probation Service. 12 participants were women, and 5 were men. Participants ranged from 30 to 64 and post qualification experience ranged from 6 months to 29 years. Analysis was conducted by the research team and comprised thematic analysis using both pre-defined sensitising concepts as well as an approach which allowed for themes to emerge from the data.

At the time of writing, we are still in the process of undertaking analysis and so what follows is an account of our emerging thoughts and their relevance for the argument to bring emotions back into probation policy and probation discourse. The first thing to note is that participants found it remarkably easy to talk about the emotions that are relevant to probation practice. This is despite many participants reporting that emotions were rarely, or only superficially, discussed during qualification and post-qualification training. It was clear, from the outset, that emotions are considered key to probation practice and that practitioners place a considerable emphasis on their utility in terms of building relationships, setting boundaries, supporting people through difficult periods, encouraging pro-social behaviour and creating mutually supportive relationships with colleagues.

Empathy was cited most frequently as an emotion which practitioners use in their work whilst other commonly discussed emotions included stress, excitement, worry, anger, disappointment, pleasure and pride. Emotion work in probation is diverse and participants appeared able to deploy particular emotions in different contexts and with different aims. For example, participants suggested that positive emotions such as pride or pleasure were useful in terms of encouraging pro-social behaviour, encouraging people to continue complying with a sentence or addressing an area of their life which they needed to work on. On the other hand, emotions such as disappointment when, for example, an offender failed to comply, needed to be deployed judiciously as participants saw that this risked appearing judgmental towards offenders' ways of living as well as reflecting on the personal attributes of both them and the client. Several participants discussed the way in which they used the self-disclosure of emotions in order to invoke a particular emotion in their client:

I said 'I was sat with my fingers on the panic alarm last week and you need to know that because you need to know how bad you are when you...' So although at the time I didn't let him know that I was scared of him, I felt it was important to let him know when he was sober because I can sort of imagine how victims have felt - because he has assaulted victims in drink - and when he's sober he does not want to be that person, he genuinely doesn't, he almost burst into tears when I told him. (NPS2)

We asked participants about the consequences of their use of emotions and it was clear that participants found emotion work draining, difficult, stressful and anxiety increasing. One example comes from the way in which probation work appears to transcend the boundary between home and work life. For example, several participants reported how their work affected the way in which they parented their children.

It is of concern that they also reported that supervisors (line managers) did not seem to be adequately equipped (in terms of skills and/or time) to help them work through the implications of doing such emotionally draining work and that the majority of participants' main sources of support were colleagues or, in some cases, partners/spouses in what

(Korczynski, 2003) calls 'communities of coping'. Interestingly, the exceptions to this were participants who were on the Offender Personality Disorder Pathway programme which included regular clinical supervisions with a psychologist. This allowed participants to 'offload' their concerns and worries onto a trained professional and allowed them to cope with the seriousness of their work in a more structured and constructive manner. Moreover, we identified a distinct theme that appeared to stem from the fact that all work was now high risk work. For example, participants discussed how the high risk nature of their work was relentless and the potential ramifications if something were to go wrong created a significant amount of anxiety. There are serious implications of this for practitioners if they are to avoid rapidly becoming burnt out.

Despite this research being relatively small and the fact that we are at an early stage in our analysis it is clear that 1) emotions play a considerable role in the work of probation practitioners; 2) that the use of emotions has consequences on practitioners' home and work lives; and 3) that the NPS could do more in terms of supporting practitioners with this element of their practice.

This is important because practitioners saw the use of emotion as critical to the effectiveness of probation work. As we suggest above, emotions were used to encourage non-offending behaviour, to prevent offending behaviour, or as a tool to highlight the victim's voice. If the service is truly committed to supporting practitioners to work effectively with offenders then it needs to bring emotions back, in terms of training and in terms of policy especially around staff supervision.

Study 2: Emotional literacy in probation practice with sex offenders and domestic violence offenders

Interviews conducted with 28 experienced probation practitioners, working particularly with sex offenders and domestic violence offenders, asked them to define what they understood by the concept of 'emotions' and how they managed their emotional lives in the context of their work with offenders (Knight 2014). Some of the insights gained from these interviews illustrated the way in which practitioners use their emotional skills to get alongside offenders, many of whom had committed very serious crimes – to 'stand in their shoes'. By doing this they were able to build relationships within which the potential for change could be negotiated. They were able to draw out often quite complex information about motivation and reasons for criminal behaviour, which aided their assessment, and they were enabled to manage the risks posed because they had a better understanding of the offender's mind-set. Some were able to work with challenging behaviour when they recognised the reasons behind the outward show of distress and anger, for example a rejection of a parole application, where a less experienced worker might chose to simply terminate a difficult interview (Knight 2014).

Some respondents were able to recognize that offenders may also be victims and that without some focus on the distress and potential abuse they may have suffered historically, they were unlikely to engage them in a change process. Most understood that disclosures would only come if the offender felt trust in the relationship.

It's really important, but we have got a really good professional relationship and you know since then he has disclosed lots of other things to me, not for me but to me, which have been really useful in managing his risk (Victoria) (Knight 2014:137).

In terms of intervention, the ability to draw out information and then offer it back to the offender for clarification was seen as a powerful tool in enabling the offender to reflect on their behaviour. This has to be undertaken carefully and responsively, as opposed to in an aggressive and challenging manner.

They are also very shocked. They've come to realize the extent of their behaviour when you reflect it back to them. In order for me to note it down I'll say to them 'so you're telling me that after a while you became sexually attracted to...' 'and took this and this measure...' 'Have I understood you rightly'? They'll realize fully what they've done' (Indira) (Knight 2014:138).

A further layer of complexity relates to managing contrasting and sometimes conflicting positions and feelings at the same time, best described as 'managing ambivalence'. A worker may grow to like a particular offender but have to constantly remind herself of the appalling crimes they may have committed. The worker may be angry or disappointed with the failure of a particular offender to learn from a group work intervention but at the same time remember that this person has deep rooted difficulties with self-image and esteem. They may have to face disappointment or anger from offenders when they have to impose sanctions for failure to comply but also have to continue to work with this person. One of the criticisms of earlier forms of probation practice was that the worker was taking too close and collusive a stance with the offender at the expense of challenging their offending behaviour (Cherry, 2010). An emotionally literate practitioner needs to be able to hold the tension between managing the contract between them and the offender and imposing sanctions if necessary, whilst simultaneously holding out the potential of a positive relationship from which belief in change for the offender becomes possible. They need emotional courage to face an offender with the consequences of their behaviour and not hide behind the easy option of sending breach letters.

The thing I've learnt is to be much more upfront with people...about the implications and the processes involved. Ultimately that's a much better way of working with people. I think you have to be transparent. (John) (Knight 2014:143).

Practitioners who are unable to manage or control some of their own feelings, for example disgust at the account of a sex offender, will effectively shut down any possibility of disclosure taking place.

I think it is not being judgmental, not colluding, but not showing your horror at something that someone has done, because they are so tuned in and that would just shut the person off...(Jai) (Knight 2014:141).

The emotional strains of the work also take their toll and many of the practitioners in the research study felt that their organisation had little understanding of either the value or the impact of the emotional work they were undertaking. They felt themselves to be squeezed and constrained by a performance management culture in which bureaucracy and managerialism had become the drivers which the service aimed to meet its targets of reducing offending and protecting the public (Whitehead, 2010). However, the significant emotional issues and trauma related to crime and offending behaviour that can challenge workers in powerful, subtle and often contradictory ways, remained largely invisible, unexplained and unsupported.

It's very much performance, targets....cases in through the door, are we meeting this, are we getting the money in, is your high risk review done, you know I feel we are very much on our own with the emotional literacy side (Angela) (Knight 2014:164).

Emotionally literate practice requires a capacity to integrate and work with emotions in a manner congruent with the needs of both practitioners and offenders. However, this capacity needs to be developed and supported within the working environment if it is to be effective and if the mental and emotional health of staff is to be sustained and enhanced. Respondents in the research found a range of ways to seek this support in an environment that did not welcome emotional expression as a means of 'letting off steam' or reflecting on the causes and consequences of emotional responses. Some were fortunate enough to have good line management supervision, although they were in a minority. Most felt they gained release from discussion with supportive colleagues and debriefing after traumatic working experiences. However, this was seen as incidental to the core aims of the organisation, which was to service the need for quantitative information.

Study 3: Restorative justice in Northern Ireland

Compared to probation practice, restorative justice validates and offers greater scope for the working with and through emotions. One model of restorative justice (Wachtel et al., 2012) places emotions at the heart its practice. It is derived from affect script psychology (ASP) as developed by Tomkins ((Tomkins, 1962, Tomkins, 1963). ASP is based upon a biological understanding of the distinctions between affects and the affect system, sensory systems and emotions. This enables practitioners to implement a 'blue print for restorative healing' (Kelly and Thorsborne, 2014) strategically to achieve restorative outcomes. The primary technique is known as the script, which consists of several carefully designed questions, which are put to each party. 'In properly managed conferences, it is biologically inevitable, therefore, that undesirable negative feelings will begin to diminish as each individual is motivated to minimise negative affect.' (Kelly 2014: 70) Each party's emotions move from negative to positive as they listen to the other's responses to the questions. This restorative practice relies upon a biologically determined model and the strategic facilitation of the practitioner.

For the Ulster University restorative justice programme this model was too strategic and deterministic to allow people to articulate their feelings in an authentic way of their choosing. The practice model (Chapman, 2012, Zinsstag and Chapman, 2012) developed in Northern Ireland by Ulster University conceives emotions within narrative rather than biological constructs. Following Rosenberg this model understands emotions as arising from events and as signifying needs that must be addressed (Rosenberg, 2003). The restorative process is founded on understanding each party's narratives of how they experienced the harm. Through this approach each narrative begins with the facts of what happened in relation to a past harmful event. Then it explores how each party is feeling about it and what they need to be restored now. Finally it invites the individuals to consider what they wish to be done about it in the future.

Ulster University researchers' observations of restorative conferences and consultations with practitioners who have facilitated hundreds of conferences have led us to conclude that the most recurrent emotions that arise from the harm associated with offending are anger, fear, anxiety and shame. These emotions may be felt both by the person responsible for the harm and by the person who has suffered the harm. Each of these emotions indicates a need that is not being met or a value that has been violated. While victims and perpetrators will identify needs that are specific to their unique narrative, there

are common general areas of need associated with these emotions.

Anger is often associated with being treated unjustly and the need to have justice restored. Clearly many victims believe that they have experienced an injustice through a crime committed against them. Equally many people may also be driven to commit offences by a sense of injustice. Those whose prevailing emotion is fear may be preoccupied with the need for safety. Anxiety usually signifies the need to regain control over one's life or to move on from the incident. Shame may denote the need to restore the respect (or as Ahmed and Braithwaite put it 'humble pride') of others (Ahmed and Braithwaite, 2011). In this framework needs are closely associated with culturally constructed values.

Strongly felt and distressing emotions open individuals to adopting broad cultural (or, in the case of persistent offenders, subcultural) discourses not only to explain their situation but also to provide a solution to it. For many victims justice may be framed within a discourse of revenge and retribution. For others the physical control or incarceration of the offender may be the only protection that they can imagine. For some offenders (Gilligan, 2000) respect or justice can only be restored through violence. Other offenders believe that their only means of sustaining control over the lives is through crime.

The skill of the restorative practitioner is to facilitate victims and offenders to be less reliant upon general discourses on crime and punishment so that they can tell their own authentic story of the harm and understand more specifically what justice, safety, respect or control might mean to them as individuals. This requires the practitioner to put their own emotional narratives to one side as far as they can and to enable each party to examine their emotional responses to the harm and to consider what they signify. In doing so the practitioner is being both emotionally intelligent and emotionally literate.

To be a victim is to be forced into a harmful situation unjustly. It is to be deprived of choice and power. The restorative process offers an opportunity to restore justice, power and dignity to the victim. In most cases, when victims meet those who offended against them, they have the opportunity to express their feelings about the harm and to experience the offender being accountable to them personally, expressing remorse and making commitments to avoid harming them further and to make amends for the damage, loss or hurt that they have caused. This process enables victims to act rather than be acted upon. The retribution that victims seek is replaced through the restorative process by recognition of the injustice that they have suffered and a restoration of the control that the offence had taken from them.

Offenders will also have the opportunity to tell their story of what they did and why. This may or may not cause them to feel ashamed and express remorse. It is important that the person responsible for the harm is not 'shamed' strategically as this may result in stigmatising shame, which will reinforce criminality and resistance to change. Braithwaite (1989) argues that shame, if aroused by responsibility for the harm rather than through awareness of personal moral deficits, can serve to reintegrate the individual.

Remorse can arise as much from emotional connection with, or empathy for, those one has harmed. For Rossner it is not shame that reintegrates but the interactive ritual nature of the restorative process (Rossner, 2013). It generates an emotional energy, which produces solidarity among the parties. The commitments that the perpetrator makes to the victim are strengthened by this solidarity rather than a written contract.

A restorative process, while initiated by distressing emotions such as anger, fear, shame,

and anxiety, generates moral or pro-social emotions such as respect, empathy, remorse, trust and forgiveness. It can effectively address critical problems in criminal justice: the difficulty that victims have in recovering from harm and the difficulty offenders experience in ridding themselves of the stigma of offending. It provides a practical response to the irreversibility of a harmful act and its consequences (Arendt, 1958). The restorative process can enable both parties to move on and get on with their lives no longer preoccupied with emotions generated by what happened in the past.

This does not happen overnight for most offenders. Leaving the past behind is a process. Calverley and Farrall describe the prevailing emotions at each stage of the desistance process (Calverley and Farrall, 2011). The individuals that they interviewed reported that their path to desistance began with feelings of hope that their lives would become better followed by shame and guilt over their past actions. This led to building trust and pride in their achievements, which eventually resulted in a sense of normalcy.

A model of practice which combines emotional literacy with restorative principles and research into desistance, resists splitting the rational from the emotional by understanding that feelings are inextricably connected to thoughts. Emotions enable people to work out what is going wrong and to motivate themselves to do something about it. As Katz (1999: 322) observed, 'Emotions give dramatically new and emphatically visible forms to the narrative themes that had been less visibly present in social life.' However, as Katz has stated, the revelations that emotions offer can only be traced with great difficulty (Katz, 1999). People, who are experiencing the distressing emotions, arising from complex needs, require practitioners skilled in emotional literacy and confident in balancing accountability and support.

Future prospects

We would argue that emotional labour and emotional literacy in criminal justice practice should not be commodified for the benefit of the organization, as is the case in a number of service industries and business enterprises. In a probation context it should not be seen as a 'technique' to be practised but rather as an authentic human quality. Undertaking emotional labour or practising with emotional literacy is not about 'being emotional' or about unconditional empathy. Practitioners need to be able to recognise, and be empathic towards, the distress and possible victim status of offenders, but they also have to face the offender with the harm they have caused and their need to take responsibility, and make reparation for, the harm caused, where possible. This can take emotional courage on the part of the worker, particularly in the context of a restorative justice mediation.

Probation practice has always involved managing both care and control elements; holding this ambivalence and the feelings it can generate in both worker and service user is a crucial element of practice. However, in order to achieve the required levels of emotional literacy to undertake effective criminal justice practice and to be able to manage and recover from the emotions stimulated within themselves, workers need a work environment that understands the significance of emotions and supports the training, reflection and safe spaces needed to nurture this work. Unfortunately current evidence suggests that this is largely lacking in organisations committed to a managerial philosophy, that prioritise quantitative measurement of outcomes and targets over qualitative processes. The workers who feel most sustained in their practice of emotional labour or emotional literacy are those with access to supportive and like-minded colleagues, understanding line managers, clinical supervision or mentoring and in a context of open

and frank discussion of emotions that do not make them feel labelled as somehow weak, vulnerable or incompetent, but just 'human'.

In the new probation landscape the Community Rehabilitation Companies may have a greater potential for flexibility, creativity and innovation in practice if they really want to push the boundaries of current practice. They may need to be persuaded to see the development of emotional skills in the workforce as leading to improved results, better engagement with offenders and a more fruitful way to achieve the results they are contracted to achieve. The National Probation Service (NPS) has an overwhelming concern with risk, and the work undertaken can be particularly onerous and relentless, although we believe the need for emotional literacy in NPS staff remains crucial. If emotion work is legitimised by the agency and staff feel that their emotional needs and skills are validated and supported by the agency, they are less likely to be stressed, become burnt out or take sick leave. This is a significant human resource issue. An emotionally healthy workforce is likely to work more effectively and be more cost effective. So too, emotionally literate practice that treats offenders as humans and responds appropriately to their emotional needs is more likely to be effective.

In late modernity many of the sources of social control have been weakened. There is less deference for authority and fear of the agents of the criminal justice system. The informal control of community and kinship is declining. As Green (2014: 195) observes: 'In an environment increasingly devoid of stable social institutions, trust is achieved through mutual openness and self-disclosure rather than pre-existing social networks' (Green, 2014). Desistance in such a world is a continuous self-reflexive process, which requires emotional openness to be authentic.

A probation practice that is emotionally literate yet still enables people who offend to be accountable both for the harm that they have caused and their efforts to desist from offending can make a substantial contribution to an intuitively intelligent system of justice (Sherman, 2003) in 2020.

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References

- AAS, K. F. 2004. From narrative to data-base: Technological change and penal culture. *Punishment and Society*, 6, 377-393.
- AHMED, E. & BRAITHWAITE, J. 2011. Shame, Pride and Workplace Bullying. In: KARSTEDT, S., LOADER, I. & STRANG, H. E. (eds.) *Emotions, Crime and Justice*. Oxford: Hart Publishing.
- ARENDT, H. 1958. *The Human Condition*, Chicago, University of Chicago Press.
- ASHFORTH, B. E. & HUMPHREY, R. H. 1993. Emotional labor in service roles: The influence of identity. *The Academy Management Review*, 18, 88-115.
- BACHMANN, J., STEIN, S., CAMPBELL, K. & SITARENIOS, G. 2000. Emotional intelligence in the collection of debt. *International Journal of Selection and Assessment*, 8, 1-7.
- BOLTON, S. C. 2005. *Emotion Management in the Workplace*, Basingstoke, Palgrave Macmillan.
- BUNTING, M. 2005. *Willing slaves*, Harper Perennial.
- CALVERLEY, A. & FARRALL, S. 2011. Desistance from Crime and the Role of Emotions In: KARSTEDT, S., LOADER, I. & STRANG, H. E. (eds.) *Emotions, Crime and Justice*. Oxford: Hart Publishing.

- CARR, N., BAUWENS, A., BOSKER, J., DONKER, A., ROBINSON, G., SUCIC, I. & WORRAL, A. 2015. Picturing probation: Exploring the utility of visual methods in comparative research. *European Journal of Probation*, 7, 179-200.
- CHAPMAN, T. 2012. Facilitating Restorative Conferences. In: ZINSTAGG, E. & VANFRAECHEM, I. (eds.) *Conferencing and Restorative Justice*. Oxford: Oxford University Press.
- CHAPMAN, T. & HOUGH, M. 1998. *Evidence based practice: A guide to effective practice*, London, Her Majesty's Inspectorate of Probation.
- CHERRY, S. 2010. *Transforming behaviour: Pro-social modelling in practice*, Cullompton, Willan.
- CRAWLEY, E. 2004. *Doing Prison Work: The Public and Private Lives of Prison Officers*, Cullompton, Willan.
- GARLAND, D. 2001. *The Culture of Control. Crime and Social Order in Contemporary Society*, Oxford, Oxford University Press.
- GILLIGAN, J. 2000. *Violence: Reflections on our Deadliest Epidemic*, London, Jessica Kingsley.
- GOLEMAN, D. 1995. *Emotional Intelligence*, New York, Bantam.
- GREEN, J. 2014. *Crime, Community and Morality*, Abingdon, Routledge.
- HOCHSCHILD, A. R. 1983. *The Managed Heart*, London, University of California Press.
- KATZ, J. 1999. *How Emotions Work*, Chicago, University of Chicago Press.
- KELLY, V. & THORSBORNE, M. E. 2014. *The Psychology of Emotion in Restorative Practice*. London: Jessica Kingsley.
- KILLICK, S. 2006. *Emotional Literacy at the Heart of the School Ethos*, London, Paul Chapman Publishing.
- KNIGHT, C. 2014. *Emotional Literacy in Criminal Justice. Professional Practice with Offenders*, Basingstoke, Palgrave Macmillan.
- KORCZYNSKI, M. 2003. Communities of Coping: Collective Emotional Labour in Service Work. *Organization* 10, 55-79.
- MAGUIRE, M. E. 1995. *What Works: Reducing Re-Offending*, Chichester, Wiley.
- ORBACH, S. 2001. *Towards emotional literacy*, Virago.
- PHILLIPS, J. 2014. The architecture of a probation office. A reflection of policy and an impact on practice. *Probation Journal*, 61, 117-131.
- ROSENBERG, M. B. 2003. *Non Violent Communication: A Language of Life*, Encinitas, CA, Puddle Dancer Press.
- ROSSNER, M. 2013. *Just Emotions: Rituals of Restorative Justice*, Oxford, Oxford University Press.
- SHERMAN, L. 2003. Reason for Emotion: Reinventing Justice with Theories, Innovations and Research. The American Society of Criminology 2002 Presidential Address. *Criminology*, 41, 1-38.
- TOMKINS, S. 1962. *Affect Imagery Consciousness Vol 1 The Positive Affects*, New York, Springer.
- TOMKINS, S. 1963. *Affect Imagery Consciousness Vol. 11 The Negative Affects*, New York, Springer.
- VAN STOKKOM, B. 2011. Dealing with Defiant Citizens: Building Emotional Intelligence into Police Work. In: KARSTEDT, S., LOADER, I. & STRANG, H. E. (eds.) *Emotions, Crime and Justice*. Oxford: Hart Publishing.
- WACHTEL, T., O'CONNELL, T. & WATCHEL, B. 2012. *Restorative Justice Conferencing: Real Justice and the Conferencing Handbook*, Pipersville, PA, The Piper's Press.
- WESTABY, C. 2010. 'Feeling like a sponge': the emotional labour produced by solicitors in their interactions with clients seeking asylum. *International Journal of the legal profession*, 17, 153-174.
- WESTABY, C. 2014. What's culture got to do with it? The emotional labour of immigration solicitors in their exchanges with United Kingdom Border Agency case owners. *European Journal of Current Legal Issues*, 20.

- WHITEHEAD, P. 2010. *Exploring Modern Probation. Social Theory and Organisational Complexity*, Bristol, The Policy Press.
- ZINSSTAG, Z. & CHAPMAN, T. 2012. Conferencing in Northern Ireland: Implementing Restorative Justice at the Core of the Criminal Justice System. *In: ZINSTAGG, E. & VANFRAECHEM, I. (eds.) Conferencing and Restorative Justice*. Oxford: Oxford University Press.