



Interview

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4 June 2026

Semertzi (AS):

Hello and thank you for agreeing to participate in our interview series. So our first question is can you tell us a bit about your career path so far and what has led you to your current position and research interests?

Alex Batesmith (AB):

Thank you so much for having me, it's a pleasure to be here. I love going to Geneva and being back here.

I'm an Associate Professor in Legal Professions based at the School of Law at the University of Leeds. I'm Co-Director of the Legal Professions Research Group there.

I've got a rather unusual journey into academia and research. I started life as a criminal barrister in Leeds in the north of England. I was a criminal barrister for 10 years working on prosecution and defence and I've always been interested in people's motivations, connections between people, why people do things and how people end up in the positions that they were when I was representing them or prosecuting them in courts.

And I then, after 10 years of domestic practice, worked for the United Nations. I was a war crimes prosecutor firstly in Kosovo, in Pristina and Germany, working on genocide, crime against humanity and war crimes cases. And then had three years at the ECCC, the extraordinary chambers in the courts of Cambodia, as a Senior Assistant Prosecutor for three years in Phnom Penh, where both the job in Kosovo and Cambodia was the first time I encountered lawyers from different cultures and different countries and particular prosecutors who I shared an office with.

And I was fascinated by the different ways in which they approached their job. But I just started a family or wanted to start a family when we were in Cambodia and it wasn't particularly conducive for family life so came back to the UK, did some more consulting work which involves post-conflict justice consultancies in Myanmar and in the Balkans and in Africa and other places. And finally got a job in academia working at the University of Liverpool and was interested in the things that I'd been in practice.

So thinking about why lawyers do what they do, how those motivations shape not only the institutions in which they work but also the legal framework. And for the last six years I've been working at the University of Leeds where, as I mentioned, I've co-directed the Legal Professions Research Group with Professor Hilary Sommerlad and I look at specialising now into a number of different streams. First of all, law and emotion and in particular emotional labour.

I can talk about that in due course. And looking at specifically emotional labour within international criminal justice, not just in the courts but outside in the field offices and in the offices and the other sites of international justice. I also look at lawyering in authoritarian and post-conflict countries, particularly focusing in Cambodia and Myanmar but I look at other places as well because I'm interested in how lawyers can function within those very highly constrained, constricted environments.

And I've also just finished a project on equality and diversity in the legal profession at the Bar in the North of England. So those are my three areas of research.

AS:

Fascinating, thank you for sharing that with us. As you mentioned, you recently published a piece entitled 'Emotional Labour of International Criminal Lawyers' co-authored with Chalen Westaby. What was this article about and what are your main arguments and what were your inspirations to work on that topic specifically?

AB:

Yes, so emotional labour, the presentation of a publicly acceptable face for a wage as Arlie Hochschild described it in the 1980s, was something that I was really interested in coming out of a project that I'd done seven or eight years ago and I originally interviewed prosecutors, defence counsel, victim lawyers about their motivations, why they do their job.

And time and time again what was coming up was topics of emotion, talking about empathy, talking about hope, talking about fear and anger. And so I decided to look at that in a little bit more detail after I published the original piece on cause lawyering and international prosecutors. And we looked at the data again, went back to see how it could be coded for emotional labour and emotion.

And what we found was that it was being done quite a lot. Emotional labour was part of the practice of international criminal justice. It wasn't just something that was restricted to certain types of people or certain institutions or certain practices. It was all over. It was something that was being done in a hidden way, I would say. It would be something that would be expected but not actually recognised.

So it was not contained in any of the promotion criteria. It was not contained in any of the codes of practice. We looked at the codes of practice for both prosecutors and counsel, both victims and counsel. And there was no explicit mention of emotional labour within those codes. But there was always this constant refrain of needing to act with dignity, with respect, to build close connections with their clients, with the other interlocutors in the court. Those aren't purely rational, legal, objective skills. These engage your emotions. And what we found from going back over the data that I collected in 2019 for my original project was that emotional labour was everywhere in the courts. And it wasn't just limited to issues of well-being.

There's obviously quite a lot being written about, not just in international criminal law, international law generally, but also much more broadly in the lawyering profession, about the traumatic impact, the secondary trauma of being exposed to difficult material, hearing and reading about the traumatic events of the trials. Of course, international criminal law deals with the most horrific instances we can imagine. But emotional labour is not just about how the lawyers process that.

It's about what is needed as a skill to keep the courts running, and what is needed to put the witness at their ease to make sure that the authority of the court is communicated effectively, to make sure that you can also work with colleagues or with opponents. We would say it's a professional skill that can be trained and should be trained and should be recognised because we saw how it was being somewhat undervalued and we called for greater research into that particular aspect.

AS:

Great, so that leads to my last question.

Where would you see then space and value for further exploration in the area of emotional international criminal law? Will you continue that thread of research or are you sure you see other spaces?

AB:

Yes, so the way I see it developing is moving away from seeing emotional labour as an individual experiential process and moving away from just a coping mechanism to looking at well how is it part of the institutional infrastructure of the courts and the discipline of international criminal justice. So it's clear that it is pervasive, it's everywhere, it's clear that it's already happening so we don't have to ask well is it happening, we know it already is. The question I want to ask is well how what work is it doing and how is it already being governed within these institutions and within the discipline because we can look at how perhaps emotional labour has sort of differential impacts depending on the type of lawyer that you are.

It's obviously traditionally very gendered, racialised and very hierarchical and also we would argue somewhat invisible as well to most people who think about these courts and processes of international criminal justice. So the sense that we have opening up a question about how can this be governed or how is it being governed already with a view to seeing what work is it doing. One of the other things I wanted to raise as well is obviously international criminal justice is something that is under attack and has been for many years.

The legitimacy and credibility of these institutions is something that has been a constant there for at least a decade and I'm interested in looking at what does emotional labour do within that space. It won't solve these problems or necessarily resolve the issues of legitimacy and credibility but it still enables the institutions to function in a way that develops the authority of these courts.

And so what I'm hoping to do is to assemble a multidisciplinary group of like-minded people who are interested in exploring emotional labour as part of perhaps professionalism and how lawyers and also other non-legal professionals work in this space to look at how professionalism and emotional labour as a part of professionalism is governed to the ultimate aim of hopefully having a better more effective system of international criminal justice.

AS:

Excellent, well good luck and we are looking forward to reading your future articles on this.

AB:

Great, thank you.

