

Flourishing of judges in South Africa

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PREFACE AND DECLARATION

This thesis is presented in the form of research articles. The editorial styles specified by the South African Journal of Industrial Psychology were used in the second, third and fourth chapters, respectively. The editorial and referencing style, as established by the Publication Manual (6th edition) of the American Psychological Association (APA), were followed in the first and last chapters of this thesis. This practice is consistent with the policy of the Optentia Research Focus Area of the North-West University (Vaal Triangle Campus) to use the APA style in all scientific manuscripts. The researcher, Elsie Adriana Rossouw, conducted the research and wrote the texts. Prof. Ian Rothmann was the promoter of the study.

I, Elsie Adriana Rossouw, declare that “Flourishing of judges in South Africa” is my work and that all the sources that I have employed are specified and acknowledged, using complete references.

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There are no shortcuts to any place worth going. – Beverly Sills

My journey to complete this qualification was quite challenging and often very lonely. However, it would probably never have come to fruition had it not been for the assistance and support I received. I would like to express my gratitude to:

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SUMMARY

Title: Flourishing of judges in South Africa

Keywords: flourishing, judges, work beliefs, work-role fit, job demands, job resources, burnout, organisational citizenship behaviour, turnover intention.

This thesis explored the well-being of judges. Their well-being was examined via a scoping literature review, which identified and integrated the types of available research evidence on the well-being of judges globally. Furthermore, an exploratory multi-method design was employed with South African judges recruited from various courts of different jurisdictions, utilising a combination of non-probability purposive and convenience sampling. The study determined where judges fell on the well-being scale between flourishing and languishing and ascertained what factors affected their well-being and what the outcomes of judges' well-being were.

The scoping review involved a search of relevant literature through databases from January 2008 to May 2018. Using ATLAS.ti 8 for qualitative data analysis, data was extracted from articles, and relevant constructs were coded. Eleven studies met the inclusion criteria. For the qualitative part of the multi-method study, semi-structured interviews with 25 judges were audio-recorded and transcribed. ATLAS.ti 8 was used to thematically analyse the interviews, extract quotes, and code relevant constructs. The quantitative part of the multi-method study, in which 28 judges participated, used the following measuring instruments: The Flourishing-at-Work Scale (Short Form); the Work-Role Fit Scale; the Personal Resources Scale; and adapted versions of the Organisational Citizenship Behaviour (OCB) Scale, Turnover Intention Scale, and Job Demands-Resources Scale. After summarising responses in Excel, data was captured in SPSS 25 for analysis.

Study 1 aimed to review qualitative and quantitative empirical studies regarding different factors that affect the well-being of judges globally and to determine what can be done to reduce the occupational stressors that result in them languishing, as well as actions that can be taken to enhance their flourishing. This study revealed that specific job demands, such as long working hours, emotional demands due to exposure to gruesome evidence or human misery, concern about safety and violence against judges and their families, inadequate resources and support, and the fact that their judgments can have significant effects on the lives of others,

were mostly the same for all judges. Other stressors related to specific judges, such as that some female judges found balancing their work-home life stressful. Some female judges reported gender bias and discrimination, but it seemed that this inclination had subsided over the years.

Study 2 aimed to investigate the relationships among work beliefs, work-role fit, and flourishing at work, as well as the effect of well-being on OCB and the intention to leave, in a sample of judges in South Africa. This study revealed that 75% of participating South African judges flourished. Regarding work beliefs, 71.4% had a calling orientation, whilst 28.6% viewed their work as a career. Of these, some perceived it as a combination of the orientations, and only one judge regarded it as a job. Quantitatively, there were significant relationships between work-role fit and emotional well-being (EWB), psychological well-being (PWB), and OCB, as well as between social well-being (SWB) and EWB. Judges perceived that their work roles were aligned with their self-concept and that they possessed the specific skills and qualities required for their work. These feelings, in turn, were associated with a more meaningful work experience and engagement in work. A significantly negative relationship existed between intention to leave and SWB. Flourishing at work had a positive effect on judges' OCB and related negatively with their intention to leave. Most judges were willing to assist colleagues who need help. All judges reported that they intended remaining in their jobs unless their independence was challenged.

Study 3 aimed to obtain a better understanding of job demands and job resources that affect the well-being of judges in South Africa and to determine what these influences were, that is, whether the judges flourished and prospered or whether they languished and consequently suffered from burnout. The results of the study indicated that judges experienced the freedom of choice in the execution of their work-related tasks. Judges perceived a sense of relatedness, comfort, and support from their fellow puisne judges and senior judges. Judges' views were divided about the adequacy of remuneration. Some judges felt disgruntled about their annual increases that had not been at least inflation-related over several years. All judges who participated in the qualitative part of the research acknowledged the necessity of transformation. Despite factors such as work pressure, emotional demands, and hassles, this study indicated that judges mostly flourished.

Recommendations for future research were made.

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CHAPTER 1

INTRODUCTION

This thesis focuses on the flourishing of judges. More specifically, it explores judges' perceptions of factors that affect their well-being at work and its outcomes. While Chapter 2 entails a scoping review of judges globally, Chapters 3 and 4 concentrate specifically on judges in South Africa.

The purpose of this chapter is to present a concise introduction and background to contextualise the study and to state the problem from which the general and specific research objectives emanate. It also delineates the research designs, data collection methods, and data analysis strategies that were used to examine the problem, before concluding with a summary of the chapters.

1.1 Background and Motivation for Research

Judicial service ranks among the highest-status jobs and the most fulfilling ways to serve one's country (Lebovits, 2017). At the same time, being a judge can be stressful and can carry a burden shared by few, as judges' judgments can potentially have life-changing effects on others. It is, thus, vital that they feel good and function optimally. The occupation of judges, by and large, demands the capability to deal with a consistently heavy workload and intense emotional investment. Given their unique pressures, their isolation, the misery they see, and the profound decisions they make, judges can suffer from burnout (Lebovits, 2017). Burnout is a negative state of mind, characterised by a lack of physical, emotional, and cognitive resources (May, Gilson, & Harter, 2004), often experienced by working people.

There are, however, certain job resources, such as training opportunities, fair remuneration and benefits, and positive co-worker relations, that decrease judges' job demands and the physical and emotional efforts that are related to their work. Job resources can potentially help individuals to accomplish their goals and encourage their personal growth, learning, and development (Demerouti & Bakker, 2011; Schaufeli & Bakker, 2004). However, in accordance with Sen's capability approach (CA) (Sen, 1992), in order to apply resources effectively, the workplace should first facilitate opportunities for employees to develop and use their

capabilities, and individuals should then choose to use their capabilities to achieve their valued outcomes, resulting in them flourishing.

The concept “flourishing” (Keyes, 2005) was developed to specify emotional, psychological, and social well-being in life generally. Individuals flourish when they experience both hedonic and eudaimonic well-being in their lives, that is, a combination of feeling good and functioning well (Diener et al., 2010; Huppert & So, 2013; Keyes, 2002; Seligman, 2011). In contrast to this, languishing individuals do not feel and function well. Flourishing also occurs in work and organisational settings, where it refers to the feeling that life in these environments is going well (Rautenbach, 2015). Flourishing employees learn and thrive. They are glad, engaged, self-motivated, and successful (Bono, Davies, & Rasch, 2012).

Judges devote a lot of time performing work-related activities. They, therefore, engage in goal-orientated pursuits and endeavour to find meaning in their work environment (Cameron, Dutton, & Quinn, 2003). Individuals have a subjective view of their work role or function, which, according to Wrzesniewski and Tosti (2005), affects the meaning they ascribe to their work. If individuals perceive that there is a fit between their self-concept and their role, they will be more open to express their views and values (Kahn, 1990; May et al., 2004). There are three distinct orientations individuals can have regarding their work: they can view it as a job, a career, or a calling. When an individual views his/her work as a job, it is perceived as a way of getting something. It is considered a career when a person wants to advance in his/her profession. Lastly, it is a calling when the work is perceived as an end in itself and as being more important than remuneration and advancement (Bellah, Madsen, Sullivan, Swidler, & Tipton, 1985).

The work climate must focus on its employees’ psychological need satisfaction, that is, the need for autonomy, competence, and relatedness. Employees want to feel capable, and they want to believe that their work is meaningful (Munn, 2013). To improve their intrinsic motivation, judges, inter alia, need nurturing from the work environment, such as high-quality connections with co-workers and superiors, which may recharge them with vital resources to do their work well (Rosales, 2015). Adequate related training also plays an important role, especially in terms of newly appointed judges who lack relevant experience at the bar. According to Rothmann (2014), employees should be assisted to clarify which capabilities

they need and which capacities the particular organisation, in this instance, the Department of Justice, needs to grow. Furthermore, employees should be assisted in upgrading their skills to match future organisational needs.

According to research, employees' subjective well-being plays a positive role in the functioning and outcomes of organisations (Ryde & Sofianos, 2014). Endeavours to promote the flourishing of employees, such as the creation of an environment that focuses on psychological need satisfaction and stimulating interactions with co-workers, will generate desirable outcomes, for instance, job satisfaction, organisational commitment and loyalty, reduced absenteeism, increased intention to stay, and organisational citizenship behaviour (OCB) (Armstrong, 2006; Seligman, 2011). Rothmann (2015) found that flourishing employees were seven times more inclined to be engaged in their work, compared to those who languished. However, in the absence of efforts to promote employee flourishing and optimal functioning, for example, when the job demands continuously exceed the available resources, when opportunities for personal growth and environmental mastery are limited, and when employees feel that there is not a good work-role fit, they tend to languish, resulting in negative consequences, such as disengagement, demotivation, and burnout.

The work environment of judges differs vastly from business-orientated careers where incentive bonuses and the maximisation of profit are often the main objectives. As salaried employees, judges have no financial incentive, but are motivated by other considerations, such as public recognition and respect. Posner (2009) opines that not only is power an independent source of job satisfaction of the judiciary, but “most judges derive considerable intrinsic satisfaction from their work and they want to be able to regard themselves and be regarded by others as good judges” (p. 62).

Research should be conducted to comprehend the antecedents of judges' optimal functioning in order to enhance their flourishing. Research is also needed to determine what could be done to promote and to sustain flourishing. Studies concerning the well-being of judges should be considered as an important research theme because judges are collectively responsible for, inter alia, upholding the constitution of their country. Having regard to the significant contribution judges make to our democratic system and the influence of their judgments, it is important that they feel good and function optimally, that is, that they flourish in their work

environment.

1.2 Problem Statement

The well-being of judges cannot be underestimated, as they are appointed to do justice between litigating parties. In the process, from time to time, they have to protect individuals against abuses by powerful entities, such as commercial banks, insurance and mining companies, and, in particular, the state.

The intention of this study was to examine the well-being of judges because their welfare is central to the well-being of a country's constitutional democracy. Scientific evidence is required vis-à-vis the antecedents of flourishing or languishing of judges, interventions to promote and sustain their flourishing, as well as the outcomes of judges' well-being, as no such studies have been carried out in South Africa (SA ePublications; NEXUS). Moreover, very limited international studies have been conducted about the well-being of judges (ProQuest). If no research is done on this topic and if judges do not flourish, the quality of their judgments will probably be negatively affected, resulting in the society losing confidence in the judiciary. In the worst-case scenario, a country may be deprived of democratic values, such as when Mr Hlaudi Motsoeneng, the chief operating officer of the South African Broadcasting Corporation (SABC) at the time, announced in May 2016 that broadcasts of the destruction of property during protests would be censored. By doing so, he not only encroached on journalists' rights to freedom of speech, but also violated the public's constitutional right to information.

In this study, the flourishing of judges will be examined from the perceptions of the following theoretical frameworks:

- The Mental Health Continuum (Keyes, 2002). This framework is included because an individual's level of well-being can be evaluated on same. According to this model, mental health consists of symptoms of hedonia, that is, emotional well-being (EWB), and symptoms of eudaimonia, that is, psychological well-being (PWB) and social well-being (SWB) (Keyes, 2007). As flourishing also occurs at work, Rothmann (2013) expanded the research done by Keyes (2002) and consequently developed a model of flourishing at work, in which he acknowledges that flourishing is a multidimensional construct comprising EWB, PWB, and SWB in work and organisational contexts.

- The job demands-resources (JD-R) model (Demerouti, Bakker, Nachreiner, & Schaufeli, 2001; Schaufeli & Bakker, 2004). In accordance with this model, each vocation has particular characteristics (job demands as well as job and personal resources) associated with well-being (Demerouti et al., 2001). The relevance of using this model is to reveal both positive and negative factors that affect judges' well-being, as well as the individual and organisational outcomes thereof.
- The self-determination theory (SDT) (Deci & Ryan, 1985). This theory postulates that human behaviour is inspired by three inherent, vital, and universal needs, namely, the need for autonomy, competence, and relatedness. This theory is included to determine whether judges' work environment satisfies these needs. Satisfied needs lead to, among others, motivation and engagement, which in turn result in flourishing. Thwarted satisfaction of these needs, on the other hand, results in negative functional consequences for mental health and often for continuing persistence and performance (Deci & Ryan, 2000).
- The capability approach (CA) (Sen, 1992). This approach posits that the quality of individuals' work life and their well-being are not only influenced by their perceived and actual job demands and job resources, but also by their affective freedoms to be whom they want to be and do what they want to do. The relevance of this approach is to determine whether judges generally choose to use available opportunities for well-being to reach their goals, to feel good and to function well at work (Sen, 1992).

Job demands

Some stressors and demands that judges face are universal, as judges all over the world often have to, for example, make decisions and judgments that have a profound influence on individuals' lives, and their work can, thus, be emotionally challenging. They must, for instance, delve into the details of horrific crimes, decide whether or not to send someone to jail, or choose with which parent a child should stay. Furthermore, they are often expected to work exceedingly long hours, especially when presiding over a matter or when preparing a judgment. However, the situation in each country, division, and type of court differs, and thus, the factors affecting judges' well-being also vary. In some countries, for example, judges have significant concerns about their safety, both in and out of court, as violence and threats against judges have been on the increase, creating a sense of vulnerability and anxiety (Chamberlain

& Miller, 2009). Speaking at the opening function of the African bloc of the International Association of Judges (IAJ) meeting, held in Cape Town in June 2019, judge president of the Western Cape High Court, Judge John Hlophe, urged that greater security for judicial officers be implemented at court and their residences (Rickard, 2019). In South Africa, in addition to the standard stressfulness associated with their work, other factors play a negative role in the well-being of judges, such as transformation and hassles experienced.

Regarding transformation, the Judicial Service Commission (JSC) prefers giving talented women and black lawyers opportunities to advance to the bench (Albertyn, 2014) to comply with the Constitution of the Republic of South Africa (1996) to transform the judiciary (Mhango, 2014). These appointments are, however, not always done according to skills and ability. If undeserving candidates with no or very little experience are appointed, it places a burden on those judges who can do the work. Appointing judges who are unable to perform the work efficiently can result in poorly analysed decisions that harm the litigants and the repute of the judiciary. Concerning hassles, judges are faced with several irritations, such as badly maintained court buildings and faulty equipment, insufficient resources, and red tape.

It is, thus, evident that there are many stressors and demands placed on judges, of which the above mentioned are only some examples. This could result in them experiencing feelings of languishing, as opposed to flourishing.

Job resources

While judges must face various demands, there are, however, several positive aspects that may contribute to their well-being and their satisfaction with their overall work. The following are some examples of job resources for judges.

Training opportunities: Provision has been made for proper, appropriate, and transformational judicial education and training since the establishment of the South African Judicial Education Institute (SAJEI), which attempts to better equip the judiciary to apply their knowledge and skills to their work. Competence is one of the three inherent psychological needs, together with autonomy and relatedness (Ryan & Deci, 2000), which, when satisfied, result in employees becoming more engaged in their work.

Remuneration and benefits: Judges receive lucrative remuneration packages and excellent retirement benefits. The total remuneration package of South African High Court and Labour Court judges in 2018, effective from 1 April, was R1 882 486.00 per annum, while that of judges of the Constitutional and Supreme Court of Appeal of South Africa was R2 316 919.00. These amounts included a motor allowance and the employer's contribution to their medical aid, but excluded pension benefits, which are separately regulated by the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001) (Government Gazette, 13 December 2018).

Collegial support and respect: It is common practice for young and/or less experienced judges to request guidance and advice from their more experienced and senior colleagues. Judges treat one another with respect and although they work independently, if possible, they assist one another.

Bakker, Schaufeli, Leiter, and Taris (2008) view job resources as vital factors linked to employee engagement. On the one hand, encumbering demands and inadequate resources trigger a process of energy expenditure, resulting in diminished health, such as burnout. Optimal resources, on the other hand, induce a motivational process, which, in turn, promotes positive outcomes, such as engagement. Hence, job demands and job resources have a direct bearing on judges' well-being, which, in turn, then results in certain individual and organisational outcomes.

Work beliefs

Individuals have a subjective view regarding their work: they perceive work either as a job, a career, or a calling (Bellah et al., 1985), but individuals sometimes also regard their work as a combination of any of the abovementioned. Individuals who consider work as a job, perceive work as a means to an end. Negligible satisfaction is derived from work-related activities, but the material rewards achieved are used to obtain resources needed to express ambition beyond their occupational context (Wrzesniewski, Dutton, & Debebe, 2003). An individual who perceives work as a career, prefers occupational progression to just monetary rewards (Peterson, Park, Hall, & Seligman, 2009). People who view work as a calling, perceive work as socially valuable – an end in itself (Peterson et al., 2009; Wrzesniewski et al., 2003;

Wrzesniewski, McCauley, Rozin, & Schwartz, 1997). These people perceive their work, and not remuneration, as their purpose in life (Bellah et al., 1985). Their work involves activities that may, but need not be, enjoyable (Wrzesniewski et al., 1997). Individuals who view work as a career are happier than those who view work as a job, but less so than those who view work as a calling (Dik & Duffy, 2008; Peterson et al., 2009). According to research regarding a variety of occupations, a calling orientation to work has positive outcomes, such as work engagement and psychological meaningfulness (De Crom & Rothmann, 2018; Fouché, Rothmann, & Van der Vyver, 2017; Van Zyl, Deacon, & Rothmann, 2010). No previous enquiry could, however, be found regarding the work beliefs of judges.

Work-role fit

Work-role fit depicts people's reflection of who they are at work. Judges' work requires specific capabilities, for instance, problem-solving, intellectual, and fact-finding skills, as well as qualities, such as impartiality, fairness, independence, integrity, civility, patience, and professionalism. Employees who perceive that they fit their roles at work, are inclined to put greater personal effort into their work (Olivier & Rothmann, 2007), and they experience meaningfulness, which results in work engagement (May et al., 2004; Olivier & Rothmann, 2007; Van Zyl et al., 2010). Poor work-role fit, in contrast, is linked to increased levels of thwarting and an absence of psychological meaningfulness (Dik & Duffy, 2008). As judges' functioning hinges on their well-being, it is important that their individual characteristics and the environmental characteristics are compatible.

Flourishing

Rothmann (2013) integrated the elements of the flourishing of individuals in work and organisational settings from the theoretical concepts of, inter alia, Bono et al. (2012), Fisher (2010), Keyes (2005), and Seligman (2011) and developed the Flourishing-at-Work Scale (FAWS). The FAWS is in keeping with the opinion that the dimensions of flourishing should be considered as "states", of which at least some part can be influenced by the situation and social relations at work (Keyes & Annas, 2009; Macey & Schneider, 2008).

Flourishing at work can be described as an employee's desired state of well-being, attained by effectively managing work-related aspects and through experiencing positive events at work (Rautenbach, 2015). Individuals flourish at work when they experience EWB, PWB, and SWB.

EWB denotes individuals' feelings, which in the work context includes job satisfaction and positive-negative affect balance (Rautenbach, 2015). Job satisfaction involves a long-lasting evaluation of one's job. Rojas and Veenhoven (2013) emphasise that the notion of satisfaction is developed from cognitive theories that people's happiness is a result of their thinking. Individuals experience job satisfaction when they perceive that their wants of all facets of their work are realised. Therefore, it is a significant aspect of feeling well at work (Cropanzano & Wright, 2001). Positive-negative affect balance reflects the effect both pleasant and unpleasant experiences have on an individual's emotions. The appraisal of work life is thus controlled by the most prominent affective experiences. Positive affect refers to pleasant responses to work events, such as enjoyment, and appreciation. In contrast, negative affect refers to unpleasant emotions, such as anger, and frustration. Positive and negative affect are associated with need gratification (Rautenbach, 2015; Rojas & Veenhoven, 2013) and have behavioural outcomes: a positive disposition might broaden the thought-action repertoire (Fredrickson, 2006), while a negative disposition might advocate caution. Positive emotions are essential for human flourishing because they vary in correlation with positive functioning (Fredrickson, 2006). Optimism is a primary variable in physical and mental health, as it tends protection against pressures and vexations associated with adversity and difficulties in life (Fernández-González, González-Hernández, & Trianes-Torres, 2015). People who frequently experience positive emotions are, to a certain extent, raised on an "upward spiral" of constant growth and thriving (Fredrickson, 2003, p. 335). In accordance with the broaden-and-build theory of Fredrickson (2003), positive emotions are, thus, essential for an employee to flourish psychologically and mentally.

PWB focuses on individuals' challenges (Keyes, 2013) as they strive to function optimally and realise their potential. Psychological well-being is comprised of self-determination, work engagement, purpose and meaning, and harmony. According to Deci and Ryan's self-determination theory (SDT) (Deci & Ryan, 1985, 2011), human behaviour is prompted by three inherent, vital, and universal needs: the need for autonomy (the independence to make

one's own decisions and choices in order to maintain interest in what one finds meaningful to do); the need for competence (to excel at doing things with which one feels comfortable, and to effectively interact with the environment); and the need for relatedness (to have a sense that one belongs and are connected to those who are important in life, based on values of mutual beliefs and caring). When the work environment satisfies employees' needs of autonomy, relatedness, and competence, and when utilising their strengths, employees will have greater intrinsic motivation, which, in turn, will yield positive outcomes, such as improved mindsets and behaviour at work (Kong & Ho, 2016). Moreover, work environments that promote satisfaction of these three psychological needs will increase employees' intrinsic motivation, and encourage internalisation of extrinsic motivation, which will result in, among others, work engagement and OCB (Gagné & Deci, 2005), and it will contribute to flourishing. Deci and Ryan (2000) note that, as opposed to this, thwarted satisfaction of these needs invariably results in negative functional consequences for mental health and often for continuing persistence and performance. It is, therefore, vital to establish whether it is possible to satisfy these three needs in the legal milieu, which will result in the flourishing of judges.

Work engagement has great significance for employees as well as organisations. Engaged employees are physically involved, cognitively attentive, and emotionally attached (Kahn & Heaphy, 2014; Schaufeli, 2014). Schaufeli and Bakker (2004) define work engagement as a positive and fulfilling work-related state of mind, characterised by vigour, dedication, and absorption. Vigour, the physical component of engagement, is characterised by high levels of energy and mental fortitude while working, willingness to put extra effort into one's work, and persevering regardless of difficulties. Dedication, the emotional component of engagement, refers to being intensely involved in one's work and experiencing a sense of, *inter alia*, significance, enthusiasm, and pride. Absorption, the cognitive component of engagement, refers to individuals being happily enthralled by their work on which they fully concentrate, so that time passes quickly. They find it difficult to detach themselves from work. Rothbard and Patil (2012, p. 59) more recently defined engagement as "... an employee's psychological presence in a role". Empirical research has confirmed the correlation between engagement and positive organisational outcomes, such as OCB, intention to remain in the job, increased productivity and motivation, and decreased burnout (Bakker, Demerouti, & Schaufeli, 2005; Hakanen, Bakker, & Schaufeli, 2006; Harter, Schmidt, & Hayes, 2002; Schaufeli & Bakker, 2004).

A purposeful and meaningful life is considered essential for the optimal functioning of individuals (Keyes, 2007). Frankl (1959) posits that the individual's search for meaning is a primary motivation in life. According to him, every individual endeavours to find a tangible meaning in personal existence, even in the workplace. Meaningfulness is regarded as a psychological condition that is vital for personal growth (May et al., 2004). Psychological meaningfulness at work is individuals' perception that they receive physical, emotional, and/or cognitive rewards for their efforts (Kahn, 1990). In a work setting, people are most likely to experience psychological meaningfulness when they feel they are valued, respected, and "worthwhile" (Kahn, 1990; May et al., 2004). Factors that are associated with psychological meaningfulness at work include, among others, a good work-role fit, a calling orientation, positive work-home and home-work interaction, positive and supportive co-worker relationships, and opportunities to learn (May et al., 2004; Rothmann, 2013; Van Zyl et al., 2010). Steger, Dik, and Duffy (2012) conceptualise meaningful work in terms of three aspects: a) psychological meaningfulness in work, that is, the subjective experience that one's work is significant and is important; b) meaning making through work, that is, the belief that work is essential for meaning in one's life; and c) greater good motivations, that is, the desire to bring about change and to increase one's influence on others. Judges' work is significant, as their decisions can potentially have a huge effect on others.

Training/learning is a significant aspect of psychological well-being in work and organisational milieus, since it underscores the individual's development and advancement (Porath, Spreitzer, Gibson, & Garnett, 2012; Rothmann, 2013). Learning refers to "the sense that one is acquiring and can apply knowledge and skills to one's work" (Spreitzer, Lam, & Fritz, 2010, p. 132). Individuals with an elevated learning orientation believe that they can increase and improve their skills and are likely to engage in self-development activities. The Judicial Training Institute (JTI) plays a significant role in the coaching of judges. The efficient functioning of the JTI, will enhance the quality of judicial decisions, resulting in faith in, and respect for, the law and our courts. The judiciary, therefore, has a vested interest in judicial training and should embrace its work (De Vos, Constitutionally Speaking, 11 Jan. 2010). Learning, through its focus on development, is vital to the search for meaning in the workplace.

Resilience in stressful circumstances is possible through meaningful work (Matuska & Christiansen, 2008), which in turn, may be a pathway to positive work outcomes. Bellah et al. (1985) opine that the impact of the meaning of work is apparent in occupations where individuals interact with several social systems in an organisation on a regular basis. Judges work very long hours, and a large part of their day is spent interacting with other people, either counsel, their registrars, their colleagues, or witnesses giving evidence. Hence, it is imperative to establish to what extent their working environment influences their experience of meaningfulness at work. It is necessary to develop a strategy to help judges manage their stressors when facing life's challenges on a daily basis. This may be particularly beneficial to younger and less experienced judges.

SWB represents public and social measures according to which individuals appraise their functioning in life (Keyes, 1998). *SWB* also applies to the workplace and, based on Keyes' (2005) formulation of *SWB* in life, involves five features: a) Social acceptance implies a positive attitude towards, and acknowledgment of, diversity in the organisation. b) Social actualisation (growth) indicates that individuals have faith that colleagues, groups, and organisations have the potential to develop. c) Social contribution refers to individuals' trust that their day-to-day activities are valuable to their work and others. d) Social coherence indicates that individuals experience their social lives and their work as meaningful and coherent. e) Social integration shows that employees experience a sense of relatedness and solace from their workplace. Judges work in a social and service environment. Research indicates that the *SWB* of employees relates to, among other things, organisational support, satisfying relations with co-workers, and positive communication (May et al., 2004; Rothmann, 2014). The transformation of the judiciary creates unique needs, values, attitudes, and capabilities, and judges have to adapt emotionally, cognitively, and behaviourally in their social context. To better understand their well-being, it is crucial to determine judges' appraisal of their working environment and circumstances.

Outcomes of flourishing and languishing

Research on the outcomes of *EWB*, *PWB*, and *SWB* of employees has revealed that flourishing is related to workplace success (Diedericks, 2012; Swart, 2012) because, when individuals flourish, organisations prosper. In contrast, languishing individuals, who do not

feel and function well (Diener et al., 2010; Huppert & So, 2013; Keyes, 2002; Seligman, 2011), predict counterproductive behaviour. This research focuses on the organisational outcomes – that is, whether judges intend to leave or to remain in their jobs and whether they demonstrate OCB, as well as the well-being outcomes – that is, whether judges thrive or whether they tend to suffer from burnout.

Turnover intention, on the one hand, is an employee's personal decision to leave an organisation voluntarily to pursue a more promising or satisfying position somewhere else (Brewer & Kovner, 2014). On the other hand, intention to remain, is regarded as an employee's intent to continue working in the employment relationship with his/her present employer over a long period of time (Johari, Yean, Adnan, Yahya, & Ahmad, 2012).

OCB is “individual behaviour that is discretionary, not directly or explicitly recognized by the formal reward system, and in the aggregate, promotes the efficient and effective functioning of the organization” (Maslach & Leiter, 1997, p. 23). OCB can be conceptualised from the viewpoint of both the individual and the organisation. From an individual perspective, this type of behaviour may include employees supporting peers to learn new tasks, assisting one another, and substituting for an absent colleague, while from an organisational perspective, this type of behaviour can include voluntary involvement in activities, maintaining a favourable attitude towards the organisation, and defending its interest (Paillé, 2013).

Burnout is “an erosion of engagement with the job” (Maslach & Leiter, 1997, p. 23). It is a long-lasting “occupational phenomenon”- as classified by the World Health Organisation (WHO), caused by the daily work stressors employees endure (Miller, 2000). Maslach, Schaufeli, and Leiter (2001) conceptualise burnout in terms of emotional exhaustion, mental distance (cynicism and depersonalisation), and diminished personal accomplishment. Exhaustion implies feeling emotionally overextended and depleted of emotional resources. Mental distancing/depersonalisation concerns employees' negative, callous, or unduly detached feelings towards their patrons. Diminished personal accomplishment relates to feelings of incompetence and lack of accomplishment at work. In a study among Romanian healthcare professionals, Bria, Spânu, Băban, and Dumitraşcu (2014) found that emotional demands, heavy workload, and negative work-home interference were significant burnout predictors.

The proposed research will reveal to what extent the above outcomes may apply in the judicial context.

Specific research problems

Having regard to the discussion above, the research problems can be summarised as follows: Several studies have been carried out on the concept of flourishing at work. However, inadequate evidence is available regarding positive and negative factors that influence the well-being of judges. Firstly, information is required regarding those factors that influence the well-being of judges internationally and their outcomes. Secondly, empirical information is required regarding the manner in which judges' work-role fit and their work beliefs have an impact on their well-being. In the third place, attention should be given to the knowledge gaps that exist regarding job demands and job resources specific to South African judges' profession and their working environment that affect their welfare, and their outcomes, as the status of their well-being (flourishing or languishing) will affect not only them personally and the institution for which they work, but also potentially the citizens of the country.

The *main research question* in this study was as follows:

What does flourishing at work entail, and what are the antecedents and outcomes of flourishing of judges?

Emerging from the above, the following more specific research questions were asked:

- What are the different factors that affect the well-being of judges globally, and what actions can be taken to reduce the occupational stressors which result in them languishing, and to enhance their flourishing?
- What are the relationships among work beliefs, work-role fit, the well-being of judges, their OCB, and their intention to leave?
- What are the effects of job demands and job resources on the well-being of judges in South Africa: do they flourish and prosper, or do they languish and suffer from burnout?

This study will make the following contributions to the field of industrial psychology. Firstly, it will bring about more extensive confirmation regarding the influence of positive practices on

workplace flourishing. Secondly, this study will broaden available literature on the well-being of individuals in the workplace by including judges (globally and particularly in South Africa), whose work situation differs vastly from that of other employees. Thirdly, this study will offset the scarcity of application of the capability approach (CA) in the science of industrial psychology by including judges. Furthermore, this study will extend the limited knowledge regarding the welfare of judges by revealing both positive and negative factors that affect their well-being and the outcome thereof.

1.3 Research Objectives

1.3.1 General Objective

This research aimed to investigate the dimensions of well-being (flourishing or languishing) of judges and to determine its antecedents and outcomes. A scoping literature review was conducted to identify and compare the contextual factors influencing judges' well-being globally and to determine what the outcomes of these are. A multi-method design was used to determine relationships among judges' work beliefs, their work-role fit, their well-being, their OCB, and their intention to leave. A multi-method design was also used to explore the job demands and resources that had an impact on the well-being of South African judges. The main aim was to suggest interventions to enhance and sustain judges' flourishing.

1.3.2 Specific Objectives

The specific objectives of this research were to:

- investigate the different factors affecting the well-being of judges worldwide and determine what actions could be taken to reduce the occupational stressors that resulted in them languishing and to enhance their flourishing;
- explore the relationships among South African judges' work beliefs, work-role fit, well-being, OCB, and intention to leave; and
- examine the effects of job demands and job resources on the well-being of judges in South Africa.

1.4 Research Method

The research entailed a literature study, including a scoping review, and an empirical study, comprised of semi-structured interviews and questionnaires.

1.4.1 Research Design

As a point of departure, a scoping review was done regarding the well-being of judges worldwide. After that, the focus was shifted to South African judges.

A scoping review was chosen to identify the types of available research evidence (quantitative and qualitative) on the well-being of judges globally in terms of its nature, features, and outcomes, and to represent the range of located evidence graphically and to integrate same. Key factors related to judges' well-being were identified.

Regarding the study concerning judges in South Africa, a concurrent multi-method strategy of enquiry was assumed; that is, qualitative and quantitative data was converged to examine the research problem comprehensively (Creswell, 2009) and to elucidate the research problem better by combining the detail of qualitative collection methods with the comprehensive, numeric propensities of quantitative research (Creswell, 2007). This pragmatic or emergent worldview, that focuses on everyday events, was followed because these two research methods are complementary strategies, which see the same research problem through different eyes (Creswell, 2009). Pragmatism applies to multi/mixed-methods research because enquirers use suppositions from both quantitative and qualitative findings when they engage in their research. Researchers are free to choose the research techniques and procedures that best meet their objectives and requirements. Pragmatism permits diverse world views, different postulations, as well as various methods of data collection and analysis (Creswell, 2009). This multi-method design resulted in confirmed and well-validated findings, as discussed by Creswell (2009). This exploration that utilises all approaches available, was needed to get a better understanding of the research problem by obtaining as much as possible information regarding the well-being of judges, as no such studies have previously been undertaken in South Africa, and very limited information in this regard is, thus, available.

1.4.2 Participants and Sampling

The qualitative research was carried out using a combination of non-probability purposive and convenience sampling of participating judges. The number of interviews conducted depended on how long it took to reach a saturation level of information. Twenty-five judges participated in this part of the study. An important consideration was to obtain a representative sample of judges regarding, among others, gender, race, experience on the bench, and age.

A similar approach was employed regarding the sample of judges who participated in the quantitative research. The size of the sample was dependent on the number of available judges who were prepared to participate in the study. Twenty-eight judges participated in this part of the study.

1.4.3 Measuring Instruments

For both the qualitative and the quantitative part of the research, a *self-developed biographical questionnaire* was administered with the purpose of gaining biographic and demographic information pertaining to the age, gender, ethnicity, marital status, previous employment, and years of experience as a judge. The questionnaire was multiple-choice in format, where the respondents ticked the relevant boxes, and extra space was provided for further elaboration. All participants were questioned about their work beliefs, that is, whether they viewed their work as a calling, a career, or a job.

During the semi-structured interviews, participating judges were asked about contextual factors relating to their specific occupation, such as their work beliefs, possible hassles they experienced in the execution of their duties, their remuneration and benefits, and transformation in the judiciary.

The following measuring instruments were used for the quantitative part of the research.

An adapted version of the *Job Demands-Resources Scale* (JD-RS) (Bakker, 2014) was utilised to measure job demands and job resources of the judiciary. The following dimensions of the JD-RS were included in this study: work pressure and time constraints (for example, “Do you have too much work to do?”); emotional demands (for example, “Is your work emotionally

demanding?"); hassles (for example, "I have to deal with various hassles in terms of travelling arrangements, court procedures, administrative support, etc."); collaboration (co-worker relationships) (for example, "If necessary, can you ask your colleagues for help?"); autonomy (for example, "Do you have flexibility in the execution of your job?"); opportunities for training and development (for example, "My work offers me the possibility to learn new things"); as well as remuneration (salary and benefits) and annual increases (for example, "I receive a good salary from my employer"). The dimensions were rated on a Likert scale. The scales differed according to the dimension being assessed. In their study, Rothmann, Mostert, and Strydom (2006) found reliable alpha coefficients, ranging from .76 to .92, for the JD-RS.

Work-role fit was adapted from the measures indicated in May et al. (2004). The *Work-Role Fit Scale* (WRFS) consists of four items, which are measured on a five-point scale, ranging from 1 (strongly disagree) to 5 (strongly agree). An example is "My job 'fits' how I see myself". In their study concerning employees in different organisations in Namibia, Rothmann and Welsh (2013) found confirmation for the construct validity of the WRFS. They reported an alpha coefficient of 0.88 for the WRFS.

The *Flourishing-at-Work Scale – Short Form* (FAWS-SF) was used to measure EWB, SWB, and PWB at work. The FAWS-SF originated from the Flourishing-at-Work Scale (FAWS; Rautenbach, 2015). The FAWS-SF consists of 21 items that were selected as the most representative items of the construct definition of each of the dimensions of well-being at work, namely, EWB (for example, "During the past month at work, how often did you feel happy?"), PWB (for example, "During the past month at work, how often did you feel that your work makes a difference to the world?"), and SWB (for example, "During the past month at work, how often did you feel that you really belong to this organisation?"). Responses are measured on a six-point frequency scale, ranging from 0 (never) to 5 (every day). Rautenbach (2015) reported evidence for the factorial validity and reliability of the FAWS-SF. Rautenbach and Rothmann (2017) reported the following scale reliabilities for scores from the FAWS-SF: .77 (EWB), .89 (PWB), and .89 (SWB).

OCB was measured by means of an adaptation of the *Organisational Citizenship Behaviour Scale* (OCBS) (Rothmann, 2010), utilising three items. Two items measured assistance to co-workers in the organisation (for example, "I help my colleagues with their work when they

return from a period of absence”), and one measured assistance to the organisation (“I am prepared to do things that are not really part of my job description, but which are in the interest of my organisation as a whole”). The respondents had to answer questions on a seven-point Likert scale (0 = not at all characteristic; 6 = totally characteristic) regarding how they rated their typical behaviour at work. Diedericks and Rothmann (2014) found that the Cronbach’s alpha coefficients for the two scales were .78 (assistance to co-workers) and .80 (assistance to the organisation).

An adaptation of the *Turnover Intention Scale* (TIS) (Sjöberg & Sverke, 2000) was used to measure turnover intention. The scale is a five-point Likert scale, ranging from 1 (strongly disagree) to 5 (strongly agree). The scale comprises four items, for example, “I frequently think of quitting my job”. In the study of Sjöberg and Sverke (2000), the Cronbach’s alpha coefficient for the TIS was .83. Bester, Stander, and Van Zyl (2015) found that principal component analysis of the TIS in their study supported a unifactorial solution explaining 74% of the variance.

Burnout was measured by nine items from the *Personal Resources Scale* (PRS; May et al., 2004). The PRS measures three dimensions of burnout: cognitive exhaustion (three items, for example, “I have problems remembering all the things I need to do at work”); physical exhaustion (three items, for example, “I feel tired before my workday is over”); and emotional exhaustion (three items, for example, “I tend to postpone or avoid discussing touchy topics”). May et al. (2004) reported a reliable alpha coefficient of .91.

1.4.4 Research Methodology

A priori review protocol had been developed to predefine the objectives and methods of the scoping review and to detail the proposed plans before the review was undertaken. Searches for relevant studies for the scoping review were conducted, using relevant keywords and a variety of computerised databases. The literature search resulted in a total of 124 references. A selection process was followed based on inclusion and exclusion criteria; for example, studies had to be conducted within the period January 2008 to May 2018. Subsequently, the search results were refined to be consistent with the focus area of this study, namely, judges; excluding articles concentrating on magistrates and lawyers as members of the judiciary, resulting in 47 studies. Eleven studies eventually met the inclusion criteria.

For the research regarding South African judges, the researcher contacted Chief Justice Mogoeng, who can be regarded as the potential gatekeeper, via his representative(s), to explain the nature and importance of the proposed research in an endeavour to obtain approval, as any proposed psychological research can very easily be seen as an intrusion on the privacy and competency of the judges. The “flourishing” part of the research was, therefore, emphasised. The executive support director in the chief justice’s office, however, informed the writer telephonically that the chief justice did not have the resources to attend to students’ requests to do research and that each judge would have to decide individually whether he/she would be prepared to participate in the current study.

Individual judges were contacted telephonically or via email, inviting them to participate in this research endeavour. The details of the study were explained, and judges were given the opportunity to request further information regarding aspects of the study they needed to be clarified. It was pointed out that their participation would be entirely voluntary and that they would be free to decline to participate. The confidentiality of the research was emphasised.

For the qualitative part of the study, the writer made appointments with the individual judges who had agreed to be interviewed at a time and place that were convenient for them. The audio-recorded interviews were transcribed and thematically analysed. The ATLAS.ti 8 program for qualitative data analysis was used to extract quotations and to code relevant constructs. For the quantitative aspect of the research, once judges had consented to participate in this part of the study, the questionnaire, together with a cover letter explaining the purpose of the study and emphasising the confidentiality of the research project, was made available to them. Questionnaires were either emailed or personally delivered to the judges. Completed questionnaires were returned through the same method. Data collection took place from June 2017 to November 2018.

1.4.5 Data Analysis and Interpretation

1.4.5.1 Scoping Literature Review

A search of the relevant literature regarding the well-being of judges was conducted using computerised online databases, such as PsycINFO, PsycARTICLES, ResearchGate, ProQuest, NEXUS, and Google Scholar, and performing manual searches from the reference lists of the

articles and electronic journals reviewed, covering the period between January 2008 and May 2018. The literature search resulted in a total of 124 references. Using the ATLAS.ti 8 program for qualitative data analysis, 47 articles were scrutinised and considered. Via a selection process that was based on certain inclusion and exclusion criteria, 11 studies eventually met the inclusion criteria. All articles were examined, and attention was given to, among others, factors affecting judges' well-being, and their occupational and personal outcomes, study designs, demographic information, sample sizes, and references. The ATLAS.ti 8 program was then again used to code relevant constructs. This iterative examination of the data resulted in themes. Data was compiled into an Excel spreadsheet to combine similar codes and to determine the frequency of the constructs. The most frequently appearing ones were used for analysis and discussion in this study.

1.4.5.2 Qualitative Data Analysis and Interpretation

As mentioned before, the audio-recorded interviews were transcribed and thematically analysed, and the ATLAS.ti 8 program for qualitative data analysis was used to extract quotations and to code relevant constructs. The literature study conceptualised the following concepts and their antecedents, consequences, and possible relationships: judges, well-being (flourishing/languishing), job demands and job resources, work-role fit, work beliefs, and organisational and personal outcomes. Themes emerged from the data through this iterative process (Tracy, 2013). Content analysis was used for identifying and summarising the message content, by viewing data from different perspectives. The aim was to identify cues in the text that would help to construe the raw data. It was, furthermore, an inductive and iterative process where the researcher looked for similarities and differences in the text that corroborated or disconfirmed the theory (Nieuwenhuis, 2007).

1.4.5.3 Quantitative Data Analysis and Interpretation

Responses to the items from the questionnaires were summarised in an Excel spreadsheet. The data was then captured in SPSS 25 (IBM Corp., 2017) for analysis. Following this, the data was examined for errors and outliers. Cronbach's alpha coefficients were computed to study the reliability of the measuring instruments, and descriptive statistics were computed to describe the data. Spearman's correlation coefficients were used to indicate the relations between the variables. Effect sizes were used to assess the practical significance of findings

(Steyn, 2000), and the guidelines provided by Cohen (1988) were used to study the practical significance of correlation coefficients.

The final interpretation of both qualitative and quantitative data was related back to the literature as reviewed in the literature review and was based on logical reasoning. The integration and implications of the results and recommendations for future research on the well-being of judges were subsequently discussed.

1.5 Ethical Considerations

Ethical practices encompass much more than simply adhering to a set of fixed guidelines. Researchers must anticipate and deal with ethical quandaries that may occur in their research (Creswell, 2009). The researcher was required to attend ethics training at the North-West University. Subsequent to the successful completion of the training, an ethical clearance application form had to be completed, which was reviewed by an ethics committee. Thereafter, the Research Ethics Committee conducted an interview with the researcher during which limited recommendations were made. Once the committee was totally satisfied with the application, formal ethical clearance was obtained from the Ethics Committee (ethics number: NWU-HS 2017-0062).

As no official permission could be obtained from the chief justice, the judges president of the different divisions were approached. Some of them endorsed the research by either encouraging judges in their divisions to participate or by personally participating themselves. As judges had to decide for themselves whether they wanted to participate, they were contacted individually. All participants were briefed about the study and afforded the opportunity to ask questions and raise concerns about any issues before considering participation. Participants were reassured that partaking in the research was voluntary and anonymous and that participants' withdrawal would be accepted at any time and would have no negative consequences. The researcher provided the relevant participants with consent forms, indicating that the information obtained by means of the study would only be used for research purposes. As a final declaration of ethicality and confidentiality, the participants were requested to not indicate their names on the surveys in order to protect the individuals' identity. Feedback, once the study was completed, was requested by most of the participating judges.

1.6 Chapter Layout

Chapter 1: Introduction

Chapter 2: Manuscript 1 – Well-being of judges: A scoping review of quantitative and qualitative studies

Chapter 3: Manuscript 2 – Work beliefs, work-role fit, and well-being of judges in South Africa: Effects on intention to leave and organisational citizenship behaviour

Chapter 4: Manuscript 3 – Job demands and job resources and well-being of judges in South Africa

Chapter 5: Conclusions, limitations, and recommendations

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CHAPTER 2

MANUSCRIPT 1

Well-being of judges: A review of quantitative and qualitative studies

ABSTRACT

Orientation: Research regarding the well-being of judges is essential given the effects thereof on their work and contextual performance.

Research purpose: This study aimed to review qualitative and quantitative empirical studies on the well-being of judges. Due to the limited availability of empirical studies on this topic, research in only five countries was included. No studies could be found on the well-being of South African judges.

Motivation for the study: The state of judges' well-being, i.e. whether they flourish or languish, or fall somewhere in-between on the Mental Health Continuum of Keyes (2002), may affect, among others, their decision-making ability and their decorum in court. This in turn, will not only influence the esteem of the judiciary, but also the public's trust and confidence in the judicial system. Research on the well-being of judges is thus of great importance.

Research design and method: A scoping review was chosen to identify the types of available research evidence (quantitative and qualitative) on the well-being of judges globally in terms of its nature, features, and outcomes and to represent the range of located evidence graphically, and to integrate same. Relevant literature was searched using computerised databases, covering the period from January 2008 to May 2018. Eleven studies met the inclusion criteria. Using the ATLAS.ti 8 program for qualitative data analysis, the data was extracted from eleven (11) articles.

Main findings: From the findings, the conclusion was reached that a variety of job demands, such as judges' heavy workloads and time constraints, negative work-home interference, inadequate resources and support, and their safety concerns, had a negative effect on their well-being. They were predisposed to work-related burnout and secondary traumatic stress and their resulting negative physical, emotional, and cognitive consequences. Despite the stressors and occupational demands to which judges were subjected, some judges experienced high levels of well-being due to, inter alia, the autonomy they had over certain aspects of their work, the nature of their work, and positive relationships with their colleagues.

Practical and managerial implications: Interventions should be employed to address stressors and job demands, as well as job resources, that affect judges' well-being.

Contribution of the study: This study adds to scientific knowledge vis-à-vis the well-being of judges.

Key terms: Flourishing, judges, well-being, functioning, feeling.

Introduction

Subjective well-being (SWB) is defined as “a person’s cognitive and affective evaluations of his or her life” (Diener, Lucas, & Oishi, 2002, p. 63). SWB (also referred to as happiness) consists of two components, namely, a hedonic component of feeling good [emotional well-being (EWB)] and a eudaimonic component of functioning well [psychological well-being (PWB) and social well-being (SWB)] (Keyes & Annas, 2009). These collective components can investigate the flourishing or languishing of people. An individual’s level of flourishing or languishing can be evaluated on Keyes’s (2002) Mental Health Continuum (MHC). Keyes and Annas (2009) define flourishing as a state in which individuals experience high levels of EWB, PWB, and SWB. Languishing individuals do not have much good feelings towards life, and they also do not see themselves functioning well in life. Individuals who are neither flourishing nor languishing, are regarded as being moderately mentally healthy.

Rothmann (2013) extends Keyes’s MHC to the work context, where flourishing, as a multidimensional concept, includes dimensions of both feeling well and functioning well in a work setting. EWB consists of job satisfaction and a positive affect balance. PWB consists of autonomy, competence, relatedness, engagement, learning (personal growth), and meaning and purpose. SWB refers to experiences focused on social tasks that are encountered in organisations (Rothmann, 2013).

In terms of the job demands-resources (JD-R) model (Demerouti, Bakker, Nachreiner, & Schaufeli, 2001), although judges face stringent demands, they also have various personal and organisational resources that may well counter the influences of demands. Job demands are the physical, psychological, organisational, or social features of work that necessitate sustained cognitive and emotional exertion or capabilities and are linked to physiological and psychological costs (Bakker, Demerouti, & Sanz-Vergel, 2014; Demerouti & Bakker, 2011; Demerouti et al., 2001). Job resources indicate those physical, psychological, organisational, or social features of work that may help to attain objectives in the workplace, decreasing job demands, and stimulating personal development and advancement (Demerouti & Bakker, 2011). Personal resources are features of an individual that are usually associated with resilience. It refers to people’s sense that they have the capability to successfully manage and have an impact on their environment (Hobfoll, Johnson, Ennis, & Jackson, 2003).

It is important that judges feel good and function optimally in their work environment, that is, that they are flourishing, as they are responsible not only for the fate of litigants, but also for maintaining equal justice through due processes and for upholding the constitution of their country. The state of judges' well-being, i.e. whether they flourish or languish, or fall somewhere in-between on the Mental Health Continuum of Keyes (2002), may affect, inter alia, their decision-making ability and their decorum in court. When judges do not flourish due to, for example, heightened emotions and anxiety, their ability to consider relevant evidence may be negatively affected. They may also make impulsive, irrational or cynical decisions (Miller & Richardson, 2006). When judges frequently express their frustrations, anger or impatience, and consequently intentionally mistreat or belittle those who appear before them, they may be depicted as bullies (Richmond, 2012). Such behaviour subject all judges to public contempt. On the other hand, when judges flourish, they experience, among others, job satisfaction, they feel optimistic and they are productive. This positive mindset is transferred to all role players in court, for example, the litigating parties, witnesses and staff members. This in turn, has a positive effect on the public's faith in courts. Therefore, the well-being of judges will not only influence the esteem of the judiciary, but also the public's trust and confidence in the judicial system. Research on the well-being of judges is thus of great importance.

This study focused on the themes of subjective well-being of judges, both negative and positive, that emerged from the literature.

Well-being of judges

A judge is a public officer appointed to decide cases in a court of law (The Oxford English Dictionary). In terms of section 165(2) of the Constitution of the Republic of South Africa (1996), "The courts are independent and subject to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice". The above-mentioned authority is applicable to judges worldwide.

Although duties of judges can vary to some extent from one country to the next, for example, judges care for the well-being of jurors in certain countries (Flores, Miller, Chamberlain, Richardson, & Bornstein, 2009) while juries are not appointed in other countries, their responsibilities remain generally similar. As independent decision-makers in the quest for justice, their duties include, among others, interpreting the law, assessing the evidence

presented, and managing how trials proceed in their courts. The judge passes sentence and imposes an appropriate penalty if a defendant was convicted of a crime. In civil cases, judges decide whether a claim is enforceable, assess damages, and grant orders or some other form of relief to the plaintiff, unless a jury has been appointed (Canadian Superior Courts Judges Association, 2018). Appellate judges decide whether appeal cases were correctly decided on the facts and the law. If not, these judges can reverse a judgment and make an appropriate order. Administrative duties could include, for example, drawing up budgets for the courts, and managing staff (Malone, 2018), while the judges president and deputy judges president oversee the administrative processes of the judiciary.

The transition from advocate or attorney to judge may be overwhelming and stressful. Once sworn into office, judges are subjected to public scrutiny. Due to the restrictions imposed by the Code of Judicial Conduct, they are expected to act appropriately and to maintain respectable conduct, not only in the courtroom, but also in their private lives (Zimmerman, 2000). Judges may consequently feel a great deal of pressure to uphold an ideal image.

Judges work in an environment that is generally adversarial. They often experience workplace conflict (or perceived conflict) with staff, colleagues, and legal practitioners, such as poorly prepared and disrespectful counsel and uncooperative defendants (Chamberlain & Miller, 2009). Judges must frequently preside over cases and make decisions that will influence the future of an individual, a family, or sometimes an entire community. The circumstances of a matter may be extremely pressing, for example, attempts to stop an urgent medical procedure. Even determining commercial disputes that will result in, for example, the unsuccessful party losing his/her home and life savings can take their toll (Hampel, 2015). Judges' position of authority permits them to decide the destiny of others, and this can be a tremendous burden on their conscience (Resnick, Myatt, & Marotta, 2011). When making rulings, judges must remain impartial, fair, and independent, irrespective of whether they preside over a case where parties act in opposition to their values and beliefs. They must act with integrity, courtesy, and professionalism.

The occupation of judges demands the ability to cope with a consistently heavy workload and intense emotional investment. Long working hours and an overabundance of cases add stress to judges' already challenging work. Consequently, some judges become workaholics (Hagen & Bogaerts, 2014). Judges' workloads often result in them working after hours, either in their

chambers or at home. Time for friends and family, recreation, and even sport and cultural pursuits is severely limited, which has an adverse effect on judges' work-home balance.

Moreover, after being elevated to the bench, judges regularly lose contact with friends, family, and former colleagues (Lebovits, 2017) due to their social standing. This, in turn, results in formal and deferential behaviour. Judges suddenly acquire a new first name, "Judge", and consequently often feel socially isolated (Zimmerman, 2000).

Female judges are particularly prone to stress. In addition to personal factors, they must deal with the same stressors as male judges in the execution of their duties because no exceptions in the workplace are made for certain judges, irrespective of their gender (Anleu & Mack, 2014). Female judges often face gender bias and have to ward off gender-based attacks (Lebovits, 2017). According to Schroeder (2002), female judges' isolation is greater than that of their male counterparts, probably because judges are still predominantly male in certain countries and/or divisions, and in some instances, there is still a lack of acceptance of female judges (Fricke & Onwuachi-Willigt, 2012). Furthermore, women by and large continue to have primary family responsibilities, and female judges must, thus, balance their careers and families in ways that male judges never experience (Durant, 2004).

Many judges have significant concerns about their safety, both in and out of court, as violence and threats against judges have been on the increase, creating a sense of vulnerability and anxiety (Chamberlain & Miller, 2009). There are numerous examples of attacks on judges. For example, in February 2005, the family of Judge Lefkof, a female senior United States district judge, was brutally murdered as an act of retribution, as her murderer blamed her rulings for many of his problems. In June 2006, a family law judge, Judge Weller, was seriously injured when he was shot through a window of his chambers in Reno, Nevada. His attacker had reportedly been disgruntled about his decisions regarding child support and maintenance (Miller & Richardson, 2006). More recently, in 2014, the safety of Judge Lamont, a high court judge in Johannesburg, was compromised when he presided over the matter of Czech fugitive, Radovan Krejčíř. A knife was found in a consultation room, and the windscreen of Judge Lamont's car mysteriously cracked while he was driving. Shortly after the knife incident, the judge was also informed of a heating element from a kettle that had been discovered in a parcel given to Krejčíř at court. Security for Judge Lamont was

consequently upgraded. It is evident that judges are more noticeable by the public and that they are more exposed and vulnerable than other public figures because of their office.

According to the literature, employees who sense that their job demands surpass the available resources due to, for example, emotional or physical strain will feel incapable to manage at work (May, Gilson, & Harter, 2004; Schaufeli & Bakker, 2004). This can potentially cause employees to feel that they are not in control of their environment, and consequently, they will not flourish. The judiciary's work unmistakably involves an inescapable component of stress, as members experience a variety of occupational demands.

Judges are human and are, thus, not immune to negative feelings, such as anger, sadness, and stress. The influence of stress can result in a variety of negative outcomes. An imbalance between job demands and resources is a significant determinant of burnout (Demerouti et al., 2001; Schaufeli & Bakker, 2004), and judges are vulnerable to work-related burnout (Chamberlain & Miller, 2009) and its ensuing detrimental emotional, physical, and cognitive consequences.

Mack and Anleu (2008) found that, for most judges participating in their study, the demands of being a judge were balanced by substantial sources of satisfaction. Therefore, despite the demands and stressors in their everyday work, many judges flourish; that is, they feel and function well. The nature of their work, for example, the autonomy and flexibility they have, and the quality of justice delivered, supportive interactions with their colleagues and superiors, as well as their working environment and the way in which the court functions, among other factors, enhance the well-being of judges.

Judicial service ranks among the highest-status jobs and the most fulfilling ways to serve one's country (Lebovits, 2017). For many advocates and attorneys, elevation to the bench is the pinnacle of their careers, affording them opportunities to effect positive change in other people's lives (Resnick et al., 2011). They genuinely enjoy their work, and they are mostly satisfied with the legal profession. This, as well as available job and personal resources, boosts their engagement, which, in turn, influences organisational commitment (Hakanen, Rodriguez-Sánchez, & Perhoniemi, 2012).

Aim of the study

This study aimed to review qualitative and quantitative empirical studies regarding different factors that affect the well-being of judges globally and to determine what can be done to reduce the occupational stressors that result in them languishing, as well as actions that can be taken to enhance their flourishing.

Research questions:

- What documented factors, negative and positive, influence the well-being of judges worldwide?
- What impact do these factors have on the well-being of judges?
- What interventions should be undertaken to address judges' stressors in order to advance their flourishing and to prevent languishing?

Research design

Research method

A scoping review was chosen to identify the types of available research evidence (quantitative and qualitative) on the well-being of judges globally in terms of its nature, features, and outcomes and to represent the range of located evidence graphically, and to integrate same. Scoping reviews are an accepted approach for mapping comprehensive themes, but as the approach is relatively new, there is no universal study definition or definitive procedure available. A scoping review is a type of research synthesis that aims to chart the nature, range, and extent of the literature on a specific topic or research area. It offers an opportunity to identify important concepts, areas requiring further research, as well as the nature and sources of information, to advise others for future use in, for instance, research and policymaking (Peters et al., 2015; Pham et al., 2014). It was important to review the findings of selected studies and to provide an overview of the existing evidence on the well-being of judges, regardless of its quality, as this topic has not yet been reviewed comprehensively.

Considering the aim of this systematic scoping literature review, a priori review protocol had been developed before the review itself was undertaken to predefine the objectives and methods of the scoping review and to detail the proposed plans (Peters et al., 2015).

To avoid publication bias, searches for relevant studies, including unpublished studies, were conducted without limiting outcome terms. To locate relevant studies, electronic databases, such as PsycINFO, PsycARTICLES, ResearchGate, ProQuest, NEXUS, and Google Scholar, were used, and the Manager: Information Services – Vaal Triangle Campus of the North-West University was consulted. The search was done using the following keywords: “judges”; “judiciary”; “well-being” or “wellbeing” or “wellness of judges”; “well-being” or “wellbeing” or “wellness of the judiciary”; “flourishing of judges”; “flourishing of the judiciary”; “job satisfaction of judges”; “judicial stress”; “job demands of the judiciary”; “job resources of the judiciary”; “gender differences in the judiciary”.

The researcher strived for truth by systematically documenting the research process in enough detail to enable the study to be replicated by others, for example, when deciding which articles to include and when creating codes and themes. Moreover, the promoter of the study verified the process to ensure that nothing was missed. This explicit approach and the fact that multiple data sources had been used, increased the reliability of the findings, and counters any suggestion that the study lacks methodological rigour (Mays, Roberts, & Popay, 2001).

Research procedure

Searches for relevant studies regarding the well-being of judges were conducted using computerised online databases and performing manual searches from the reference lists of the articles and electronic journals reviewed. The literature search had resulted in a total of 124 references, but after studies were compared, seven duplicated articles were discarded.

Subsequently, a selection process ensued based on inclusion and exclusion criteria. Criteria for the inclusion of articles were as follows:

- Articles had to be published in English from January 2008 to May 2018 in peer-reviewed journals.
- Participants in the studies had to be judges.
- Since limited empirical articles are available on this topic, no limitation was placed on the source of the articles.
- No limitation was placed on the type of research method used.

After the selection process 70 more records were excluded, as they preceded the indicated period. The first author entered the remaining 47 articles into the ATLAS.ti 8 program for qualitative data analysis and assessed same for eligibility. Unfortunately, a limited number of articles were peer-reviewed. Moreover, none of the searches produced empirical studies on the well-being of judges in the South African context. The promoter of the study reviewed the selection process, the selected studies, and the articles that had been tentatively included, excluded, or not yet decided on. The search results were further refined to be consistent with the focus area of this study, namely judges, resulting in the exclusion of 31 more articles that concentrated on magistrates and lawyers as members of the judiciary. Lastly, five articles were excluded, as they were not based on empirical studies. Eleven studies eventually met the inclusion criteria.

Both researchers also detailed a proposed plan for presenting the results (Peters et al., 2015). The procedure followed is represented in Figure 1 (flow diagram – extracting and charting of results).

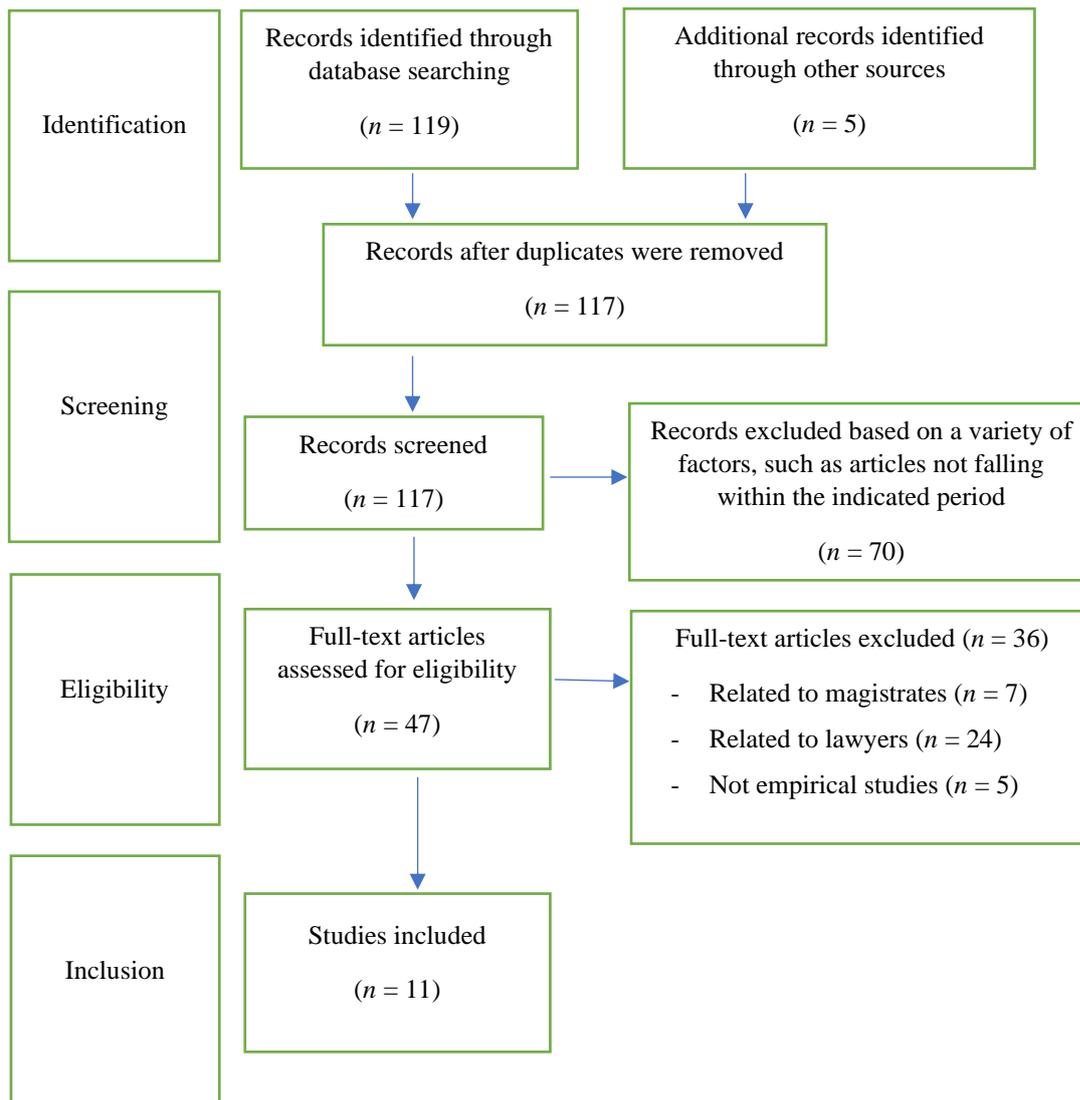


Figure 1. Flow diagram: Extracting and charting results

Initially, the first author examined and did a comprehensive synopsis of each article according to the research objective, concepts or theories applied, citation, study design, demographic information, and sample size. Special attention was given to, among others, factors affecting judges' well-being, and their occupational and personal outcomes. Thereafter, the thematic synthesis comprised three phases that overlapped to a certain extent: the free line-by-line coding of the findings of primary researches; the organisation of these 'free codes' into related areas to create 'descriptive themes; and the development of 'analytical' themes (Thomas & Harden, 2008). To enhance integrity, the two researchers independently extracted the relevant data from the 11 articles, using the ATLAS.ti 8 program, which they then analysed independently to eliminate research bias. Firstly, both researchers independently coded the text, using codes that were created inductively to encapsulate the meaning and content of each sentence. New codes were developed, as and when needed in the process of reviewing each article. An iterative exploration of the quotations ensued in themes emerging from the codes (Tracy, 2013). The author then used the descriptive themes that had emerged from the inductive analysis of study findings to reply to the research questions, which resulted in the development of more abstract and analytical themes. The promoter of the study corroborated the themes identified by checking same against each of the articles. Thereafter the data was compiled into an Excel spreadsheet to determine the frequency of the constructs. The most frequently appearing ones were used for analysis and discussion in this study. The use of such a systematic, iterative method validated a rigorous analysis process and enhanced the credibility of the findings (Silverman, 2011).

Studies reviewed

Detailed descriptions of the 11 studies included in the review are listed in Table 1. Among these 11 articles, seven were conducted in the United States of America, one in Australia, one in Finland, one in Argentina, and one in Switzerland.

Table 1

Summary of Studies Included

Number	Author(s)	Country	Data collection method, sample size, description of participants, and objective of the research
1	Lustig et al. (2008a)	USA	Surveys were emailed to immigration judges via a secure website to investigate their working conditions, as well as stress and burnout they might experience. <i>N</i> = 96. The response rate was 45.3%. The mean age of the responding immigration judges was 53 years (range 35-72). The study sample was 43% female and 57% male. The mean years of experience was 10 (range 1-25 years). A total of 59 (61.4%) of the initial 96 respondents provided narrative comments about "anything else that would help explain the occupational challenges faced by Immigration Judges".
2	Lustig et al. (2008b)	USA	Surveys were emailed to immigration judges via a secure website to enquire about their work environment. <i>N</i> = 96. The response rate was 45.3%. The mean age of the responding immigration judges was 53 years (range 35-72). The study sample was 43% female and 57% male. The mean years of experience was 10 (range 1-25 years).
3	Kohen (2008)	Argentina	This exploratory study aimed to analyse gender differences in the values and attitudes of family judges in Buenos Aires. Due to the absence of relevant knowledge and data, the researcher had to start from a shallow base, building a substantial body of existing and new information to supply her research with the necessary theoretical, socio-historical, and institutional context. The conceptual framework provided by feminist legal theory was analysed by giving specific attention to the ways legal feminism had explained the situation of women in the legal profession.
4	Flores, Miller, Chamberlain, Richardson and Bornstein (2009)	USA	Exploratory study: secure online surveys were sent to a convenience sample of American trial judges to determine their perceptions of jury stress and their own experiences with stress and safety issues. <i>N</i> = 163. The respondents included 95 (58%) males, 65 (40%) females, and three (2%) who chose not to indicate their gender.
5	Chamberlain and Miller (2009)	USA	In-depth case study: semi-structured interviews were conducted to determine whether and how three occupational experiences, that is, STS, safety concerns, and burnout, affected judges' performance of their occupational duties. <i>N</i> = 9. The respondents were all Caucasians, of whom two were female and seven men. Their tenure on the bench varied from a few months to over 15 years. All of them were close (physically and professionally) to the shooting of family court judge Chuck Weller.
6	Chase and Hora (2009)	USA	Three different surveys were used to compare problem-solving court judges with traditional court judges. The first survey compared drug treatment judges with traditional family law court judges. The second survey added a group of unified family court judges who worked in assignments more specifically designed on the problem-solving model. The third survey added a group of traditional criminal court judges. <i>N</i> = 355, consisting of 113 problem-solving judges (drug court and unified family court) and 242 traditional judges (criminal and family court). There were 69 drug court judges, of whom 74% were male and 26% female; 44 unified family court judges, of whom 71% were male and 29% female; 85 family court judges, of whom 66% were male and 34% female; and 157 traditional criminal court judges, of whom 73% were male and 27% female. All the judges were more or less of a similar age, varying from 51 to 53. Their tenure in their profession varied from nine to 16 years.
7	Miller, Flores and Pitcher (2010)	USA	Exploratory study: semi-structured interviews were conducted with judges who worked with Judge Chuck Weller, the judge who was shot by a litigant in a divorce case over which he had presided. Questions were intended to measure the principles of constructivist self-development theory (CSDT), which were specifically designed to determine whether the shooting had affected the judges' safety, esteem, intimacy, trust, and control needs. <i>N</i> = 9, of whom six were males and three females. They had been employed in their current positions from a few months to more than 15 years. They were interviewed between four and eight weeks after the shooting.

Table 1

Summary of Studies Included

8	Norris, Commons, Miller, Adams and Gutheil (2011)	USA	A pilot study relating to judges in Massachusetts was conducted to establish the extent of their perceived satisfaction in an objective, empirical way, via a Rasch analysis. Anonymous surveys. $N = 44$, of whom 30 were probate court judges and 14 superior court judges. Most respondents were male (28, or 63.6%) as opposed to female (16, or 36.4%), and their mean age was 56.4 years. Respondents had served as judges for an average of 9.36 years.
9	Hakanen, Rodriguez-Sánchez and Perhoniemi (2012)	Finland	A postal questionnaire survey was sent to judges working in Finnish district courts, courts of appeal, and the supreme court as part of a national well-being study introduced by the Supreme Court of Finland. $N = 550$, which yielded a response rate of 78%. Of the participants, 55.5% were male, and 44.5% were female. Their mean age was 53.5 years, and the average number of years employed in their present tasks was 11.4 years.
10	Ludewig and Lallave (2013)	Switzerland	A mixed method was used to determine the psychological experiences of Swiss male and female judges. Qualitative phase $N = 111$, of whom 31 were female and male judges, and 80 were other members of the legal profession. The number of participants in the quantitative phase, which was designed from an analysis of the initial interviews, was 243, all professionally trained females and males from 50 courts in German-speaking Switzerland.
11	Anleu and Mack (2014)	Australia	Two nationwide mail surveys were sent to the Australian judiciary; one survey was aimed at judges in the higher courts and the other at magistrates presiding in the lower courts. The total number of participants was 549, of whom 307 were judges (75% men and 25% women). The average age of the male judges was 59, while that of the female judges was 52. Their average years on the bench were 10.6 and nine years, respectively, for male and female judges.

Results

Table 2 provides a summary of the themes that were identified from the 11 studies that were chosen for the purpose of this study.

Table 2

Summary of Themes

Most Common Reported Themes	Article
1 Occupational stressors <ul style="list-style-type: none"> <li data-bbox="252 405 1007 439">- Work pressure and time pressure <li data-bbox="252 450 1007 483">- Emotional demands <li data-bbox="252 495 1007 528">- Safety concerns <li data-bbox="252 539 1007 573">- Negative work-life balance <li data-bbox="252 584 1007 618">- Gender bias <li data-bbox="252 629 1007 663">- Gender differences and similarities <li data-bbox="252 674 1007 707">- Decision-making <li data-bbox="252 719 1007 752">- Inadequate resources and support 	A1; A2; A4; A5; A9; A10; A11 A1; A2; A4; A5 A4; A5; A7 A1; A2; A9; A10; A11 A3; A10; A11 A1; A3; A10; A11 A2; A10 A1; A2
2 Impact of stress and trauma <ul style="list-style-type: none"> <li data-bbox="252 819 1007 853">- Burnout <li data-bbox="252 864 1007 898">- Secondary traumatic stress (STS) <li data-bbox="252 909 1007 943">- Trauma – changes in esteem needs <li data-bbox="252 954 1007 987">- Emotional and physical manifestation of overwork / stress 	A1; A2; A4; A5; A6 A1; A2; A5 A4; A7 A1; A2; A4; A5; A9
3 Interventions to reduce stress	A1; A2; A4; A5; A9
4 General feeling of well-being <ul style="list-style-type: none"> <li data-bbox="252 1088 1007 1122">- Job satisfaction <li data-bbox="252 1133 1007 1167">- Job characteristics <li data-bbox="252 1178 1007 1211">- Positive co-worker relationships <li data-bbox="252 1223 1007 1256">- Engagement versus workaholism 	A2; A6; A8; A9; A11 A6; A9; A10 A8 A9

From reviewing the articles, it was evident that not all judges experienced the same job demands and sources of stress, as these varied according to, among other things, their gender, their country's political and economic position, the courts in which they worked, and the type of cases over which they presided. The following is a discussion of the factors reported in the above-mentioned articles that had either a negative or positive influence on judges' well-being.

Work pressure and time constraints: Judges constitute a specific occupational group characterised by overwhelming caseloads, long working hours, considerable responsibility, and distorted borders between work and leisure time (Hakanen et al., 2012). It is not uncommon for judges to remain in their chambers after hours or to take work home in an attempt to keep up with their crushing workloads under tremendous time pressure. Judges from the USA,

Finland, Switzerland and Australia reported work pressure and time constraints, and it thus seems like a fairly universal phenomenon. A total of 98.6 % of Swiss judges, in the study conducted by Ludewig and Lallave (2013), mentioned time pressure as the most significant job demand, which resulted in them experiencing conflict between the quality and quantity of work. Similarly, in their study relating to immigration judges in the USA, Lustig et al. (2008a; 2008b) found that, in addition to emotional demands, they faced overwhelming, complex workloads, which had to be dealt with in insufficient time.

Emotional demands: Flores et al. (2009) found that the highest levels of judicial stress stemmed from cases concerning crimes against children, violent crimes, and sexual offences. Complicated asylum cases are referred to immigration judges, who must decide on the fate of asylum seekers (Lustig et al., 2008b). They hear some repugnant stories and are repeatedly exposed to a wide variety of human cruelty and misery (Lustig et al., 2008a). Findings from this review indicate that especially judges from the USA reported emotional demands.

Safety concerns: Another frequently reported stressor is safety concerns as a result of violence and threats against judges, which result in them experiencing a sense of vulnerability and anxiety (Flores et al., 2009; Chamberlain & Miller, 2009). Being subjected to violent deeds or other stressors can have a negative effect on both judges' professional and personal lives (Miller & Richardson, 2006). Once again, this review reveals that mainly USA judges are concerned about their safety.

Negative work-home interference: Judges do not separate themselves easily from emotions and difficult cases when leaving their chambers. Being so involved in their work, whether physically, emotionally, or cognitively, obviously cuts into the free time that they could have spent with family and friends or pursuing non-work-related activities. Negative work-home interference was reported by judges from the USA, Finland, Switzerland and Australia. In their research regarding Swiss judges, Ludewig and Lallave (2013) found that 90% of the judges reported difficulties affecting their private life. Although both male and female judges in Switzerland struggled to maintain work-life balance, Swiss female judges rated "feeling that their private life hinders their professional goals" considerably higher than their male counterparts. The mean for women was 2.52, while it was 1.87 for men (Ludewig & Lallave, 2013).

Gender bias: Female judges not only report higher levels of concern about personal safety than their male counterparts (Flores et al., 2009), but they also continue to experience subtle forms of gender discrimination because judging has remained a traditionally male-dominated profession (Anleu & Mack, 2014; Ludewig & Lallave, 2013). In the study done by Ludewig and Lallave (2013), 51.5% of female judges, as opposed to 5.2% of male judges, reported that they experienced gender discrimination. In professions where more men than women are appointed, women's satisfaction with their work tends to be lower (Lundquist, 2008). Conversely, Kohen (2008) found that despite their dual role, being the primary caretaker at home and having to fulfil their occupational duties, judges in Argentina generally viewed bias as something that had essentially occurred in the past and has disappeared with the establishment of a new and more transparent system for judges to be selected and elevated to the bench, via the "Consejo de la Magistratura". Likewise, in Switzerland, the system may have improved, as female judges with more than nine years of work experience reported more gender discrimination than those with fewer than nine years' experience (Ludewig & Lallave, 2013).

Gender differences and similarities: It is evident that male and female judges experience their work and their response to trauma, differently. According to Anleu and Mack (2014), in order to understand females' experiences of judicial office, one must disentangle the effects of, among other things, age (generation) and time on the bench (cohort). Female judges are generally younger (average age 52 compared to 59 for men) and more recently elevated to the bench (nine years compared to 10.6 for their male colleagues). The differences in age and time on the bench between males and females are, therefore, significant. Kohen (2008) found that the breaks in the female judges' careers, because of disruptions due to maternity and taking care of children, certainly had a negative impact on their prospects of professional progression. Ludewig and Lallave (2013) determined that both male and female judges experienced stress when their work interfered with their family life. However, females felt that the stress in family life could hinder their professional goals. Furthermore, they felt more obliged to cope with multiple tasks and assume the ultimate social responsibility for the family, household, and child caring, because of the traditional parental role distribution where women continue to have primary family responsibilities (Ludewig & Lallave, 2013). In their study, Lustig et al. (2008a) found that female judges were more susceptible to trauma and burnout than male judges. Although they could not explain the difference, it is possible that female judges, generally originating from human rights or private practice backgrounds, have greater concern about the physical and emotional well-being of asylum seekers, as opposed to male judges, emanating

from a prosecution background. Another explanation put forward by Lustig et al. (2008a) is that females are either more conscious of, or more disposed to relate subjective feelings of distress, compared to males.

Decision-making: Judges engage in decision-making under potentially stressful conditions on an almost daily basis. A total of 98.4% of Swiss judges reported difficulties in decision-making (Ludewig & Lallave, 2013).

Inadequate resources and support: In addition to their crushing workloads and time constraints, judges often face persistently inadequate resources and an unsupportive infrastructure, which contribute to their high levels of stress (Lustig et al., 2008a; Lustig et al., 2008b). It is, thus, not surprising that they feel “burnt out”.

In addition to the demands noted above, judges experience stress stemming from, among others, lengthy and tedious trials, trial disruptions, and conflict among colleagues and/or court employees (Chamberlain & Miller, 2009; Flores et al., 2009).

Impact of stress and trauma: Judges’ occupational stress is manifested in physical and emotional problems, such as sleep disturbances, muscle tension, eating problems, hypertension, diabetes, irritability, burnout (Flores et al., 2009), and secondary traumatic stress (STS) (Chamberlain & Miller, 2009).

Following a traumatic event, individual judges can experience alterations in their psychological needs vis-à-vis their safety, esteem, intimacy, trust, and control (Miller, Flores, & Pitcher, 2010). Deviations in personal esteem needs can, for instance, result in judges doubting their abilities and choices. Chamberlain and Miller (2009) found that nearly half of the judges who had participated in their study expressed a fear that violence could affect their decisions. Several reported that they, from time to time, had reason to believe that offenders might be dangerous or might try to take revenge. They, thus, had to be cautious not to allow their trepidation to influence their judgments. Constructivist self-development theory (CSDT) provides a valuable theoretical basis to understand the responses that judges have subsequent to a violent workplace event, as it suggests that traumatic incidents can disrupt a person’s cognitive schemas (Miller et al., 2010). The results of the study by Miller et al. (2010), conducted in the USA, indicate that judges’ reactions were largely in keeping with CSDT.

When asked how their lives had changed since the 2006 shooting of Judge Weller, a family court judge, everyone interviewed exhibited some level of distortion in their safety, esteem, intimacy, trust, and control needs. Distortions of safety and esteem needs were the most prevailing alterations in cognitive schemas.

Judges who deal with family and criminal cases are particularly prone to vicarious trauma (VT) and compassion fatigue (CF). VT or CF, also labelled secondary traumatic stress (STS), refers to the cumulative effect suffered by people who work with trauma, such as abuse, rape, torture, and murder, as part of their everyday work (Chamberlain & Miller, 2009). STS, which was termed the “cost of caring” by Charles Figley in 1995, includes symptoms similar to that of PTSD (Lustig et al., 2008b). In their study, Lustig et al. (2008a) determined that USA immigration judges experienced significant symptoms of STS, scoring means of 2.0, 2.3, and 2.4 out of 5 on subscales for intrusion, avoidance, and arousal symptoms, respectively. Female judges reported more STS compared to male judges. Female judges’ total burnout mean was also higher compared to that of their male counterparts. Lustig et al. (2008a), furthermore, found that, in comparison with other professionals, immigration judges, particularly female judges, were even more burnt-out than doctors, who cared for very sick patients, and prison wardens, who dealt with the most aberrant people.

As discussed in some of the articles under review, judges’ work-related burnout can lead to emotional exhaustion, cynicism, depersonalisation, and reduced personal accomplishment (Miller & Richardson, 2006), as well as anger, anxiety, and depression. Burnout may also result in a low self-esteem, negative mindsets towards work, and impoverished relationships, such as lack of empathy, temper outbursts, or an egocentric exhibition of self-confidence (Miller & Richardson, 2006; Lebovits, 2017). If a burnt-out judge is impatient and petulant, it is probable that the perception of the judicial system will be negative (Chase & Hora, 2009). Some prevalent physical reactions to burnout comprise headaches, insomnia, hypertension, weight gain, and substance abuse (Jaffe, Crooks, Dunford-Jackson, & Town, 2003; Lebovits, 2017).

From the above discussion, it is apparent that judges’ negative work experiences – that is, performing their work in an environment that is often adversarial, and where they generally receive very limited positive feedback or support regarding their decisions – have a negative bearing on their well-being, and judges tend to languish.

Several interventions to reduce stress have been proposed. In the first instance, the crushing workload of judges can be reduced by increasing the number of judges and appointing more support staff (Lustig et al., 2008a). Judges should undergo training to recognise symptoms of STS in themselves (Chamberlain & Miller, 2009). Male judges, in particular, should change their attitude regarding the reporting of their stress and safety concerns (Flores et al., 2009) to facilitate therapeutic measures, such as post-trial debriefings following difficult trials. Judges should take breaks from work, such as sabbaticals or short (two to four days) respites, to minimise work-related burnout (Chamberlain & Miller, 2009; Hakenen et al., 2012). Moreover, procedural changes, such as properly equipped courthouses to stop acts of violence, and policies to reduce stressors should be implemented (Chamberlain & Miller, 2009; Flores et al., 2009).

On the positive side, this review revealed that, despite their occupational demands and stress, several judges felt good and functioned at a high level, that is, they flourished. The following factors were noted as playing a positive role in their well-being.

Job satisfaction: Numerous judges are satisfied with the inherent and external elements of their work, and they feel positive when at work. This is substantiated by the study regarding job satisfaction of the judiciary in Australia, conducted by Anleu and Mack (2014). Nine out of ten (92%) judicial officers were satisfied, including very satisfied, with their work (88% women and 94% men). The pilot study of Norris, Commons, Miller, Adams, and Gutheil (2011) regarding job satisfaction of judges in Massachusetts, displayed similar results. They found that, on a scale of 1 (“dissatisfied”) to 6 (“completely satisfied”), the lion’s share of the sample appraised their satisfaction as 5 or 6. For the whole sample, the mean satisfaction level of 5.02 (SD = .762) was significantly higher than the value of 1 or “dissatisfied”: $t(43) = 35.011, p = .004$. Both probate court and superior court judges were equally satisfied. It is fascinating that there was a positive relationship between caseloads and satisfaction, which suggests that those judges with excessive caseloads were just as satisfied as those with smaller caseloads (Norris et al., 2011). Regarding the effects of the nature of cases, Norris et al. (2011) found that the social class of courtroom participants was positively related to general satisfaction.

The type of court in which judges serve, its procedures, and the way it functions have a major effect on the job satisfaction of judges. Chase and Hora (2009) compared judicial satisfaction, specifically relating to effectiveness, attitude towards parties, and positive effects of case

allocations, between those USA judges appointed to problem-solving courts, such as unified family and drug treatment courts, and judges in other more conventional assignments, such as criminal and family law courts. Judges in the problem-solving courts (unified family and drug treatment courts) scored significantly higher on all three scales than those who were not (criminal and traditional family court), with the drug treatment court judges scoring the highest. This probably relates to the fact that the unified family and drug treatment courts have generally espoused the principles of therapeutic jurisprudence (Chase & Hora, 2009). The job satisfaction experienced by problem-solving court judges stemmed from several factors:

- They believed that courts should assist the accused to address the problems that caused them to be there.
- They were more likely to observe positive changes in the accused.
- They were also more likely to have faith in the accused's motivation to change and their capability to do so.
- They felt that the accused respected them.
- They generally thought that the accused appreciated the assistance they received.

The problem-solving court judges, thus, felt happy with their assignments, which they believed had a positive effect on their emotions (Chase & Hora, 2009). When judges feel optimistic and productive, their mindsets are transferred to litigants, staff members, and counsel. Their job satisfaction, therefore, predicts the satisfaction of litigants and has a considerable impact on the public's faith in courts.

Job characteristics: Autonomy contributes significantly to the well-being of judges. Compared with attorneys and doctors, Swiss judges enjoy greater autonomy and have greater responsibility for part-time work, and their work is more compatible with family life. They consequently rank their satisfaction with their work very high. Ludewig and Lallawe (2013) found the mean for female judges to be 8.22 and 8.37 for male judges. Despite some discrimination that still exists, the well-being of Argentinian female judges, especially family court judges, is enhanced by the stability of their work and their shorter working day because they find it easier to combine their careers with their family responsibilities, as opposed to being employed at large law firms (Kohen, 2008). The quality of justice dispensed also affects judges' psychological and social well-being. When judges accept and appreciate themselves and others and when they are proud of their work, they gain more confidence (Chase & Hora, 2009), and they find purpose and meaning in their work. Judges will then be inclined to engage

in their work, which Schaufeli, Salanova, González-Romá, and Bakker (2002) describe as a positive, fulfilling, work-related state of mind, characterised by vigour (investing energy and being physically occupied with a task), dedication (being connected and committed to the work and co-workers), and absorption (being involved and attentive at work).

Positive co-worker relations: Although judges work independently, they do have opportunities to interact with their colleagues, for example, during teatime. Despite their challenging work environment due to the adversarial judicial system, judges build supportive networks and positive relationships among colleagues or friends (Norris et al., 2011). When individuals feel that they are accepted by their colleagues, they believe they are in the right place, and it has a significant impact on their meaningfulness at work (Steger & Dik, 2009).

Engagement: Individuals who are engaged in their work, that is, who experience a positive, fulfilling, work-related state of mind that is marked by vigour, dedication, and absorption, do not resent feeling fatigued because they take pleasure in their work from which they acquire a sense of achievement (Schaufeli & Bakker, 2007). In contrast, workaholics have the propensity to be obsessed with their work, and to work extraordinarily hard and compulsively (Schaufeli, Taris, & Van Rhenen, 2008).

In their investigation regarding the similarities and differences between work engagement and workaholism among Finnish judges, Hakanen et al. (2012) found that engagement had beneficial and positive relations with individual outcomes (positively associated with basic evaluations of the self, such as locus of control, self-esteem, and self-efficacy), work-family outcomes (positively related to WF+ and FW+ and negatively to WF- and FW-), and organisational outcomes (positively associated with job resources, such as fairness, trust, and supportive organisational climate and commitment, while negatively associated with turnover intention). Nevertheless, even though engaged judges enjoyed working, they are also overworked due to their boundaryless work and long working hours. They should, thus, make sure that they recover sufficiently, for example, by detaching from work, to remain engaged (Hakanen et al., 2012).

Discussion

This study aimed to investigate the negative and positive factors affecting the well-being of judges globally and to determine what actions can be taken to enhance their flourishing. It is important to note that judges' situations differ from country to country, and therefore, factors affecting their well-being also vary. Through the amalgamation of the findings, the following constructs were identified as being prominent stressors for judges: working long hours in order to cope with a consistently heavy workload; experiencing emotional demands due to exposure to gruesome evidence or human misery, and making decisions affecting other people's lives; experiencing negative work-home interference, which relates especially to female judges; having inadequate resources and support; and being concerned about safety and violence against judges and their families. Gender bias and discrimination were also reported by some female judges, but it seemed that this inclination had subsided over the years.

As evidenced in the research under review, specific stressors and job demands are very similar for all judges, irrespective of their geographical location, the type of court, or the work they do, while other stressors relate to a specific group of judges. Some female judges, for example, find it stressful to balance their work-home life, as they are expected to do the same work as their male counterparts, while they continue to carry the primary family responsibilities.

Due to their severe workloads and long working hours in order to complete the work timeously, judges often must function at a breakneck pace, with hardly enough time to take their eyes off the case before them. Consequently, judges often become workaholics, as they are propelled by an intense preoccupation with their job (Hagen & Bogaerts, 2014; Hakanen et al., 2012). This, as well as the stress associated with their work, results in work-related burnout and STS. Judges suffering from burnout and STS experience an assortment of negative physical, emotional, and cognitive consequences. Heightened levels of stress and burnout can cause judges to lose concentration, gross delay in the delivery of reserved judgments, impairment of their decision-making abilities, and intolerance of others (Lustig et al., 2008a; Miller & Flores, 2007). These outcomes can potentially have a negative effect for litigants whose fate rests in the hands of judges. Furthermore, if judges experience moderate or severe distortions in any of their CSDT needs, that is, their safety, esteem, intimacy, trust, and control needs, such distortions are likely to impact their functioning and can, eventually, have an adverse effect on the administration of justice (Miller et al., 2010).

It is, thus, vital that we comprehend and account for judges' stressful experiences, as they have the potential to have a negative effect on their personal lives, and to hinder them to perform their duties to the best of their ability (Chamberlain & Miller, 2009). Being a judge is a privilege, and it should bring judges happiness (Lebovits, 2017). Judges whose stresses threaten to keep them from that enjoyment should get help, for example, by attending wellness programmes or taking breaks. Resources should be made available to decrease or negate judges' job demands and, consequently, to support them to attain their work objectives, to stimulate personal development, and to result in them feeling good and, ultimately, functioning optimally.

From the findings, it became apparent that, despite being faced with stressors and job demands, some judges encountered substantial sources of satisfaction in the execution of their duties. Their work can have significant, or even life-changing, effects on the lives of others. Due to the significance of their actions and decisions, they are engaged in their work and do not resent working hard and long hours. The tasks of judges, which are diverse and intellectually challenging, and which can contribute to a better society, together with, among other things, positive co-worker relations, promote their feelings of enjoyment and enthusiasm about their work.

This scoping review examined the lived world of judges and factors influencing their welfare. In the process it also raised the question of what could be done to further promote their well-being in order for them to flourish.

Reflecting on the research endeavour, the author realised that a scoping review is a lengthy process and that the researcher is not in control of the quality of the content of the primary studies. The researcher did not only depend on studies found via electronic data searches, but reference lists of available articles were perused and the services of the Manager: Information Services of the North-West University were elicited to obtain more resources. Although some media sources such as newspaper articles were perused to enrich the researcher's knowledge, these were not included as they did not meet the inclusion criteria.

Limitations of the current study

Various study limitations should be noted. Firstly, studies from only five countries were included in this review, as limited empirical research regarding the well-being of judges has been done and because there is a relative lack of data regarding judges because judicial officers have been perceived as a “difficult population” for social and behavioural science research. This perceived “difficulty” derives from, among others, their time constraints, eminent status, professional inaccessibility, assumed resentment or reservation to participate, and concerns about the confidentiality of responses (Mack & Anleu, 2008). Secondly, being a scoping review, this study did not appraise the rigour or quality of evidence in the primary research reports. Lastly, although the authors pursued best practice throughout the research process, the trustworthiness of this study could have been improved if external auditors or research participants validated the findings.

Implications and recommendations for practice

The following interventions that focus on the well-being of judges could be a point of departure in addressing judges’ occupational stressors and demands:

- Initiatives should be undertaken to help reduce stress arising from the heavy workload of judges. Caseloads should be managed, for example, by monitoring the case mix, the volume of work, the amount of judgment writing time, and the number of reserved judgments. More judges could be appointed to meet exploding caseload burdens, especially in immigration courts in the USA. Some of the non-judicial tasks, which take up a large portion of judges’ time, or which they frequently undertake, could be allocated to non-judicial court staff, which could reduce costs and increase flexibility. It would, however, be necessary to ensure that the quality of decision-making is not compromised and that resources are available to meet the additional demands placed on non-judicial staff.
- Anxiety originating from occupational responsibilities could be alleviated by taking breaks from work. Having a break from the constant stream of work could help prevent the long-term damage of burnout and STS. Even only one day off to engage in a favourite hobby or sporting activity could help a judge return to the bench feeling refreshed and relaxed. Occasionally, longer-term sabbaticals should also be encouraged to allow judges to get away for a few weeks or months. Research conducted by Resnick et al. (2011) revealed that some judges were of the view that a good way to spend their sabbatical was to attend judicial training programmes, to work with relief organisations, to offer training to other

less experienced colleagues, to exchange positions with judges in other states in order to experience regional differences, and to travel.

- Regarding violence against and safety concerns of judges, multiple precautionary measures should be implemented. Chamberlain and Miller (2009) propose that trained professionals who can recognize flaws in safety measures should inspect court buildings regularly, and their advice should be adhered to in order to make sure that employees and the public are as safe as possible. Moreover, judges should be given relevant information, training opportunities and skills, as well as devices to protect themselves. Personal safety programmes can, for example, contribute to judges being more vigilant and able to defend themselves when attacked. Judges should increase security at their personal residences.
- To make the judicial workplace more sensitive to females' needs and to enhance the job satisfaction of female judges, greater flexibility regarding hours (both during the regular workweek and after hours) and more recognition of family responsibilities are required in policies and procedures. Incidentally, a number of jurisdictions in Australia have made part-time appointment and job-sharing available (Anleu & Mack, 2009).

Recommendations for future research

Future research should determine the prevalence and range of different stressors that judges face. Research could, for example, focus on the factors that cause the most stress for judges, the category of judges who are most at risk, the way these occupational stressors affect judges' personal lives, and the likely effects stress has on a judge's work performance and general well-being. It is important, though, to utilise instruments specifically designed to assess stressors that are exclusive to judges' occupation.

Future studies should be more representative – comprised of judges of more countries, including developing countries such as South Africa, where no such studies have been conducted (the Sabinet African Journals Service) – as this will enhance our understanding of the way in which courts function and are staffed. This could, in turn, result in processes and/or measurements being put in place that would increase judicial satisfaction.

Future research could also focus on the development of intervention strategies to support judges who suffer from high stress levels. These strategies should be specifically personalized to alleviate the distinct stressors that judges encounter. Giving guidance to newly appointed judges in orientating themselves at their new place of work – for example, alerting them to the need to

be finely attuned to the etiquette rules, showing them where to park and where the library and other research facilities are – will probably reduce their stress. Intervention strategies could also include training of newly appointed judges on how to formulate judgments, which was recognised as a great source of stress during a workshop for advocates on the subject of acting judges held in Rivonia, South Africa, in May 2015 (Johannesburg Society of Advocates, 2015).

Finally, female judges' experience in the workplace needs further investigation. This could include research on measures to be implemented on:

- ways to increase the number of women in the judiciary, for example, through mentoring, training, and greater involvement in politics;
- ways to enhance their job satisfaction by being more sensitive to the fact that they must deal with the same stressors male judges do, while having to balance their careers and families; and
- ways to prevent gender bias.

Conclusion

In this study, sources of occupational stress of judges include specific job characteristics, the type of matters over which they preside, safety concerns, and gender differences. Given their position, their work must continue despite their circumstances. To cope with all their obligations, judges often put their well-being on the back burner. Accumulating stress and suppressing emotions have damaging effects on a judge's psychological and physical well-being, as well as cognitive and decision-making skills, especially when difficult decisions have to be made quickly.

Despite the demands placed on judges, many find their work satisfying due to, among others, their job characteristics: having autonomy over some aspects of their work and the quality of justice delivered, positive co-worker relationships, and the fact that their decisions can potentially make a significant difference in the lives of others. It is crucial that judges feel good and function optimally, as these factors are predictors of litigant satisfaction and have a significant influence on the public's confidence in the courts. Actual efforts should, thus, be made to combat judges' occupational stressors and to enhance their well-being.

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CHAPTER 3

MANUSCRIPT 2

Work beliefs, work-role fit, and well-being of judges in South Africa: Effects on intention to leave and organisational citizenship behaviour

Abstract

This study explored the relations among work beliefs, work-role fit influence, and well-being, and their outcomes in a sample of judges in South Africa. An exploratory, multi-method design was employed, while a pragmatic world view was used. South African judges ($n = 25$ for the qualitative part and $n = 28$ for the quantitative part) from various courts of different jurisdictions participated in the study. The results indicated that, although some judges were moderately mentally healthy, most judges were flourishing. A total of 71.4% of the 28 judges who participated in the quantitative part of this study reported a strong calling orientation to their work, while 28.6% reported that they regarded their work as a career. Likewise, most judges who participated in the qualitative part of the study reported that serving the public, making a difference to people's lives, and contributing to justice, were far more rewarding than financial compensation. Work-role fit showed practically significant relationships with emotional well-being, psychological well-being and organisational citizenship behaviour. Almost all judges interviewed, reported that there was a high level of fit between their characteristics, such as their personalities, skills and qualities and the characteristics of their work environment. Finally, almost all the judges interviewed reported that they did not contemplate quitting their jobs, as they took pleasure in their work.

Keywords: judges; work beliefs; work-role fit; well-being; organisational citizenship behaviour; intention to leave

Introduction

Judicial service ranks among the highest-status jobs and the most fulfilling ways to serve one's country. Becoming a judge is also seen by advocates, from whose ranks most judges are selected, as the pinnacle of their careers. Judges, however, do not feel content with their work merely because of the status of their jobs, since individuals tend to see themselves according to their belief about their role, that is, whether they regard their work as a job, a career, or a calling (Bellah, Madsen, Sullivan, Swidler, & Tipton, 1985). Furthermore, if they feel their work changes things for the better in the lives of others, if they can express themselves in their work, and if they feel their values are congruent with those of the organisation, in this instance, the judicial system, there is a good work-role fit (May, Gilson, & Harter, 2004), which will contribute to them feeling good and functioning well. Judges, being senior members of a stressful occupation, are expected to manage crushing workloads. They feel isolated, they are subjected to severe scrutiny, and they are often exposed to extremely upsetting evidence. There is, thus, sufficient justification to believe that judges are particularly at risk for work-related stress (Schrever, 2015). However, to better understand judges' well-being, it is essential to determine their appraisal of their working environment and circumstances.

Keyes measured mental health on a scale between flourishing and languishing (Keyes, 2002). Mental health comprises symptoms of hedonia, that is, emotional well-being (EWB), and symptoms of eudaimonia, that is, psychological well-being (PWB) and social well-being (SWB) (Keyes, 2007). Complete mental health, as measured on Keyes's "Mental Health Continuum", thus consists of the presence of flourishing. According to Strümpfer, Hardy, De Villiers, and Rigby (2009), totally flourishing people experience high levels of EWB and function well both psychologically and socially; they are enthusiastic about life and are actively and productively occupied. Conversely, purely languishing individuals are those who are mentally unhealthy and have low levels of EWB, PWB, and SWB. They feel unfilled, stagnated, and desolated; they "describe themselves and life as 'hollow', 'empty', 'a shell', and 'void'" (Keyes, 2002, p. 210). Keyes (2002) describes individuals who are neither flourishing nor languishing, as being moderately mentally healthy. They are, thus, not mentally ill but also not mentally healthy.

As flourishing also occurs at work, Rothmann (2013) built on the study of Keyes (2002) and consequently created a model of flourishing at work, in which he acknowledges that flourishing is a multidimensional construct comprising EWB, PWB, and SWB in work and organisational

contexts. Similar to flourishing in life, Bono, Davies, and Rasch (2012) postulate that flourishing workers, on the one hand, are content, engaged, driven and successful while they learn. Languishing, on the other hand, is linked to being ill from deleterious experiences at work (Demerouti, Bakker, & Gevers, 2015; Huppert & So, 2013; Rothmann, 2014). Judges are senior members of a stressful occupation. They must make significant decisions that affect other people's lives, and they face pressure to become more efficient in an environment of increasing workloads and to deliver timely judgments and sentences that are often complex and subject to intense scrutiny. Moreover, they must adapt to progressively complex situations, as the community becomes more diverse and technology changes constantly (Warren, 2016). Due to judges' relentless exposure to stressors, they may be susceptible to secondary traumatic stress (STS) and burnout (Chamberlain & Miller, 2009). STS is psychological symptoms that imitate post-traumatic stress disorder, acquired via contact with people who suffer from the sequelae of trauma (Baird & Kracen, 2006).

It is in society's interest that judges feel good and function optimally, as they are responsible not only for the fate of litigants, but also for maintaining equal justice through due processes and for upholding the constitution of the country (Constitution of the Republic of South Africa, 1996). It is, therefore, important to investigate the well-being of judges.

Judges devote a large percentage of their time performing work-related activities. They, thus, participate in goal-orientated activities and try to find meaning in their work environment (Cameron, Dutton, & Quinn, 2003). No scientific information exists regarding work beliefs and work-role fit of judges in South Africa, and it is consequently unclear what the influence of these constructs is on judges' mental well-being and what the organisational outcomes are. Beliefs vis-à-vis the role of individuals' work pertain to how they see themselves subjectively and shape the meaning they ascribe to work (Wrzesniewski & Tosti, 2005). Meaning in work is also defined as the level of overall importance that the work experience has for a person at a specified time (Bellah et al., 1985). The perceived fit between an individual's beliefs and his/her roles in the organisation (work-role fit) gives rise to the experience of meaningfulness and engagement (May et al., 2004; Olivier & Rothmann, 2007). The aim of this study was to explore the relationships among work beliefs, work-role fit, the well-being of judges, their organisational citizenship behaviour (OCB), and their intention to leave (ITL).

Flourishing at work

Flourishing at work refers to an individual's desirable state of well-being, including EWB, PWB, and SWB, achieved via positive experiences and the effective management of factors pertaining to work (Rautenbach, 2015). Rothmann, Van Zyl, and Rautenbach (2019) found that flourishing at work (or, at the negative end of the spectrum, languishing) could be measured as a general factor and 10 specific factors representing aspects of EWB, PWB, and SWB.

EWB includes three employee appraisals, namely, job satisfaction, positive affect, and negative affect. Job satisfaction indicates the extent to which an employee feels content and motivated about his or her current work situation as a result of a variety of factors, such as, supportive co-worker relations, work-life balance, and career growth. Positive affect denotes pleasant responses at work (for example, happiness, curiosity, and pride), while negative affect refers to unpleasant responses (for example, frustration, misery, and anxiety). Both job satisfaction and affect draw on individuals' feelings, but there is a small difference in the focus of the constructs. According to Rojas and Veenhoven (2013), employees' perceptions that their needs are attended to, concern affect, while employees' perceptions that their wants are taken care of, are indicated by job satisfaction.

PWB as an element of workplace flourishing comprises six elements: autonomy, competence, relatedness, meaningfulness, engagement, and learning (Rothmann, 2013). Satisfaction of the psychological needs for autonomy, competence, and relatedness is vital to workplace well-being (Deci & Ryan, 2011). The need for autonomy refers to experiencing choice and freedom in performing tasks at work. The need for competence concerns feeling successful executing work tasks. Relatedness refers to the need to sense being connected to and having close relationships with others in the workplace. Psychological meaningfulness can be defined as the value of a work goal, evaluated according to an individual's principles (Olivier & Rothmann, 2007). Meaning in the work context, thus, indicates individuals' perceived significance of their work experiences. Purpose refers to having a sense of the preferred outcomes linked to an individual's work-related behaviour (Barrick, Mount, & Li, 2013). Learning is an essential aspect of PWB in work contexts, as it concerns employees' continuous development and progress (Porath, Spreitzer, Gibson, & Garnett, 2012). Individuals learn when they acquire and apply their knowledge and expertise to their work (Spreitzer, Lam, & Fritz, 2010). Lastly, work engagement comprises three components, namely, a physical component (vigour – being physically involved in a task and investing energy), a cognitive component (absorption – being

attentive and involved at work), and an affective component (dedication – being related and committed to the work and co-workers) (Kahn & Heaphy, 2014).

SWB refers to individuals' experiences with respect to social activities that they encounter in the workplace (Keyes, 1998) and involves five dimensions: (a) social acceptance (the acceptance of the diversity of colleagues); (b) social growth (actualisation, which is the belief that colleagues, groups, and organisations have the potential to develop); (c) social contribution (the belief that the tasks one perform everyday are valuable to one's team, department, and organisation); (d) social coherence (the belief that one's organisation and social interactions at work are both meaningful and comprehensible); and (e) social integration (the belief that one experiences a sense of relatedness, comfort, and support from the organisation). The social component of work is important for flourishing (Grant, 2008), as individuals are part of social organisational structures, whilst coping with continuous exigencies in the workplace (Keyes, 1998).

Work beliefs and work-role fit

Work beliefs

Individuals have a subjective view of their work role or function, which, according to Wrzesniewski and Tosti (2005), impacts the meaning they ascribe to work. There are three distinct orientations individuals can have regarding their work, namely, they regard work as either a job, a career, or a calling (Bellah et al., 1985).

- *Job orientation*: It stands to reason that one has to earn an income to make a living. However, employees who demonstrate a job orientation are only interested in the tangible benefits from work and do not seek or obtain any other kind of reward from it. The work is not an end in itself, but rather a method whereby individuals acquire the resources needed to enjoy their leisure time (Wrzesniewski, Dutton, & Debebe, 2003; Wrzesniewski, McCauley, Rozin, & Schwartz, 1997).
- *Career orientation*: Individuals who perceive work as a career care about occupational advancement and respond positively to social standing and prestige. They invest in their work and evaluate their accomplishments via their financial gain, as well as their advancement in the organisation (Wrzesniewski et al., 1997). This advancement results in an individual having more control within the scope of his or her occupation, as well as

higher social standing and higher self-esteem (Bellah et al., 1985; Peterson, Park, Hall, & Seligman, 2009).

- *Calling orientation*: A calling is defined as a “meaningful beckoning toward activities that are morally, socially and personally significant” (Wrzesniewski, Dekas, & Rosso, 2009, p. 115). Individuals who view work as a calling perceive work as an end in itself (Wrzesniewski et al., 2003). These individuals assess their work, and not remuneration or advancement, as having value and meaning and as contributing to the good of all (Bellah et al., 1985). Therefore, individuals who view work as a calling are happier than those who view work as a career, who, in turn, are happier than those who regard work as a job (Dik & Duffy, 2008).

If individuals are allowed to express themselves in their work roles that they regard as socially valuable, they will become engaged in their work which is meaningful to them.

Van Zyl, Deacon, and Rothmann (2010) found that a calling orientation to work resulted in psychological meaningfulness and work engagement. It led to enhanced work-role fit, which, in turn, predicted psychological meaningfulness. Work beliefs have been researched in several occupational fields, but no previous enquiry could be found regarding the work beliefs of judges. In their study regarding nature-based jobs, De Crom and Rothmann (2018) found that a calling orientation to work was the greatest predictor of positive meaning, which is a subjective experience that one’s work is significant (Steger, Dik, & Duffy, 2012). Similar to Rothmann and Hamukang’andu (2013), who found that a calling orientation contributed to perceptions of meaningful work in a sample of Zambian teachers, Fouché, Rothmann, and Van der Vyver (2017) found that a calling orientation had a direct impact on meaningful work of school teachers.

Work-role fit

Most jobs require specific skills and qualities for the particular job. In addition to problem-solving, intellectual and fact-finding skills, and the ability to analyse legal issues, the job description of a judge calls for qualities such as impartiality, fairness, independence, integrity, civility, patience, and professionalism, which the judge must exemplify every day in every case (Oldfather, 2007). When individuals’ tasks and responsibilities match their competence, they experience a good work-role fit and are satisfied with their jobs. If not, it is probable that they

will feel dissatisfied with their work. Job satisfaction or dissatisfaction will, in turn, influence employees' job performance (Farooquia & Nagendra, 2014).

The more congruent individuals' subjective interpretations of the requirements of their roles are with their self-concepts, the greater their personal effort will be to accomplish organisational goals (Kahn, 1990; May et al., 2004). The perceived fit between an individual's self-concept and the role that he/she undertakes in the workplace results in the experience of meaningfulness, which leads to work engagement (May et al., 2004). Conversely, poor work-role fit contributes to increased levels of thwarting and an absence of psychological meaningfulness (Dik & Duffy, 2008).

Olivier and Rothmann (2007) found that work-role fit was the strongest predictor of psychological meaningfulness. Janik and Rothmann (2015) reported that work-role fit, good co-worker relations, and an enriched job accounted for 39% of the variance in meaning in work. In addition to the above-mentioned studies, several other studies have indicated that four factors, namely, work beliefs, work-role fit, the inherent task characteristics, and the nature of relations with co-workers, explain meaning and purpose at work and, thus, contribute to psychological meaningfulness (Dik & Duffy, 2008; May et al., 2004; Rothmann, 2013; Rothmann & Hamukang'andu, 2013, Swart, 2012; Van Zyl et al., 2010; Wrzesniewski, 2012; Wrzesniewski & Tosti, 2005). In a study of managers in the agricultural sector in South Africa, Swart (2012) found that work beliefs (career, calling), task characteristics, and co-worker relations predicted 18% of the variance in meaning in life, while work-role fit and co-worker relations predicted 31% of the variance in purpose in life. Van Zyl et al. (2010) found that work-role fit predicted psychological meaningfulness and work engagement in a sample of industrial psychologists, since individuals saw their work not only as a means to an end, but also as an end in itself; that is, they saw their work as a calling (Dik & Duffy, 2008). Rothmann and Hamukang'andu (2013) also found that a calling belief towards work had direct and indirect effects on work-role fit, psychological meaningfulness, and work engagement.

Organisational outcomes of flourishing/languishing at work

Organisational citizenship behaviour

When individuals flourish at work, they are disposed to enhance their performance beyond the boundaries of their job description. They, therefore, tend to display OCB, which is defined as

deliberate employee behaviour that promotes the efficient functioning of their workplace (Dalal & Carpenter, 2018; Maslach & Leiter, 1997; Ng, Ke, & Raymond, 2014). Moller and Rothmann (2019) confirmed that there are two factors of OCB: 1) altruism and conscientiousness, which are behaviours directed at specific individuals in the workplace; and 2) civic virtue and courtesy, which are behaviours concerned with benefitting the organisation (Williams & Anderson, 1991).

The findings of Redelinghuys, Rothmann, and Botha (2018) that workplace flourishing explained 42% of OCB are in keeping with earlier research findings (Diedericks & Rothmann, 2014; Rothmann, 2013). Researchers state that OCB includes beneficial mechanisms that can promote organisational efficiency, which result in enhanced performance (Ladebo, 2009; Mahembe & Engelbrecht, 2014). Moreover, as employees are willing to “go the extra mile” (Lavelle, 2010) to assist with the achievement of business goals, OCB is vital for effective organisational performance. OCB also has a positive impact on an individual’s intention to stay in his/her employment situation (Avey, Luthans, & Youssef, 2010; Coyne & Ong, 2007; Lam, Chen, & Takeuchi, 2009).

Intention to leave

While intention to leave is an individual’s own choice or decision to leave his/her workplace voluntarily to pursue a better or more fulfilling position elsewhere (Brewer & Kovner, 2014), intention to remain is defined as an employee’s intention to stay in the employment relationship with his/her present employer over a long period of time (Johari, Yean, Adnan, Yahya, & Ahmad, 2012). To remain in their positions, employees should feel connected and that their contributions to their place of work are appreciated (Taylor, 2002). Factors, such as supportive co-worker relationships and having a calling orientation, encourage and sustain a sense of meaningful work and will thus diminish the intention to leave (Fouché, Rothmann, & Van der Vyver, 2017).

As confirmed by various studies (May et al., 2004; Rothmann & Rothmann, 2010; Woods & Sofat, 2013), the lack of psychological meaningfulness is an important predictor of turnover intention. Janik and Rothmann (2015) found that poor work-role fit, and low psychological meaningfulness had a direct effect on teachers’ intention to leave their occupation. Swart (2012) found that 47% of the variance in low turnover intention of managers was accounted for by flourishing at work, which included job satisfaction, work engagement, psychological

competence, autonomy, relatedness, work-role fit, supervisor relations, and available physical, cognitive, and emotional resources. In their study involving secondary school educators in South Africa, Redelinghuys et al. (2018) found that low workplace flourishing explained 48% of the variance in intention to leave. Flourishing people (compared to languishing people) are, therefore, more likely to remain at their places of work.

Research objective and hypotheses

The objective of this research was to explore the relationships among South African judges' work beliefs, work-role fit, well-being, OCB, and intention to leave. The following hypotheses were set for this study:

Hypothesis 1: Judges' work beliefs influence their well-being.

Hypothesis 2: There is a positive relation between good work-role fit and flourishing at work.

Hypothesis 3: Flourishing at work positively predicts OCB and negatively predicts intention to leave.

Method

Research design

This study employed an exploratory, multi-method design. The researcher adopted a pragmatic world view because both qualitative and quantitative assumptions, as well as different forms of data collection and analysis, were utilised to provide the best understanding of the research problem. A concurrent multi-method strategy of enquiry was adopted; that is, qualitative and quantitative data was converged to provide a comprehensive analysis of the research problem (Creswell, 2009).

Participants

The researcher conducted semi-structured interviews with twenty-five retired, sitting, and acting South African judges until a saturation level of information was reached. Twenty-eight judges participated in the quantitative part of the study. A combination of the non-probability purposive and convenient sampling procedures was used, as the participants were chosen based on the study's purpose and consideration was given to obtain a representative sample of judges regarding gender, race, experience on the bench, and age; and the sample was drawn from the population that was willing to participate in the study. This sample was recruited from various courts of different jurisdictions in South Africa.

Table 1

Characteristics of the Participants

Item	Category	Qualitative		Quantitative	
		<i>n</i> = 25		<i>n</i> = 28	
		Freq	%	Freq	%
Gender	Female	08	32.00	11	39.29
	Male	17	68.00	17	60.71
Age	42 – 54	06	24.00	07	25.00
	55 – 64	06	24.00	10	35.71
	65 – 84	13	52.00	11	39.29
Status	Retired	04	16.00	01	03.57
	Sitting	16	64.00	22	78.57
	Acting	05	20.00	05	17.86
Race	African	03	12.00	05	17.87
	Coloured	03	12.00	03	10.71
	Indian	02	08.00	03	10.71
	White	17	68.00	17	60.71
Marital status	Single	03	12.00	03	10.71
	Married	17	68.00	19	67.86
	Living with partner	01	04.00	-	-
Language	Divorced	04	16.00	06	21.43
	Afrikaans	11	44.00	09	32.15
	English	11	44.00	14	50.00
	isiXhosa	-	-	01	03.57
	isiZulu	01	04.00	01	03.57
	Sepedi	-	-	01	03.57
	Sesotho	01	04.00	01	03.57
	Setswana, Sepedi, and English	01	04.00	01	03.57
Experience on the bench (years)	0.02 – 5	08	32.00	08	28.57
	5.01 – 10	10	40.00	14	50.00
	10.01 – 15	01	04.00	03	10.71
	15.01 – 20	02	08.00	02	07.14
	20.01 – 25	04	16.00	01	03.58
Type of court	High court	17	68.00	21	75.00
	High court and electoral court	01	04.00	01	03.57
	High court and labour appeal court	01	04.00	01	03.57
	Labour court	04	16.00	04	14.29
	Supreme court of appeal (SCA)	02	08.00	01	03.57
Previous position	Academic and attorney	01	04.00	01	03.57
	Advocate	14	56.00	14	50.00
	Attorney	07	28.00	10	35.71
	Attorney and member of human rights commission	01	04.00	01	03.57
	Magistrate	02	08.00	02	07.15

Data gathering

For both the qualitative and the quantitative part of the research, a *self-developed biographical questionnaire* was administered with the purpose of obtaining biographic and demographic information pertaining to, inter alia, age, gender, ethnicity, marital status, years on the bench, and prior experience. The questionnaire was multiple-choice in format, where the respondents ticked the relevant boxes, and extra space was provided for further elaboration. All participants were questioned about their work beliefs, that is, whether they viewed their work as a calling, a career, or a job.

The following measuring instruments were used for the quantitative part of the research.

Work-role fit was adapted from the measures indicated in May et al. (2004) ($\alpha = .92$). The *Work-Role Fit Scale* (WRFS), which determines individuals' perceived fit with their jobs and self-concept, consists of four items (for example, "My job 'fits' how I see myself"). Items are measured on a five-point Likert scale, ranging from 1 (strongly disagree) to 5 (strongly agree). Rothmann and Welsh (2013) found evidence for the construct validity of the WRFS in a study of employees in different organisations in Namibia. They reported an alpha coefficient of .88 for the WRFS.

Workplace flourishing was measured with the *Flourishing-at-Work Scale (Short Form)*, or FAWS-SF (Rautenbach, 2015). The FAWS-SF is a 21-item measure of flourishing at work. The respondents had to answer questions on a six-point Likert scale (1 = never; 6 = every day) regarding the frequency with which they had experienced specific symptoms during the past month. The FAWS-SF measures three dimensions of well-being, namely, EWB, PWB, and SWB, at work. EWB (seven items, for example, "How often did you experience satisfaction with your job?") indicates the frequency with which the respondent feels emotionally well (as indicated by positive affect and job satisfaction). PWB is comprised of nine items (for example, "How often did you feel good about managing the responsibilities of your job?") and indicates the frequency with which the respondent functions psychologically well (as indicated by autonomy, competence, relatedness, meaning, purpose, engagement, and learning). SWB includes five items (for example, "How often did you feel that the people in your organisation are basically good?") and indicates the frequency with which the respondent functions socially well (as indicated by social contribution, social acceptance, social growth, social coherence, and social integration). To be classified as flourishing, individuals must have experienced at

least one of the seven indicators of EWB and at least eight of the 14 indicators of positive functioning (PWB and SWB) “every day” or “almost every day”. To be considered as languishing, individuals must have experienced at least one of the indicators of EWB and at least eight of the indicators of positive functioning (PWB and SWB) “never” or “once or twice”. Individuals who are neither flourishing nor languishing are moderately well. Rautenbach (2015) found evidence for the factorial validity and reliability of the FAWS-SF, while Rautenbach and Rothmann (2017) reported the following scale reliabilities for scores from the FAWS-SF: .77 (EWB), .89 (PWB), and .89 (SWB).

OCB was measured by means of an adapted version of the *Organisational Citizenship Behaviour Scale* (OCBS) (Rothmann, 2010), utilising three items. Two items measured assistance to co-workers in the organisation (“I help my colleagues with their work when they return from a period of absence”), and one measured assistance to the organisation (“I am prepared to do things that are not really part of my job description, but which are in the interest of my organisation as a whole”). The respondents had to answer questions on a seven-point Likert scale (0 = not at all characteristic; 6 = totally characteristic) regarding how they rated their typical behaviour at work. Diedericks and Rothmann (2014) found that the Cronbach’s alpha coefficients for the two scales were .78 (assistance to co-workers) and .80 (assistance to the organisation).

An adapted version of the *Turnover Intention Scale* (TIS) (Sjöberg & Sverke, 2000) was used to measure turnover intention. The scale is a five-point Likert scale, ranging from 1 (strongly disagree) to 5 (strongly agree). The scale consists of four items, for example, “I frequently think of quitting my job”. Bester, Stander, and Van Zyl (2015) found that principal component analysis of the TIS in their study supported a unifactorial solution explaining 74% of the variance. In the study of Sjöberg and Sverke (2000), the Cronbach’s alpha coefficient for the TIS was .83. In South Africa, Redelinghuys and Botha (2016) established a Raykov’s rho coefficient of .90.

In order for qualitative research to be considered trustworthy, it has to be transferable, confirmable, dependable, and credible (Shenton, 2004). The semi-structured interviews echoed the themes covered in the questionnaires, for example, judges’ work situation, their relationships at work, and their well-being. During the interviews, care was taken not to ask any leading questions. The intention was to obtain a representative sample of judges from

various courts of different jurisdictions with regard to gender, race, experience on the bench, and age in order to prevent sampling bias and to ensure transferability. Confirmability was established by using the ATLAS.ti 8 program, which indicates the steps taken when analysing the interview data. This program ensures that the findings of the research are neutral because it accurately reflects the participants' responses. Dependability was ensured using an inquiry audit. To ensure the credibility of this research, methodological triangulation, that is, the use of more than one method to collect data on the same topic, and seeking combined evidence from different sources, was used. Possible measurement bias was reduced by employing both a quantitative and a qualitative measurement. The information obtained from the quantitative and that obtained from the qualitative research, respectively, validated each other.

Research procedure

The semi-structured interviews were conducted at several locations convenient for the judges. These interviews – which covered topics such as their work situation, their relationships with colleagues and superiors, and their well-being – were audio-recorded and lasted between one and two hours. Judges participating in the quantitative research completed self-reported questionnaires that were used to quantify thematic data. Questionnaires were either e-mailed or personally delivered to the judges. Completed questionnaires were returned through the same method. Data collection took place from June 2017 to November 2018.

Data analysis

The audio-recorded interviews were transcribed and thematically analysed. The ATLAS.ti 8 program for qualitative data analysis was used to extract quotations and to code relevant constructs. Themes emerged from the data through this iterative process (Tracy, 2013). Content analysis was used for identifying and summarising the message content. This was a process of examining data from different viewpoints with the intention of identifying solutions in the text that would help to comprehend and decipher the raw data. It was, furthermore, an inductive and iterative process where the researcher tried to find similarities and variations in the text that corroborated or disconfirmed the theory (Nieuwenhuis, 2007).

Responses to the items from the questionnaires were summarised in an Excel spreadsheet. The data was then captured in SPSS 25 (IBM Corp., 2017) for analysis. Following this, the dataset was examined for errors and outliers adhering to the procedure outlined in Field (2015). Cronbach's alpha coefficients were computed to study the reliability of the measuring

instruments, and descriptive statistics were computed to describe the data. Spearman's correlation coefficients were used to specify the relations between the variables. The practical significance of findings was appraised through effect sizes (Steyn, 2000). The practical significance of correlation coefficients was studied using the guiding principle of Cohen (1988).

Ethical considerations

Ethical approval (ethics approval number: NWU-HS 2017-0062) for this study was obtained from the Ethics Committee of the North-West University (Vanderbijlpark Campus), South Africa, in May 2017. Over and above the Ethics Committee approval, the researcher attempted to contact the chief justice for permission for the study. The executive support director in the chief justice's office, however, informed the writer telephonically that each judge would have to decide individually whether he/she would be prepared to participate in the current study. The researcher, furthermore, approached the judges president of the different divisions to obtain their permission or to enquire whether they had any objections to the research. No formal approval letters were received, but some judges president endorsed the research by either encouraging judges in their divisions to participate or by personally participating themselves.

The details of the project were explained, and judges were invited to enquire about any part of the research project that they wanted to be elucidated. It was also pointed out that their participation would be voluntary and that they would be free to decline to participate. The confidentiality of the research project was, furthermore, noted. Once they had decided to participate in the research project, appointments were made with the individual judges at a time and place convenient for them. Independent, written, informed consent was received from all participants in this study. Interviews were conducted in either English or Afrikaans, audio-recorded, and transcribed. Questionnaires were available only in English.

Results

Quantitative results

The descriptive statistics, alpha coefficients, and correlation coefficients of the scales of the measuring instruments are reported in Table 2.

Table 2

Descriptions and Correlations

Scale	Mean	SD	Min	Max	α	1	2	3	4	5
1 Work-role fit	4.46	0.57	3.00	5.00	.88	-	-	-	-	-
2 EWB	3.52	0.82	1.50	4.50	.75	.51**	-	-	-	-
3 PWB	4.00	0.65	2.89	5.00	.81	.70**	.43*	-	-	-
4 SWB	3.44	0.64	2.00	4.60	.52	.28	.52**	.31*	-	-
5 OCB	2.56	0.74	0.80	3.60	.82	.53**	.21	.41*	.16	-
6 ITL	1.42	0.78	1.00	4.25	.84	-.22	-.36*	-.26	-.68**	-.24

* $r > .30$ practically significant – medium effect

** $r > .50$ practically significant – large effect

The Cronbach's alpha coefficients were obtained on all the measuring scales, varying from .52 to .88. A possible reason for the one Cronbach's alpha coefficient being smaller than the recommended value of 0.70 was the small sample size. Because of the large standard errors associated with a small sample, statistical tests will have very low "power," meaning that it will be difficult to detect significant results.

Table 2 shows that the participants obtained a high mean score of 4.46 on work-role fit, an average mean score of 2.56 on OCB, and a relatively low mean score of 1.42 for intention to leave.

Due to the small sample size Spearman correlations were computed to see whether variables covary. Concerning the relations between the variables, Table 2 indicates that there are practically significant relations between work-role fit and EWB ($r = .51$, large effect), PWB ($r = .70$, large effect), and OCB ($r = .53$, large effect). PWB is also practically significantly related to OCB ($r = .41$, medium effect). EWB and SWB are practically significantly related ($r = .52$, large effect). There are practically significant relations between PWB and EWB ($r = .43$, medium effect) and between PWB and SWB ($r = .31$, medium effect). Practically significant negative relations exist between ITL on the one hand and SWB ($r = -.68$, large effect) and EWB ($r = -.36$, medium effect), on the other hand.

Table 3 illustrates the difference in judges' beliefs regarding their work.

Table 3

Work Beliefs of Judges

Mental Health Continuum	<i>n</i>	Career	Calling
Moderately flourishing	7	42.9%	57.1%
Flourishing	21	14.3%	85.7%

As indicated in Table 3, of the seven (7) judges who were moderately flourishing, 42.9% perceived their work as a career, while 57.1% perceived their work as a calling. Conversely, 14.3% of the 21 flourishing judges perceived their work as a career, while 85.7% regarded their work as a calling.

Qualitative results

Table 4 shows the themes discussed during the semi-structured interviews.

Table 4

Qualitative Themes

Construct	Mentioned by
Work beliefs:	
- Job	11JF
- Career	2AJM, 4RJM
- Job and calling	3JM
- Career and calling	5AJM, 1JF, 6JM, 7JM
- Job, career, and calling	8JF, 2JM
- Calling	1AJM, 4AJM, 6AJM, 9JF, 10JF, 12JF, 4JM, 13JM, 18JM, 1RJM, 2RJM, 3RJM
Work-role fit	1AJM, 2AJM, 4AJM, 5AJM, 6AJM, 1JF, 8JF, 9JF, 11JF, 12JF, 15JF, 2JM, 3JM, 4JM, 6JM, 7JM, 13JM, 18JM, 21JM, 1RJM, 2RJM, 3RJM, 4RJM
OCB	4AJM, 5AJM, 6AJM, 1JF, 9JF, 12JF, 15JF, 2JM, 3JM, 6JM, 7JM, 13JM, 18JM, 2RJM
Turnover intention:	
- Intention to stay	2AJM, 4AJM, 5AJM, 6AJM, 1JF, 8JF, 9JF, 12JF, 3JM, 4JM, 6JM, 7JM, 13JM, 21JM, 1RJM, 3RJM, 4RJM
- Involuntary leaving	15JF, 18JM
- Intention to leave	11JF

Key: AJM = acting male judge; JF = female judge; JM = male judge; RJM = retired male judge

Work beliefs

As previously mentioned, individuals regard their work as a job, a career, or a calling. When an individual views his/her work as a job, it is perceived as a means to an end. It is considered a career when a person wants to advance in his/her profession. Lastly, it is a calling when the work is perceived as an end in itself and as being more important than remuneration and advancement.

One judge (11JF) who participated in the study noted that she regarded her work primarily as a job. "I'm very conscientious about my job, ... I try to do a very good job, ... I am very aware of my responsibilities, but I won't say that I get so excited about it that it's my calling."

Some judges noted that they viewed their work not only as a job or a career, but also as a calling. Firstly, they had to work to make a living. Some still wanted to advance, either from being an acting judge to being appointed on a permanent basis or to be elevated to a higher court such as the SCA or the Constitutional Court of South Africa, and they worked hard to achieve their goals. Judge 2JM noted: "I think it's all of them. It is a means to an end, but I don't have the negative perception of a job. ... It's labour, you have to work ... I like working. It is a career – I've been doing this since 1976, one way or another. I do want to advance ... and I do make the best to work hard and to achieve that. It is a calling because I gave up big things to be here." Female judges have traditionally been overlooked for elevation to positions in higher courts. As judge 1JF noted: "There's a lot of bias against women or prejudice against women in leadership positions." However, some female participants believed that they could make a difference, and they strived to move into leadership positions, such as that of the deputy judge president or the judge president. In some instances, judges not only gave up a lucrative career as a senior counsel, but they also sacrificed time with family and friends to serve their country.

Most participants were of the view that serving the public, making a difference to people's lives, and contributing to justice, rather than just being beholden to a client, were far more rewarding than financial compensation. A sense of having a positive effect on the lives of other people, that is, a prosocial influence, results in a greater sense of meaning (Van Tongeren, Green, Davis, Hook, & Hulseley, 2016). These judges derived personal satisfaction from their work, which they considered a calling, as judge 6AJM explained: "You want to make a difference on another level. It's a calling. You're called to the bench, nothing else." In this

regard, judge 4JM mentioned: “I derive personal satisfaction in performing the role. I would do it for much less money ... The very role itself is an end in itself. I’m perfectly content in that context.”

When considering all three work orientations, a sense of calling may present the “strongest” (Bellah et al., 1985, p. 66) route to meaningful work and positive work behaviour (Wrzesniewski et al., 1997). Individuals attain a sense of purpose in their work when they have a calling orientation. This, in turn, enhances the perception of their work as meaningful, and should, thus, be considered as an antecedent to psychological meaningfulness at work (Hirschi, 2012).

Work-role fit

When there is a good work-role fit, individuals feel at ease in their workplace, which they perceive to encourage them to express and to live out their values. They are then inclined to invest greater personal effort in their work (Olivier & Rothmann, 2007). Almost all judges interviewed (all retired judges, all sitting male judges, all acting judges, and six female judges) reported that the work they were performing fit the way they saw themselves. The following reasons were given by some of the judges:

- *Enjoyment*: “I have the love of the law, I like reading, I like dealing with new concepts in law, new principles and I like to achieve justice; I fit into this job like a glove. ... I’m doing exactly what I enjoy. Engaging in argument and producing judgments is an extremely satisfying way to spend time” (4JM).
- *Personality and lifestyle*: “... this job is about putting order in people’s lives; it’s about putting order in society. I like being the custodian of what an orderly life should be, and it fits in perfectly with that; ... I’m mostly in control of my time, most of the time” (12JF).
- *Possessing the right skills and qualities*: Participants mentioned the following skills and qualities as prerequisites to be a good judge: having “good values and integrity – being honest and authentic” (9JF); having good interpersonal skills and the understanding of people; having the “ability to deal with conflict between litigating parties” (11JF); being resilient – “to deal with difficult issues and not to be depleted by trauma ... I often see my job as sitting between two bulls that are fighting and the blows are being thrown. I’m standing in the middle, so I need to be quite strong ... to see that process through” (12JF); being “disciplined” (12JM) and having the ability to work hard and long hours and, from a physical perspective, being able to sit for hours on end (9JF, 12JF, 2JM); having the

ability to organise oneself consciously to get through all the work (4JM); “being a clear, concise, and precise scribe” (9JF); “being able to comprehend enormous amounts of material and distil what is important” (4JM); “having intellectual skills” (2JM) and the ability to think analytically and “to be decisive” (11JF); having “good time-management skills” (12JF); “having a good attention span and patience to listen to long drawn-out arguments” (8JF); being meticulous and “having systems of checking and rechecking oneself” (9JF); “being able to recognise one’s failings and own personal prejudices and unconscious predilections” (2JM), for example, “some witnesses will not look you in the eye, but that is their culture; so, you must be very aware of culture” (1JF); and having the right demeanour for a judge, “both on and off the bench – 1. politeness – weighing up your words before you open your mouth; 2. listening – taking your time before you make your decision or before you give an answer; and 3. being considerate” (7JM).

Having regard to their responses, it was evident that the participating judges felt that there was a good fit between their work and their personal characteristics. They consequently experienced meaningfulness, which, according to May et al. (2004), would lead to work engagement. Furthermore, due to their good work-role fit, they would probably be prepared to do more than what is expected to accomplish certain tasks (Dik & Duffy, 2008), and to reach the goals (May et al., 2004; Kahn, 1990) of the judicial system.

Flourishing

Flourishing in the work milieu is a multifaceted concept comprising positive feelings and functioning and consists of 10 dimensions that represent aspects of EWB, PWB, and SWB (Rothmann, 2013).

EWB: On the whole, the judges interviewed reported that they experienced high levels of job satisfaction. A few comments made in this regard were “My work is fun, and it is my life light. I live to work” (9JF) and “I’m as happy as a piglet in what-not and I’m glad that I can be there until 75. ... I think to be a judge at this time in history in this country is an absolute privilege. A swirl of issues that are arising, the social and political implications, the opportunity to participate in that discourse, from time to time actually do some real justice, shape things” (4JM).

Some of the specific aspects noted as being enjoyable were as follows: “the diversity of the work” (2AJM); “engaging in argument with counsel” (3JM); distilling all the facts and the law; “drafting of judgments” (4JM); “the creativity and the freedom to be independent and impartial” (9JF); “performing intellectual challenging work” (2JM); “making decisions that positively affect people’s rights” (11JF); “protecting vulnerable litigants” (12JF); “to make a difference ... to ensure that disputes are properly handled and that judgments are given true to our constitution and to the law and in doing that also to make contribution to the law itself” (6JM); “I’m not beholden to any clients, I can do justice as far as I am able to” (18JM); and knowing that one’s judgment has paved the way for new law. Some participants reported feeling bored or irritated on occasion. These negative feelings, however, occur only “momentarily” (12JF). Triggers of negative emotions are, for example, “when counsel advances irrelevant arguments or evidence” (2RJM) and “I get bored with mundane matters and I get irritated with sloppily prepared pleadings or badly prepared counsel. But I’ve not yet reached the stage where I think, ‘Oh, I can’t wait for this to end, I just want to retire’” (18JM). Judges, especially those presiding over criminal matters such as rape, child abuse, and murder cases, sometimes find it difficult to deal with the evidence presented to them. Judge 15JF noted: “... it’s an environment that’s also toxic, ... you can’t believe that people behave in this way.” Only one participating judge (11JF) declared that she mostly experienced negative emotions. “... I feel more depressed and unhappy, ... than happy and satisfied.” She found the workload and the responsibility of making decisions independently overwhelming: “... generally, you are on your own. There’s no one to ask, to get affirmation. That is what is very important to the job – confirmation from a source that you are on the right track.”

PWB: Judges’ need for autonomy, that is, to have choices and free will in the execution of their work duties, was satisfied to a large extent. Judges have the authority to decide how they manage their courts, and their judgments are ultimately their own, without any interference, unless a matter is taken on appeal. However, they must function within the boundaries of the law, and they do not have any say in certain aspects, such as the number of cases they receive. “Once a case has been allocated, you are completely independent, and you can follow your own procedures, but of course you are bound by the rules of litigation. There is autonomy but within the confines of hearing the case and getting your judgment out as quickly as possible. The judgment you give is really your own decision” (1JF). By and large, judges felt competent in the execution of their duties, as noted by judge 11JF: “I know the law, I know how to apply the law, I know how to write a judgment.” For those judges who may require development in

certain aspects of their work, there are ample opportunities for training and learning, especially through the Judicial Training Institute. Overall, this study revealed that judges were capable and diligent, they wanted to turn out quality work, and they wanted to achieve objectives that were fair. However, judges are human, and they experience normal emotions such as exhaustion. One judge noted that it is important to acknowledge such emotions and to take time to “withdraw” before resuming work activities, as a measure of self-preservation.

Participants in this study perceived their work as meaningful because they protect vulnerable litigants. Each decision is significant for the winner and the loser. Their work has a huge impact not only on the lives of the plaintiff and the defendant in a specific matter, but also on society as a whole. Several other factors contributed to judges feeling that their work was meaningful: receiving recognition and being respected for the significant work judges performed (1RJM); one’s judgments being reported and referred to by others (6JM, 7JM); one’s judgments becoming leading judgments and one’s judgments achieving justice (4JM); and assisting other, less experienced colleagues (6JM, 9JF, 4RJM).

It was evident from this study that judges were engaged in their work. Due to the nature of their work, judges invest a lot of energy and mental resilience in it, working long hours dealing with intellectually challenging and sometimes emotionally draining issues. When facing difficulties, they generally persevere by working even longer hours, doing more research, asking for advice on legal issues, and so forth. Often judges become so engrossed in the matter before them that they cannot believe that many hours have passed. Judge 2JM commented as follows in this regard: “If I concentrate, I don’t move around, and I can sit for hours not knowing that the hours have passed. Then I look outside and see that it’s dark.” Judge 4JM noted that he becomes absorbed when writing a judgment: “One can lose oneself when developing a judgment, rewriting it, and dealing with it in that sense. That’s ultimately the expression of yourself in that role.” The social interactions amongst judges, the available opportunities to develop themselves and others, and their belief that their work is meaningful contributed to their SWB.

SWB: Although judges work independently, they do have opportunities to interact with colleagues and to discuss things not related to their work. The level of interaction, however, varies among divisions. This study revealed that in some divisions, such as at the Free State High Court, judges arranged social get-togethers, for instance, lunches at the end of a term. They even organised special events, such as celebrating Heritage Day, at which they dressed

according to their culture. In other divisions, such as in Gauteng, interaction with colleagues was limited to having tea together daily due to their crushing workload. Nevertheless, there was a high level of collegiality and support: "... senior judges help junior judges a lot. ... there is a transfer of skills on an everyday basis" (2JM). Although some judges lived on the periphery by choice due to their disposition, most judges enjoyed interacting with their colleagues. Being part of a group of people with whom they could interact socially, even if it was only on a limited basis, enhanced judges' feeling of belonging, connectedness, and caring.

The results of this study revealed that most participating judges experienced EWB, PWB, and SWB, and it could, thus, be inferred that, in general, judges were flourishing. When individuals flourish, workplaces prosper, and there are several positive organisational outcomes. Conversely, when individuals languish, the organisational outcomes will be negative. Examples of such outcomes are the intention to either leave or remain in one's occupation and whether individuals display OCB. Several studies have found that flourishing at work related positively to OCB and negatively to intention to leave (Diedericks & Rothmann, 2014; Janse van Rensburg, Rothmann, & Diedericks, 2017; Rothmann, 2013; Redelinghuys et al., 2018; Redelinghuys, Rothmann, & Botha, 2019).

OCB

OCB is discretionary behaviour that contributes to the organisation by promoting a social environment that encourage the successful completion of work and includes behaviours such as assisting co-workers, and advocating the organisation (Borman & Motowidlo, 1997).

Altruism and consciousness (benefitting individuals): Most judges reported that they were willing to, and actually did, assist colleagues when they struggled to get through their work or if they had a personal crisis to attend to. In this regard, judge 1JF noted: "Organisational citizenship behaviour – that's an ethos. If a colleague comes to me and I can sense that this colleague is overwhelmed, I readily go out of my way to help." However, due to their crushing workloads, especially in the Gauteng divisions, opportunities for assistance were limited, and judges expected their colleagues to put in effort in solving the problem themselves before asking for help. Some judges indicated that they not only provided assistance, but they would occasionally also ask for help from their colleagues, whether it was reading their judgments or giving advice on aspects in which they had limited experience (12JF, 15JF). Only one high court judge in Johannesburg (10JF) reported that she could hardly deal with her own workload

and that there was, thus, no time to help colleagues. "... I don't have the time to read other people's judgments and fix it. I find it such an irritation when I have to sit with acting judges in the criminal courts and I have to help them with their judgments. I don't have the time."

Courtesy (benefitting the organisation): Participating judges reported that when they work with junior colleagues on appeal, they inevitably offer some assistance and guidance. Judges are, however, wary not to impose themselves on their colleagues. Judge 7JM noted: "I never assume that the matter is too complex for a colleague because he's far more junior than I am."

Turnover intention

Intention to leave implies an individual's perceived probability of leaving an organisation and is an indicator of actual turnover behaviour (Chan & Mai, 2015). Employee turnover diminishes the effectiveness of organisations and impedes their ability to meet their objectives (Mustapha, Ahmad, Uli, & Idris, 2010). Intention to stay, on the contrary, signifies an individual's willingness to remain with an organisation (Johari et al., 2012).

Intention to stay: Almost all participants reported that they wanted to remain serving as judges until retirement and that there was no likelihood of them quitting their jobs. They enjoyed their work and saw their jobs as the pinnacle of their careers. If they had to make a career choice all over again, it would probably be the same. Judge 7JM noted: "Law is my vocation ... it has never crossed my mind to look for another job elsewhere. If I retire and another country requires my services as a judge, I will go. I enjoy law." Judge 12JF even noted that if they were expected to enforce illegitimate laws such as in the apartheid era, she would remain in her job in order to be "the just judge, who will challenge these expectations".

Involuntary leaving: Some judges noted that the only thing that would make them quit would be if their independence were to be challenged – when the government becomes illegitimate and interfere with their decisions (18JM, 15JF).

Intention to leave: Only one judge, the one who viewed her work as a job, noted that she would prefer pursuing a career in wildlife conservation and animal welfare. However, she realised that she would not be able to earn on par with her income as a judge.

Having regard to the above, it was evident that most judges intended to remain in their positions until retirement.

Integration: Quantitative and qualitative results

It is evident from the results of both the quantitative and qualitative studies that most judges were flourishing. 71.4% of the judges who participated in the quantitative part of this study reported a strong calling orientation to their work, which correlates with the findings of the qualitative study, indicating that most judges were of the view that serving the public, making a difference to people's lives, and contributing to justice, were far more rewarding than financial compensation. Quantitatively, work-role fit showed practically significant relationships (large effect) with EWB and PWB and was also a significant predictor of OCB. Similarly, almost all judges interviewed reported that there was a high level of fit between their individual characteristics, such as their personalities, skills and qualities and the characteristics of their work environment. They enjoyed their work, which they perceived as meaningful and significant. Despite having autonomy and working in isolation, they usually did not resent assisting their colleagues (within parameters) and were willing to perform work beyond their job description to benefit their co-workers and the judiciary. This is in line with the quantitative results, indicating a practically significant relationship (medium effect) between PWB and OCB. There was a practically significant relationship between EWB and SWB. Most judges derived job satisfaction and positive affect from, among others, their sense of belonging, connectedness, and caring, as well as their belief that they were adding value to the judiciary. Although most participating judges reported job satisfaction and positive affect, there were a limited number who experienced negative affect and felt overwhelmed, depressed, and unhappy. Finally, almost all the judges interviewed reported that they did not contemplate quitting their jobs, as they took pleasure in their work, despite the demands associated with their occupation, and they enjoyed interacting with their colleagues. This correlates with the quantitative results which indicated that EWB was practically significantly (medium effect) related to ITL, whilst SWB was practically significantly (large effect) related to ITL.

Discussion

The objective of this study was to investigate the relationships among work beliefs, work-role fit, and flourishing at work, as well as the effect of well-being on OCB and the intention to leave, in a sample of judges in South Africa. The results showed that 25% of the judges experienced moderate well-being, while 75% flourished.

A total of 71.4% (85.7% flourishing and 57.1% moderately flourishing) of the 28 judges who participated in the quantitative part of this study reported a strong calling orientation to their work, while 28.6% (14.3% flourishing and 42.9% moderately flourishing) reported that they viewed their work as a career. Of the 25 judges who participated in the qualitative part of the study, most reported that they primarily viewed their work as a calling, as their decisions could have a significant effect on others. This belief facilitates meaning making through heightening individuals' comprehension of themselves and their work environment (Steger et al., 2012). A small number reported that they viewed their work as a career. The latter were mainly acting judges who still aspired to be elevated to the bench in a permanent position or those judges, especially females, who wanted to still advance to a more senior position, such as that of deputy judge president. There were also judges who reported that they could not choose only one orientation; that is, they viewed their work as a job, a career, and a calling. Only one judge noted that she regarded her work primarily as a job. Meaning making, as a dimension of meaningful work, is less prevalent when individuals' interests and aspirations are not expressed through their work, that is, when they have a job orientation (Wrzesniewski et al., 2003).

The well-being of judges was, *inter alia*, influenced by their interactions within their work milieu, as well as the fit between their individual characteristics, such as their knowledge, capabilities, and values, and environmental characteristics, for instance organisational values and features, and aspects of their roles (Shipp & Jansen, 2011). In terms of the relationship between work-role fit and PWB, EWB, and OCB, the current study found practically significant relationships. Work-role fit showed the strongest relationship with PWB. This correlates with the findings of, among others, Olivier and Rothmann (2007), who found that work-role fit was the strongest predictor of psychological meaningfulness. Judges' psychological needs for autonomy, competence, and relatedness (Deci & Ryan, 2011) were satisfied. Through their meaningful experiences, they perceived their work to be valuable which, in turn, contributed to their well-being (Matuska & Christiansen, 2008).

The results also indicated that work-role fit had a practically significant relationship with EWB. Judges who perceived that their needs were taken care of and who encountered pleasant reactions at work, experienced a good work-role fit. Employees who perceive that they fit their work roles and feel that the workplace encourages them to live out their beliefs and values tend to invest greater personal energy in their jobs (Olivier & Rothmann, 2007). The study, furthermore, indicated that work-role fit was a practically significant predictor of OCB. Dik and Duffy (2008) found that when employees experience a high level of fit between their personal characteristics and their work, they tend to do more than what is expected from them to successfully complete specific tasks. Similarly, in this study, judges who experienced a congruence between their self-perceptions and their subjective understanding of the requirements of their roles, were prepared to exert greater personal effort to help their colleagues and to expand their performance within and beyond the parameters of their job description.

This study showed that there was a practically significant relationship between EWB and SWB. Having job satisfaction and experiencing positive affect were, thus, linked to judges' experiences directed at social activities that they encountered in the workplace. Although most participating judges reported job satisfaction and positive affect, there was a limited number who experienced negative affect and felt overwhelmed, depressed, and unhappy.

Lastly, there was a practically significant negative relationship between SWB and EWB, and intention to leave. Consistent with previous research findings (Diedericks & Rothmann, 2014; Redelinghuys & Botha, 2016; Rothmann, 2013), flourishing judges, who experienced job satisfaction and a sense of belonging and caring, were less inclined to consider parting with their work. Although most judges reported that they would continue working until retirement, some felt that if their independence was challenged, they may consider leaving. One judge, however, felt so strong about her calling that she would remain serving, even if illegitimate laws were imposed, to contest these ideas.

In summary, the current study found that, although some judges were only moderately mentally healthy, most judges were flourishing. They perceived their work to have value and meaning and to have a significant effect on the lives of others. A sense of having a positive influence on the lives of other people, that is, a prosocial impact, results in a greater sense of meaning (Van Tongeren et al., 2016). Moreover, they felt that their work roles were aligned with their self-

concept and that they possessed the specific skills and qualities required for their particular job. These feelings, in turn, were associated with a more meaningful work experience and engagement in work, which corresponds to the findings of Olivier and Rothmann (2007) and May et al. (2004). Flourishing at work had a positive effect on judges' OCB and related negatively with their intention to leave. All participating judges reported that they intended remaining in their jobs, unless their independence was challenged. This study, therefore, showed that flourishing is positively associated with individual and organisational outcomes. The confirmation of Hypotheses 1 to 3, i.e. that 1) judges' work beliefs influence their well-being; 2) there is a positive relation between good work-role fit and flourishing at work; and 3) flourishing at work positively predicts OCB and negatively predicts intention to leave, provides convergent evidence about the well-being of judges.

Limitations

Firstly, although judges from six of the nine provinces in South Africa participated in the study and attempts were made to be as inclusive as possible regarding participants' gender, race, age, the period they had been serving as a judge, and the courts of different jurisdictions in which they worked, the norm group remained small. This is due to the relatively small population of judges as well as the non-availability of some judges during the data gathering. The results may, thus, be viewed as not being representative of all judges. Secondly, the scope of the study hindered generalisation of the results, as it concentrated on judges in South Africa. Hence, external generalisation cannot be inferred from this study. Thirdly, the study employed self-reported measures, which might have led to "social desirability bias" (Demetriou, Ozer, & Essau, 2015), as the participants could have responded in a socially acceptable way. However, since participants were from different cultural backgrounds, were highly educated, and were used to applying their minds critically to factual issues in the execution of their daily tasks, these factors would probably have counteracted socially acceptable responses. In the fourth place, due to the small sample, it was not possible to utilise sophisticated statistical techniques to analyse the quantitative data. Penultimately, due to the cross-sectional design (which allowed identification of relationships between variables at one point only), the causal relationship between all the study variables concerning workplace flourishing could not be established. However, the researcher is convinced that the findings are robust and regards the cross-sectional design as a sound design, especially because the detail of qualitative collection methods was integrated with the broad, numeric trends of quantitative research (Creswell, 2009). Lastly, only a small number of antecedents and outcomes were assessed in relation to

workplace flourishing. More research is needed to increase the insufficient, nonetheless promising, literature base of the study.

Recommendations and conclusions

Judges' well-being and efficiency will be enhanced when they experience a good work-role fit and when they find their work meaningful, as opposed to just doing the work for the status or the benefit of a lifelong pension. When selecting judges, cognisance should be given to ensuring that their individual characteristics and the environmental characteristics are compatible. This could probably be done by including psychometric testing in the selection process and further consideration by the Judicial Service Commission.

Although this study was fairly representative in terms of the types of courts and jurisdictions in South Africa, the sample size should be increased in future research. In order to ensure that there is a good fit between a judge and his/her work environment, further research could be done to develop a set of criteria to be included in the selection process of judges in consultation with the Judicial Service Commission. Furthermore, strategies could be developed for judges to lead a more balanced lifestyle.

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CHAPTER 4

MANUSCRIPT 3

Job demands and job resources and well-being of judges in South Africa

Abstract

The aim of this study was to investigate job demands and job resources, as well as its effects on the well-being of judges in South Africa. This study employed an exploratory, multi-method design. South African judges ($n = 25$ for the qualitative part and $n = 28$ for the quantitative part) from various courts of different jurisdictions participated in the study. Both the quantitative and the qualitative studies revealed that factors, such as job characteristics, including autonomy; positive relationships with their fellow puisne and senior judges; as well as sufficient opportunities for training and development, contributed to judges' flourishing. Despite negative factors, such as work pressure and time constraints; emotional demands; and hassles experienced at work, judges generally chose to use the available opportunities for well-being to reach their goals, to feel good and to function well at work. Both the quantitative and the qualitative part of the study revealed that emotional demands related to burnout. Some judges noted during the interviews that their heavy workload and limited time contributed to them feeling stressed and burnt-out.

Keywords: judges; job demands; job resources; flourishing; burnout; multi-method research

Introduction

The quality of individuals' work life and their well-being is not only influenced by their perceived and actual job demands and job resources, but also by their affective freedoms to be whom they want to be and do what they want to do, in accordance with Sen's capability approach (CA) (Sen, 1992). In keeping with the conservation of resources (COR) theory (Hobfoll, 2002), with its value-based nature of demands and resources, job demands are negatively appraised physical, psychological, social, or organisational facets of work that necessitate continued physical or psychological effort or skills and are, therefore, related to specific physiological and psychological costs (Schaufeli & Taris, 2014). Conversely, job resources are valued physical, social, or organisational facets of work that are functional in attaining work objectives, decreasing job demands, or motivating personal development and advancement (Schaufeli & Taris, 2014).

Consistent with Keyes's "Mental Health Continuum", mental well-being at work varies along a continuum from flourishing to languishing, with moderately mentally healthy individuals falling in-between. Rothmann (2013) adapted Keyes's (2002) multidimensional model of flourishing in life to create a model of flourishing at work, where it is accepted that flourishing is a multidimensional construct comprising emotional well-being (EWB), psychological well-being (PWB), and social well-being (SWB) in work and organisational contexts. Flourishing at work refers to an employee's desirable well-being state, achieved via positive experiences and the effective management of factors related to the work (Rautenbach, 2015). Flourishers experience high levels of EWB, PWB, and SWB because, when flourishing, employees experience a sense that things are going well in their work life and that they are functioning well. Moreover, flourishing employees thrive and acquire new skills and knowledge, whilst they are happy, engaged, enthusiastic, and successful (Bono, Davies, & Rasch, 2012). Contrary to this, languishing is associated with emptiness and apathy as a result of negative work experiences (Demerouti, Bakker, & Gevers, 2015; Rothmann, 2014). Languishing individuals, thus, experience low levels of EWB, PWB, and SWB.

This study explored job demands and resources for judges and their possible relation to the well-being of judges.

Judges' job demands and job resources

The job demands-resources (JD-R) model (Demerouti, Bakker, Nachreiner, & Schaufeli, 2001) can be utilised to study the effects of job demands and job resources on the well-being of judges. This model describes two main processes. The first is the erosion process: job demands (for example, heavy workload and emotional demands) cause burnout (emotional exhaustion and cynicism), which, subsequently, results in negative organisational outcomes, such as intention to leave (Schaufeli & Bakker, 2004). The second is the motivational process: job resources (for example, positive co-worker relationships) result in work engagement (Bakker, Schaufeli, Leiter, & Taris, 2008; Barkhuizen, Rothmann, & Van de Vijver, 2014; Schaufeli & Bakker, 2004).

Demerouti et al. (2015) postulate that the more individuals seek resources at work, the more engaged they are in their work, which increases their level of flourishing. However, seeking resources does not necessarily equate to obtaining resources. Moreover, a person's capabilities (freedoms or opportunities to achieve a functioning) (Robeyns, 2016) are a prerequisite for resources to be used effectively. Schaufeli and Taris (2014) posit that job resources play an extrinsic and an intrinsic motivational role. Work environments where many resources are available, cultivate workers' willingness to devote their skills and energy to the task at hand, in order to achieve work goals (extrinsic motivational role). The intrinsic motivational role of job resources is that they fulfil fundamental human needs for autonomy, relatedness, and competence, as per Deci and Ryan's self-determination theory (SDT) (1985). On the one hand, therefore, job resources promote a fulfilling, positive work-related state of mind (that is, work engagement), either through reaching work goals or satisfying basic needs (Schaufeli & Taris, 2014). On the other hand, the deteriorated and/or exhausted resources and an inability to meet job demands result in decreased motivation (Bakker, Demerouti, De Boer, & Schaufeli, 2003) as well as exhaustion and ultimate disengagement (Kahn, 1990). Individuals who opine that their job demands surpass the available resources due to, for example, emotional or physical strain, will feel incapable to cope with their work (May, Gilson, & Harter, 2004; Schaufeli & Bakker, 2004). This, in turn, will result in individuals feeling that they cannot control their work environment, and therefore, they will not flourish.

According to the COR theory (Hobfoll, 1998), people strive to obtain, keep, and safeguard what they value. It suggests that resource depletion is psychologically harmful and results in decreased levels of well-being, while the obtainability of resources promotes mental health

(Hobfoll, 2002). By assisting employees to acquire resources that cause engagement and resilience and by eliminating obstacles to resource depletion, organisations can prevent unnecessary stress and improve employee well-being and efficiency (Hobfoll, Halbesleben, Neveu, & Westman, 2018).

With regard to the capability approach (CA) of Sen (1980), expanded by Nussbaum (2003), Robeyns (2017, p. 146) notes that resources “are not the only things that matter, and for some capabilities that we try to expand or try to equalise, resources may not be the most effective factor of intervention”. Therefore, it seems that the availability of resources will not necessarily guarantee achievement of valuable outcomes, such as employee well-being.

The CA posits that an individual’s potential to achieve (capability set), as well as his/her interest and conscious choice, will influence the achievement of valuable outcomes (functionings), which are a state of one’s being, such as well-being (Sen, 1992, 1993). In a work context, the CA focuses on what is important and valuable for employees to achieve and whether they are able and enabled to do so (Van der Klink et al., 2016). Employees can, thus, make a conscious decision whether they want to utilise their capability set to achieve their valuable functionings. Hence, in order to apply resources effectively, the workplace should facilitate opportunities for employees to develop and use their capabilities, and individuals should then choose to use their capabilities to achieve their valued outcomes, resulting in them feeling good and functioning well.

Limited studies, such as that of Hagen and Bogaerts (2014), have examined the extent to which job demands and job resources influence the well-being of judges. Having regard to the various demands faced by judges, it is evident that “[J]udicial officers, by virtue of their position within a stress-prone legal profession and the nature of judicial work, are uniquely placed in the crossfire of risk factors for stress” (Schrever, 2015, p. 32). Stress can have an adverse effect on judges’ feelings and functioning, resulting in languishing, as they can, for example, feel anxious, have no interest in their work, or find it difficult to make decisions (Miller, Flores, & Pitcher, 2010). Supporting both the JD-R model (Demerouti & Bakker, 2011) and the COR theory (Hobfoll, 2002), it can be argued that, when judges languish, they are likely to become victims of burnout when job demands increase without any corresponding upsurge in job resources.

The job demands discussed in this study are work pressure and time constraints, emotional demands, hassles experienced by judges, and transformation. Work pressure refers to the feeling of being unable to manage the work, for example, due to work overload and/or too little time in which to finish it, which can lead to stress (Gaillard, 2003). Concerning emotional demands, judges have to deal with emotions, usually negative ones, in court, for example, offenders may be hostile, while victims may be angry, scared, or distraught. Judges not only have to work in this adverse environment; they are occasionally also exposed to traumatic experiences of others, which subject them to the risk of vicarious or secondary trauma (Schrever, 2015).

Due to, inter alia, miserly budgets, defective systems, or even corruption, many judicial officers face hassles in their work environment that inevitably add more stress to already challenging work. These hassles have a negative effect on judges' well-being. Transformation in the judiciary plays a significant role in increasing job demands for judges. During the apartheid era in South Africa, the judiciary was dominated by white males, generally hailing from the ranks of advocates, mainly silks. The necessity to establish a judiciary that was more representative of the people of the country was, thus, indisputable. In his inaugural lecture on 6 October 2004, Justice Mpati proposed that a balance be struck, not only between race and gender representation, but also between competence and integrity, when appointing suitable judges (Mpati, 2004). The transformation of the judiciary creates unique needs, values, attitudes, and skills, and judges have to adapt emotionally, cognitively, and behaviourally in their social context, which has an impact on their well-being.

Job resources decrease individuals' job demands and its associated physiological and psychological costs. Job resources, therefore, can potentially encourage individuals' personal development and learning and help them to attain their objectives (Demerouti & Bakker, 2011; Schaufeli & Bakker, 2004). The CA of Sen (1992), however, asserts that individuals have the choice whether or not they want to utilise their capabilities in order to reach their achieved functioning. With regard to this study, consistent with the CA, the following serves as an example: judges, especially those with inadequate skills and experience due to the legacy of apartheid, can, for instance, choose to make use of the available training opportunities to upskill themselves in order to attain their goals, such as to be considered for elevation to a higher position, which will enhance their flourishing. Achieving work goals from a CA perspective is demonstrated in Figure 1.

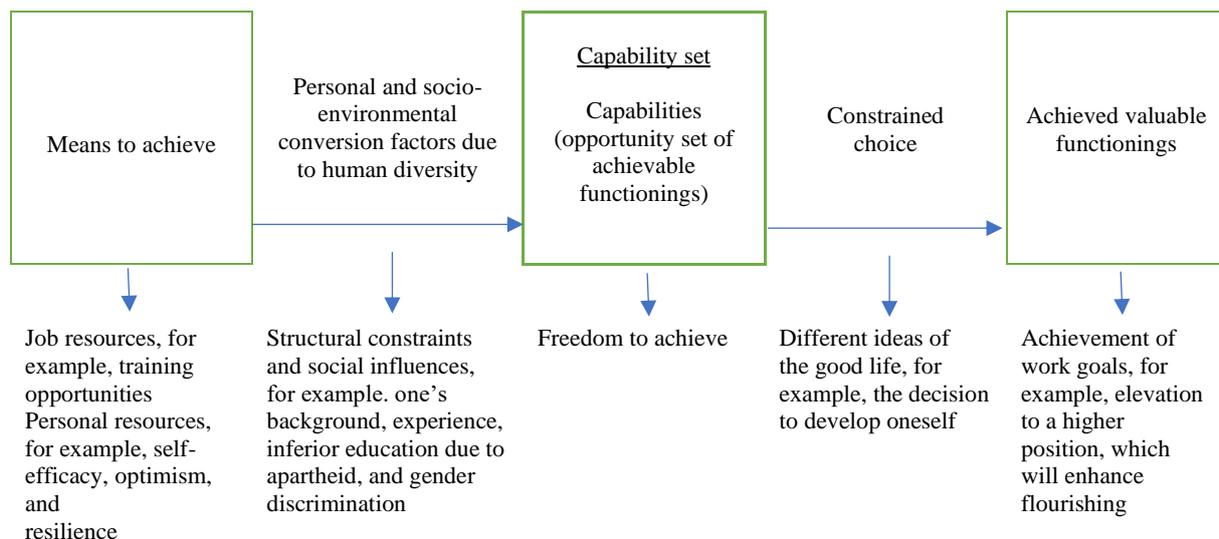


Figure 1. Model of achieving work goals from a CA perspective

[Model derived from the models of Robeyns (2017) and Van der Klink et al. (2016)]

In this study, job resources include job characteristics, remuneration and annual increases, training and development opportunities, as well as supportive co-worker and supervisor relationships.

Job characteristics lead to higher levels of well-being if individuals, for example, are permitted to take responsibility for their work, to be engaged in different tasks with fluctuating levels of difficulty, and to be involved in the job in its entirety. Numerous studies have confirmed that the intrinsic nature of the job (for example, autonomy, skill variety, and task significance) is positively associated with the well-being of people in their working roles (Bakker et al., 2008; Schaufeli & Bakker, 2004; Shantz, Alfes, Truss, & Soane, 2013). *Autonomy* refers to the extent to which the individual has significant choice, and independence to plan the work and to control the procedures involved. Autonomy over job control and work behaviour has positive effects on the well-being of individuals (Wheatley, 2017), for example, they take greater personal responsibility for their own achievements and failures at work (Hackman & Oldham, 1975). *Task identity* is the extent to which a job involves doing a complete (from beginning to end) and an identifiable piece of work with a visible outcome. Task identity is an important component of job satisfaction (Hackman & Oldham, 1975). *Task significance* is the extent to which the work influences other people's lives, either within the organisation or in the external environment (Hackman & Oldham, 1975). Task significance can significantly increase job performance, dedication, and helping behaviour (Grant, 2008). Individuals sense their work as

meaningful if it substantially improves the psychological or physical well-being of others (Hackman & Oldham, 1975).

Remuneration (salary and benefits) and annual increases: Remuneration is the collective financial and non-financial rewards paid to employees in exchange for their services (Mondy & Noe, 2005). Rewards significantly influence employees' attitudes and opinions of work (Milkovich, Newman, & Gerhart, 2011). Employees perceive adequate and fair remuneration as an important process to social well-being, as it enables them to afford the luxuries of the social environment (Robitschek & Keyes, 2009). Sutherland (2011) postulates that, in South Africa, remuneration is important in respect of job retention, job satisfaction, and employees' commitment. Remuneration is, therefore, a critical tool that organisations use to affect the well-being of employees (Gagné & Forest, 2008). Higher-earning employees, such as judges, perceive incentives as an indication of appreciation of their efforts and as indicators of their competence and value in their work environment (Rothmann, 2014).

Training and development are formal pursuits of a workplace to assist employees to gain the necessary skills and experience for their present or future work (Mondy & Noe, 2005). Owing to training, employees gain confidence vis-à-vis their abilities, as they gain the necessary knowledge and abilities to perform their work in a competent manner. Employees are more likely to remain in their workplace when provided with training and development opportunities (Rowden & Conine, 2005), probably because they regard training as their employer's dedication to the workforce (Storey & Sisson, 1993). Having sufficient training and development opportunities is vital to employee flourishing.

A perceived lack of, or unsupportive, relationships with colleagues and superiors can be a potential source of stress, while good relationships can contribute to individuals flourishing. Employees who opine that their supervisors are supportive, experience a sense of workplace flourishing (Seligman, 2011). When individuals feel that they are accepted by their colleagues, they experience a sense that they are in the right place, and it has a significant effect on their meaningfulness at work (Steger & Dik, 2009). Through interaction with supervisors, peers, and subordinates, individuals' need for relatedness, that is, the need to feel associated, to be part of a group, to love and cherish, and to be loved and valued, can be satisfied (Van den Broeck, Vansteenkiste, De Witte, Soenens, & Lens, 2010).

Well-being

Flourishing

Employees' location on the well-being continuum (from flourishing to languishing) is affected by their scores on three dimensions on well-being, that is, EWB, PWB, and SWB. EWB (hedonic well-being) refers to positive feelings when individuals are satisfied with their work and they experience positive feelings at their place of work. PWB and SWB are referred to as eudaimonic well-being; that is, employees function well. Individuals with positive psychological functioning accept themselves, function autonomously, are competent, and maintain positive relations with others (Kong & Ho, 2016). They are also engaged in their work; that is, they are physically involved, cognitively alert, and emotionally attached (Kahn & Heaphy, 2014; Schaufeli, 2014). They participate in activities aimed to reach their goals and they try to find meaning in their work environment (Cameron, Dutton, & Quinn, 2003). In a work setting, individuals are most likely to experience psychological meaningfulness when they feel they are valuable and beneficial to others (Kahn, 1990; May et al., 2004), which will, in turn, contribute to their optimal functioning. Training/learning is another important aspect of PWB in work and organisational settings because it centres around individuals' development and progression (Rothmann, 2013). The SWB of employees relates to, among other things, organisational support, satisfying relations with co-workers and supervisors, and positive communication (May et al., 2004; Rothmann, 2014).

Burnout

Given their unique pressures, their isolation, the misery they see, and the profound decisions they make, judges can suffer from burnout (Lebovits, 2017). The World Health Organisation (WHO) recently added burnout to its International Classification of Diseases. In so doing, the condition was medically legitimised for the first time (De Luce, 2019). According to the WHO's International Classification of Diseases (the ICD-11) chart, burnout results from "chronic workplace stress that has not been successfully managed" (ICD-11 for Mortality and Morbidity Statistics, 2019). Burnout, therefore, specifically alludes to occurrences in the occupational context and not to events in other spheres of life. According to the ICD-11, and consistent with the view of Maslach, Schaufeli, and Leiter (2001), burnout manifests in the following three ways: 1) feelings of energy depletion or exhaustion; 2) increased mental distance from one's job, or feelings of negativism or cynicism related to one's job; and 3) reduced professional efficacy. Exhaustion, the stress component, occurs when individuals are

exceptionally tired and feel that the work exceeds their limits and that their emotional and physical resources are depleted (Schwarzer & Hallum, 2008). Depersonalisation, the interpersonal element, entails being cynical, irritable, and negative towards others. Reduced personal accomplishment, the self-evaluation element, includes feelings of ineptness and a lack of efficiency and accomplishment at work (Maslach & Leiter, 2008). Individuals struggle to feel a sense of achievement at work when they are emotionally exhausted and feel indifferent or pessimistic towards others. In work environments where job demands are high and job resources are low, the risk of burnout is very high (Demerouti et al., 2001; Xanthopoulou et al., 2007). However, as per the JD-R model, ample job resources can reduce the negative effects of job demands on burnout (Bakker & Demerouti, 2007; Xanthopoulou et al., 2007). This model, furthermore, assumes that job resources can especially influence work engagement when job demands are high (Bakker & Demerouti, 2007).

Research objective

The aim of this study was to obtain a better understanding of job demands and job resources that possibly had an influence on the well-being of judges in South Africa and, if so, to determine what these influences were, that is, whether the judges flourished and prospered or whether they languished and consequently suffered from burnout.

Method

Research design

This study employed an exploratory, multi-method design. The researcher adopted a pragmatic world view because both qualitative and quantitative suppositions, as well as different methods of data collection and analysis, were utilised to offer the best conception of the research problem. A concurrent multi-method strategy of enquiry was assumed; that is, qualitative and quantitative data was converged to provide a comprehensive analysis of the research problem (Creswell, 2009).

Participants

The researcher conducted semi-structured interviews with twenty-five acting, presently sitting, and retired judges until a saturation level of information was reached. Twenty-eight judges participated in the quantitative part of the research. A combination of the non-probability purposive and convenience sampling procedures was used, as the participants were chosen

based on the study's purpose and consideration was given to obtain a representative sample of judges regarding gender, race, experience on the bench, and age; and the sample was drawn from the population that was willing to participate. The judges were recruited from various courts of different jurisdictions in South Africa.

Table 1
Characteristics of the Participants

Item	Category	Qualitative		Quantitative	
		<i>n</i> = 25		<i>n</i> = 28	
		Freq	%	Freq	%
Gender	Female	08	32.00	11	39.29
	Male	17	68.00	17	60.71
Age	42 – 54	06	24.00	07	25.00
	55 – 64	06	24.00	10	35.71
	65 – 84	13	52.00	11	39.29
Status	Retired	04	16.00	01	03.57
	Sitting	16	64.00	22	78.57
	Acting	05	20.00	05	17.86
Race	African	03	12.00	05	17.87
	Coloured	03	12.00	03	10.71
	Indian	02	08.00	03	10.71
	White	17	68.00	17	60.71
Marital status	Single	03	12.00	03	10.71
	Married	17	68.00	19	67.86
	Living with partner	01	04.00	-	-
Language	Divorced	04	16.00	06	21.43
	Afrikaans	11	44.00	09	32.15
	English	11	44.00	14	50.00
	isiXhosa	-	-	01	03.57
	isiZulu	01	04.00	01	03.57
	Sepedi	-	-	01	03.57
	Sesotho	01	04.00	01	03.57
Experience on the bench (years)	0.02 – 5	08	32.00	08	28.57
	5.01 – 10	10	40.00	14	50.00
	10.01 – 15	01	04.00	03	10.71
	15.01 – 20	02	08.00	02	07.14
	20.01 – 25	04	16.00	01	03.58
Type of court	High court	17	68.00	21	75.00
	High court and electoral court	01	04.00	01	03.57
	High court and labour appeal court	01	04.00	01	03.57
	Labour court	04	16.00	04	14.29
	Supreme court of appeal (SCA)	02	08.00	01	03.57

Previous position	Academic and attorney	01	04.00	01	03.57
	Advocate	14	56.00	14	50.00
	Attorney	07	28.00	10	35.71
	Attorney and member of human rights commission	01	04.00	01	03.57
	Magistrate	02	08.00	02	07.15

Data gathering

For both the qualitative and the quantitative part of the research, a *self-developed biographical questionnaire* was administered with the purpose of obtaining biographic and demographic information pertaining to age, gender, ethnicity, marital status, years on the bench, type of court, and prior experience.

The following measuring instruments were used for the quantitative part of the research.

An adapted version of the *Job Demands-Resources Scale* (JD-RS) (Rothmann, Mostert, & Strydom, 2006) was used to measure job demands and job resources of judges. The following job demands of the JD-RS were included in this study: work pressure and time constraints; emotional demands; and hassles. Various job resources were included: task characteristics (autonomy, task identity, and task significance); collaboration (co-worker and supervisor relationships); opportunities for training and development; and remuneration (salary and benefits) and annual increases. The dimensions were rated on Likert scales. The scales differed according to the dimension being assessed. In their study, Rothmann et al. (2006) found reliable alpha coefficients, ranging from .76 to .92, for the JD-RS.

Workplace flourishing was measured with the *Flourishing-at-Work Scale (Short Form)*, or FAWS-SF (Rautenbach, 2015). The FAWS-SF is a 21-item measure of flourishing at work. The respondents had to answer questions on a six-point Likert scale (1 = never; 6 = every day) regarding the frequency with which they had experienced specific symptoms during the past month. The FAWS-SF measures three dimensions of well-being, namely, EWB, PWB, and SWB at work. EWB (seven items, for example, “How often did you experience satisfaction with your job?”) indicates the frequency with which the respondent feels emotionally well (as indicated by positive affect and job satisfaction). PWB is comprised of nine items (for example, “How often did you feel good about managing the responsibilities of your job?”) and indicates

the frequency with which the respondent functions psychologically well (as indicated by autonomy, competence, relatedness, meaning, purpose, engagement, and learning). SWB includes five items (for example, “How often did you feel that the people in your organisation are basically good?”) and indicates the frequency with which the respondent functions socially well (as indicated by social contribution, social acceptance, social growth, social coherence, and social integration). To be regarded as flourishing, individuals must have experienced at least one of the seven indicators of EWB and as a minimum eight of the 14 indicators of positive functioning (PWB and SWB) “every day” or “almost every day”. To be regarded as languishing, individuals must have experienced at least one of the indicators of EWB and no less than eight of the signs of positive functioning (PWB and SWB) “never” or “once or twice”. Individuals who are neither flourishing nor languishing are classified as being moderately well. Rautenbach and Rothmann (2017) reported the following scale reliabilities for scores from the FAWS-SF: .77 (EWB), .89 (PWB), and .89 (SWB).

Burnout was assessed by nine items from the *Personal Resources Scale* (PRS; May et al., 2004). The PRS measures three dimensions of burnout, namely, cognitive weariness (three items, for example, “I have problems remembering all the things I need to do at work”), physical exhaustion (three items, for example, “I feel tired before my workday is over”), and emotional exhaustion (three items, for example, “I tend to postpone or avoid discussing touchy topics”). May et al. (2004) reported a reliable alpha coefficient of .91.

During the semi-structured interviews, judges were asked about additional factors influencing their well-being that were not included in the questionnaire. A prominent demand mentioned was transformation of the judiciary. In order for qualitative research to be considered trustworthy, it has to be transferable, confirmable, dependable, and credible (Shenton, 2004). The semi-structured interviews echoed the themes covered in the questionnaires, for example, judges’ work situation, their relationships at work, and their well-being. During these interviews, care was taken not to ask any leading questions. The intention was to obtain a representative sample of judges from various courts of different jurisdictions regarding, among others, gender, race, experience on the bench, and age in order to prevent sampling bias and to ensure transferability. Confirmability was established by using the ATLAS.ti 8 program, which indicates the steps taken when analysing the interview data. This ensures that the findings of the research are neutral because it accurately represents the participants’ responses. Dependability was ensured using an inquiry audit. To confirm credibility of this research,

methodological triangulation, that is, the use of more than one method to collect data on the same topic, seeking combined evidence from diverse sources, was used. Possible measurement bias was reduced by employing both a quantitative and qualitative measurement. The information obtained from the quantitative and that obtained from the qualitative research, respectively, validated each other.

Research procedure

The semi-structured interviews were conducted at several locations convenient for the judges. These audio-recorded interviews – which covered topics such as their work pressure, emotional demands, hassles, transformation, their relationships with colleagues and superiors, remuneration, and their well-being – lasted between one and two hours. Judges participating in the quantitative research completed self-reported questionnaires that were used to quantify thematic data. Questionnaires were either emailed or personally delivered to the judges. Completed questionnaires were returned through the same method. Data collection took place from June 2017 to November 2018.

Data analysis

The audio-recorded interviews were transcribed and thematically analysed. The ATLAS.ti 8 program for qualitative data analysis was used to extract quotations and to code relevant constructs. Themes emerged from the data through this iterative process (Tracy, 2013). Content analysis was used for identifying and summarising the message content. This was a process of examining data from different viewpoints with the intention of identifying solutions in the text that would help to comprehend and decipher the raw data. It was, furthermore, an inductive and iterative process where the researcher tried to find similarities and variations in the text that corroborated or disconfirmed the theory (Nieuwenhuis, 2007).

Responses to the items from the questionnaires were summarised in an Excel spreadsheet. The data was then captured in SPSS 25 (IBM Corp., 2017) for analysis. Following this, the dataset was examined for errors and outliers adhering to the procedure prescribed by Field (2015). Cronbach's alpha coefficients were computed to study the reliability of the measuring instruments, and descriptive statistics were computed to describe the data. Spearman's correlation coefficients were used to specify the relations between the variables. The practical significance of findings was appraised through effect sizes (Steyn, 2000). The practical

significance of correlation coefficients was studied using the guiding principle of Cohen (1988).

Ethical considerations

Ethical approval (ethics approval number: NWU-HS 2017-0062) for this study was obtained from the Ethics Committee of the North-West University in May 2017. Over and above the Ethics Committee approval, the researcher attempted to contact the chief justice for permission for the study. The executive support director in the chief justice's office, however, informed the writer telephonically that each judge would have to decide individually whether he/she would be prepared to participate in the current study. The researcher, furthermore, approached the judges president of the different divisions to obtain their permission or to enquire whether they had any objections to the research. No formal approval letters were received, but some judges president endorsed the research by either encouraging judges in their divisions to participate or by personally participating themselves.

The details of the project were explained, and judges were invited to enquire about any part of the research project that they wanted to be elucidated. It was also pointed out that their participation would be entirely voluntary and that they would be free to decline to participate. The confidentiality of the research project was, furthermore, emphasised. Once they had decided to participate in the research project, appointments were made with the individual judges at a time and place convenient for them. Independent, written, informed consent was received from all participants in this study. Interviews were conducted in either English or Afrikaans, audio-recorded, and transcribed. Questionnaires were only available in English.

Results

Table 2 illustrates the subjective views of judges participating in the quantitative part of the study regarding their well-being.

Table 2

Judges' Well-Being

Mental Health Continuum	<i>n</i>
Moderately flourishing	7
Flourishing	21

Of the 28 judges who participated in the quantitative part of the study, 21 (75%) indicated that they were flourishing. Only seven (25%) judges indicated that they were moderately flourishing. The descriptive statistics, alpha coefficients, and correlation coefficients of the scales of the measuring instruments are reported in Table 3.

Table 3

Descriptive Statistics, Alpha Coefficients and Correlations

Scale	Mean	SD	Min	Max	α	1	2	3	4	5	6	7	8	9	10	11
1. Autonomy	2.02	0.99	0.67	4.00	.70	-	-	-	-	-	-	-	-	-	-	-
2. Work pressure and time constraints	3.25	0.70	1.75	4.00	.83	-.20	-	-	-	-	-	-	-	-	-	-
3. Co-worker relationships	2.58	0.95	0.67	4.00	.61	.56**	-.17	-	-	-	-	-	-	-	-	-
4. Emotional demands	2.08	0.82	0.60	3.40	.79	.12	.35*	.04	-	-	-	-	-	-	-	-
5. Hassles	1.54	0.78	0.00	3.29	.81	-.39*	.53**	-.08	-.03	-	-	-	-	-	-	-
6. Supervisor relationships	2.26	1.15	0.17	4.00	.93	.16	-.19	.33*	.29	-.49*	-	-	-	-	-	-
7. Opportunities – training and development	4.18	0.88	1.33	5.00	.93	.56**	-.21	.34*	-.02	-.33*	.17	-	-	-	-	-
8. Remuneration and increases	2.69	0.95	1.00	4.00	.80	.20	-.27	-.15	-.04	.12	-.24	.16	-	-	-	-
9. EWB	3.52	0.82	1.50	4.50	.75	.18	-.09	.21	-.07	-.07	.33*	.10	-.18	-	-	-
10. PWB	4.00	0.65	2.89	5.00	.81	.36*	.05	.30*	.23	-.15	.53**	.40*	.16	.43*	-	-
11. SWB	3.44	0.64	2.00	4.60	.52	.24	-.28	.14	-.14	-.12	.22	.19	.32*	.52**	.31*	-
12. Burnout	1.47	1.17	0.00	4.22	.91	-.30*	.23	-.18	.36*	.25	-.24	-.15	-.15	-.53**	-.29	-.53**

* $r > .30$ – practically significant – medium effect

** $r > .50$ – practically significant – large effect

The Cronbach's alpha coefficients were obtained on all the measuring scales, varying from .52 to .93. A possible reason for the Cronbach's alpha coefficient smaller than the recommended value of 0.70 was the small sample size. Because of the large standard errors associated with a small sample, statistical tests will have very low "power," meaning that it will be difficult to detect significant results. Table 3 shows that the participants obtained a high mean score of 4.18 for opportunities for training and development and a relatively low mean score of 1.47 for burnout.

Due to the small sample size Spearman correlations were computed to see whether variables covary. Concerning the relations between the scales, Table 3 shows practically significant correlations between autonomy on the one hand and co-worker relationships ($r = .56$, large effect), opportunities for training and development ($r = .56$, large effect), and PWB ($r = .36$, medium effect) on the other hand. Practically significant negative correlations exist between autonomy, and hassles ($r = -.39$, medium effect) and burnout ($r = -.30$, medium effect), respectively. Burnout is practically significantly and negatively related to EWB ($r = -.56$, large effect) and SWB ($r = -.56$, large effect). Work pressure and time constraints relate practically significantly with hassles ($r = .53$, large effect), and emotional demands ($r = .35$, medium effect), respectively.

Table 3 shows practically significant relations between co-worker relationships and supervisor relationships ($r = .33$, medium effect), opportunities for training and development ($r = .34$, medium effect), and PWB ($r = .30$, medium effect), respectively. Burnout is practically significantly related to emotional demands ($r = .36$, medium effect). Hassles is practically significantly negatively related to supervisor relationships ($r = -.49$, medium effect), and opportunities for training and development ($r = -.33$, medium effect). There is a practically significant relation between good supervisor relationships and PWB ($r = .53$, large effect), and EWB ($r = .33$, medium effect), respectively. Furthermore, opportunities for training and development relate practically significantly to PWB ($r = .40$, medium effect). Remuneration is also practically significantly related to SWB ($r = .32$, medium effect).

Lastly, it is evident from Table 3 that EWB relates practically significantly ($r = .52$, large effect) to SWB, whilst PWB relates practically significantly to EWB ($r = .43$, medium effect) and SWB ($r = .31$, medium effect), respectively.

Qualitative results

Table 4 shows the qualitative results of the different themes.

Table 4

Qualitative Results

Construct	Mentioned by
<u>Job demands</u>	
1. Work pressure and time constraints	1AJM, 2AJM, 4AJM, 5AJM, 6AJM, 1JF, 2JF, 8JF, 9JF, 10JF, 11JF, 15JF, 3JM, 4JM, 7JM, 13JM, 18JM, 4RJM, 1RJM
2. Emotional demands	4AJM, 6AJM, 1JF, 9JF, 15JF, 22JF, 3JM, 4JM, 18JM, 2RJM, 4RJM
3. Hassles	
- Safety concerns	8JF, 10JF, 2JM, 21JM, 2RJM
- Incompetent contractors	1AJM, 2AJM, 1JF, 9JF, 3JM, 4JM, 13JM, 18JM, 21JM, 1RJM
- Budgetary constraints	1AJM, 2AJM, 5AJM, 6AJM, 1JF, 8JF, 9JF, 15JF, 3JM, 4JM, 6JM, 7JM, 13JM, 18JM, 21JM, 2RJM
- Long procurement process	8JF, 18JM
- Red tape	8JF, 4JM, 1RJM
- Ignorance of female judges' needs and requirements	8JF, 9JF
- Incompetent supporting structures	1JF, 11JF, 3JM, 4JM, 21JM, 1RJM, 2RJM
4. Transformation of the judiciary	
- Necessary, but should be based on merit	1AJM, 2AJM, 4AJM, 5AJM, 6AJM, 10JF, 11JF, 6JM, 7JM, 13JM, 18JM, 1RJM, 3RJM, 4RJM
- Inadequate gender transformation	1JF, 8JF, 12JF
- Wrong approach followed	9JF, 3JM
- Inadequate attitudinal transformation	4AJM, 15JF, 21JM

Key: AJM = acting male judge; JF = female judge; JM = male judge; RJM = retired male judge

Table 4

Qualitative Results

<u>Job resources</u>	
1. Positive co-worker relationships	4AJ, 5AJ, 6AJ, 1JF, 8JF, 9JF, 10JF, 11JF, 12JF, 15JF, 22JF, 2JM, 3JM, 4JM, 6JM, 7JM, 13JM, 18JM, 21JM, 1RJM, 2RJM, 3RJM, 4RJM
2. Supervisor (senior judge) support	4AJ, 6AJ, 8JF, 9JF, 10JF, 12JF, 15JF, 22JF, 2JM, 4JM, 6JM, 13JM, 18JM, 21JM, 1RJM, 2RJM, 4RJM
3. Job characteristics	
- Autonomy	1AJM, 4AJM, 5AJM, 6AJM, 1JF, 8JF, 9JF, 11JF, 12JF, 22JF, 2JM, 3JM, 4JM, 6JM, 7JM, 13JM, 18JM, 1RJM, 2RJM, 3RJM, 4RJM
- Task identity	2AJM, 4AJM, 6AJM, 1JF, 8JF, 9JF, 10JF, 22JF, 2JM, 3JM, 4JM, 6JM, 7JM, 13JM, 18JM, 21JM, 1RJM, 2RJM, 3RJM, 4RJM
- Task significance	1AJM, 2AJM, 4AJM, 6AJM, 1JF, 8JF, 9JF, 10JF, 11JF, 12JF, 15JF, 22JF, 2JM, 3JM, 4JM, 6JM, 7JM, 13JM, 18JM, 1RJM, 2RJM, 3RJM, 4RJM
4. Training and development	
- Self-development and discussions with colleagues	1AJM, 4AJM, 5AJM, 1RJM, 3RJM, 4RJM
- Formal training programmes and discussions with colleagues	6AJ, 1JF, 9JF, 10JF, 12JF, 2JM, 3JM, 4JM, 7JM, 18JM, 21JM, 2RJM
5. Remuneration (salary and benefits)	
- Adequate/good	4AJM, 6AJM, 1JF, 9JF, 3JM, 4JM, 6JM, 7JM, 18JM, 21JM, 1RJM, 2RJM, 3RJM, 4RJM
- Inadequate	8JF, 10JF, 11JF, 15JF, 2JM, 13JM
- Annual increases	All judges noted that increases ought to be at least inflation related.

Key: AJM = acting male judge; JF = female judge; JM = male judge; RJM = retired male judge

Table 4

Qualitative Results

Flourishing

1. Feeling energised and resilient	1AJM, 2AJM, 4AJM, 5AJM, 6AJM, 1JF, 8JF, 9JF, 10FF, 11JF, 2JM, 3JM, 4JM, 6JM, 7JM, 13JM, 18JM, 1RJM, 3RJM
2. Meaningful work	1AJM, 2AJM, 4AJM, 5AJM, 6AJM, 1JF, 8JF, 9JF, 11JF, 12JF, 22JF, 3JM, 4JM, 6JM, 7JM, 13JM, 18JM, 21JM, 1RJM, 2RJM, 3RJM, 4RJM
3. Aspects of work – concentrate fully; time flies	1AJM, 4AJM, 5AJM, 6AJM, 8JF, 9JF, 11JF, 2JM, 3JM, 4JM, 6JM, 13JM, 1RJM, 2RJM, 3RJM, 4RJM
4. Opportunities to excel	1AJM, 6AJM, 1JF, 8JF, 9JF, 10JF, 2JM, 3JM, 4JM, 6JM, 2RJM, 3RJM
5. Limited/lack of feedback (negative)	2AJM, 4AJM, 5AJM, 6AJM, 1JF, 8JF, 9JF, 2JM, 3JM, 4JM, 7JM, 13JM, 18JM, 21JM, 1RJM, 2RJM, 3RJM, 4RJM
Burnout, PTSD, anxiety, secondary trauma, flashbacks, feelings of despair, and being overwhelmed	1JF, 9JF, 11JF, 15JF, 2JM, 4JM

Key: AJM = acting male judge; JF = female judge; JM = male judge; RJM = retired male judge

Job demands

The workload of judges has increased tremendously post-1994, as access to justice has become available to more people, even to the indigent who do not have legal representation. In this study, it was clear that, due to their enormous caseloads, judges are often expected to work exceedingly long and sometimes irregular hours, especially when presiding over a complex matter or when preparing a judgment. This often results in blurred borders between work and free time, as remarked by one judge (1JF): "... there may be a [family] Sunday lunch that you cannot attend, as you have to be ready for your appeal on Monday ... You have to have very understanding friends and family."

Most judges found that listening to murder, rape, and robbery cases was emotionally devastating, as one judge (4JM) explained: "You see victim after victim coming to account for what had happened, and I spend half my time on the bench trying not to burst out in tears. It is very emotionally draining." He found dealing with family matters very emotional as well. "The fights over children are insoluble. There is never a right answer for that and the expectation on judges in those matters are actually unrealistic. I find it enormously challenging to remain on an equilibrium when I'm dealing with that. Those really are the sources of emotional pressure." Another judge reported that he still wakes up at night feeling stressed about a case over which he had presided, involving a small child who had been severely assaulted. Among other terrible things that had been done to her, various organs had been removed from her body while still alive. When the judge asked the accused how he had known that the child was dead, he said, "the heart stopped beating in my hand". "It is not something you easily forget" (2JM). Some high court judges noted that their work is very isolating and lonely. One judge (2JM) remarked: "It's a very lonely life. Remember, you're one man. You come here, you sit on your own; when you go to court, you're on your own; when you come back from court, you're on your own; you don't mix with people. People, when you become a judge, suddenly stop calling you [name of judge], they call you 'Judge'." Making life-changing decisions under tremendous time pressure is extremely stressful, which results in anxiety. Moreover, being solely responsible for one's judgments, which can have significant consequences for individuals or a community, is emotionally demanding. Judges are mindful that the criminal justice system is not in a position to effectively respond to the plight of victims narrating the innermost things that happened to them and the effect that these had on them. Not being able to express emotions, such as empathy, disgust, or anger, adds to a judge's emotional burden.

Judges expect that they will be provided with the “tools of their trade” to perform their duties. However, high court judges in all the divisions complained about a variety of things that prevent them from functioning optimally. The following main themes emerged:

- *Incompetent contractors*: Court buildings, especially the public toilets and corridors, are not cleaned properly by the Department of Public Works. Judge 21JM noted: “It does not look like a place that dispenses justice.” In the Gauteng and KwaZulu-Natal divisions, lifts that are not working is a perpetual problem, even though huge amounts of money have been spent on repairs.
- *Budgetary constraints*: Faulty air conditioners are a huge problem, especially in Mbombela and some of the old courts at the Bloemfontein High Court, where temperatures could rise to more than 40°C. Judges find it very unpleasant working in a court full of people, dressed in their robes. In winter, however, it could be extremely cold. Judge 7JM noted that it is inhumane to expect a witness to be examined in those conditions and that it infringes on people’s right to a fair trial. Judge 9JF reported that her health has been negatively affected by the poor ventilation, the dust, and the mess the pigeons make at the high court in Durban.
- *Exceedingly long procurement process*: Due to the long procurement process, maintaining the buildings and purchasing consumables are delayed. Photocopy machines frequently do not work properly, and sometimes there is no toilet paper or stationery, resulting in judges having to buy their own. Judge 18JM had waited for more than a year for the installation of more bookshelves in his chambers. Eventually, he decided to buy second-hand shelves, as a lack of storage was starting to affect his productivity.
- *Red tape*: Judge 4JM described the bureaucracy as “... probably the principal infuriating thing”. Examples of red tape include judges not being allowed to use certain printers or to change the settings on the computers that the state provide; “... you’ve got to call for somebody to come and undo it as if you can’t be trusted to use the equipment”.
- *Ignorance of female judges’ needs and requirements*: Some female judges (8JF, 9JF, 10JF) complained about the quality and ergonomics of the furniture. Desks and chairs, especially the old ones, were not designed for females, which is probably a legacy from the old regime. Some female judges use cushions to sit on or to support their backs when sitting in bulky, bearish chairs, and they use additional reading/writing stands.
- *Incompetent supporting structures*: In the Gauteng division, some judges opined that the administration is very poor and that there is no work culture among many of the support staff who have been appointed simply for affirmative action purposes. A number of judges

(1AJM, 1JF, 2AJM, 4JM, 15JF, 18JM) also complained about incompetent, dishonest, and/or abusive counsel. The quality of their work is often poor, and the judges cannot always rely on submissions being made. Judge 2AJM reported: “The Advocates nowadays are unprepared when coming to court, the papers aren’t properly drawn, they ask for the weirdest orders to be made, and you have to be careful and think of the consequences. The buck stops with the judge.”

- *Violence directed at judges and their families has become a growing phenomenon:* According to Chief Justice Mogoeng Mogoeng, the country’s lawmakers are the most vulnerable members of society because of the work they do – determining the fate of others. “The risk of being harmed lies primarily with judicial officers. Even matters involving tenders and other contracts worth millions of Rands which hurt and can harm the business prospects and entities of people, it is judges who make the final call” (Mokati, 2017). Some judges feel very vulnerable, as noted by Judge 2JM: “... they say I’m safe. How do you know? The only way you know is when the shot is fired and kills you.”

Transformation is a further job demand. Essentially, all participating judges were in favour of, and acknowledged, the necessity of transformation, with the proviso that it must go hand in hand with the acquisition of better skills. A diverse bench will enable judges to view issues from different angles. It will change their world view, their preconceived notions, and their perspective of what it means to be a South African. Judge 21JM was, however, of the view that too much focus was placed on the outward aspects of transformation. “So we focused on race and gender, almost on the assumption that if we do the race and gender and get that right, then the change we want will happen. There is a faulty assumption in that because the transformation is really about the values in the constitution and those are the values of equality in human dignity. There is a dangerous assumption that the numbers will fix up the values. I think there must be a focus on the values, and I don’t think we’ve done enough on that.”

According to some judges, transformation, despite being essential, has happened too fast and a few judges have been appointed for the wrong reasons, such as their race, gender, or political connections. Very capable, skilful, and experienced white counsel are overlooked merely because of their race, as noted by judge 3JM: “I’m afraid that affirmative action, which is a constitutional imperative for the appointment of the judiciary, has the result of very senior white counsel, Silks of many years standing, not being invited to serve on the bench.” Experience and skills are, however, not the only criteria to be a competent judge. One judge

opined that, when considering candidates, the Judicial Service Commission (JSC) ought to appoint those who are committed and willing to work hard, even though they may lack some experience. However, judges from all races reported that, if undeserving candidates with no or very little experience are appointed, it places a burden on the judges who can do the work. Appointing judges who cannot perform the job effectively may result in poorly reasoned decisions that, in turn, can harm the litigants and the reputation of the judiciary.

Contrary to the above opinion that transformation has happened too fast with the appointment of less suitable candidates, some judges were of the view that the transformation of the bench is still inadequate because black people were denied opportunities during the apartheid era. Although they may well inherently be intellectually on par with their colleagues, they might not be as eloquent, and consequently, when newly appointed judges with limited exposure and experience or those who are not particularly articulate have to confront well-educated, skilled jurists, it has a limiting effect on transformation. To bridge this problem, in accordance with Sen's CA (1992), one judge (4AJM) proposed that, regardless of their race, all judges had to be willing to transform themselves. "... The problem is people are not humble enough to accept that they may require some assistance. So, if you're not humble, you're not receptive. And if you're not receptive you can't change." Some judges should provide assistance to colleagues, especially those who may not be able to perform at a certain level due to education of inferior quality in the past. Conversely, those who need help must accept assistance from their colleagues and upskill themselves.

Several judges believed that being an advocate or a magistrate is a very good foundation to prepare a person for the work of a judge. In their opinion, academics, business people, and even some attorneys lack the necessary experience, irrespective of their race: "... in terms of my own experience of law and coming to the bench after 40 years' experience in practice, one approaches that role very differently than someone who's not even 40 and has maybe been in practice for eight or nine years and has been recognised for reasons much more to do with political and social connections than anything else" (4JM). One retired judge (1RJM) proposed that previously disadvantaged attorneys who did not have the opportunities to build up a practice as an advocate ought rather to be assisted – financially as well as through mentorship programmes – to work as an advocate for a few years before being elevated to judgeship merely for the sake of transformation. In this way, people with potential and bright legal minds will gain the necessary experience to cope with the stressors specific to the work of a judge. Those

judges who had been attorneys before being elevated to the bench did not agree with the perception that advocates make better judges. They said, inter alia, that they are equally equipped to do the work, as they gained ample experience working in the legal fraternity, and they have been hard-working.

Some female judges commented that more women should be elevated to the bench and that they, furthermore, should be afforded the opportunity to advance to more senior positions, such as that of a deputy judge president (DJP). Interestingly, one black female judge (8JF) noted that, in her opinion, in the process of transforming the bench, “white women have been short-changed” and that attention should be given to the elevation of more white women.

Job resources

Job characteristics

Autonomy: Judges have the autonomy to decide each case on its merits without fear or favour. Furthermore, they can decide independently on certain facets of their work, for example, the way they want to manage their court. The only rules that govern them are the rules of the law, but they cannot be dictated to in terms of how to interpret the rules of court, the law, or the issues before them. It is a fundamental requirement of a judge to act independently, and judges value their autonomy. As judge 4JM noted: “I am quite conscious of my own autonomy and having it is very important to me. Provided that I’m able to do that, throughout the whole of my career, that would actually be a condition of me having a sense of flourishing.” Judges’ autonomy is, however, limited in that they cannot decide over some aspects, such as the number and type of cases over which they are going to preside or how long a case may run in court.

Task identity: Generally, in trial matters, judges manage their cases independently, from start to end, as explained by judge 10JF: “You get a trial and then you have to start it. And if it’s part-heard, you’ve got to finish it. You get an appeal, you’ve got to hear it, you’ve got to write the judgment and you’ve got to finish it. ... it’s actually quite rewarding ...”. However, there are instances where judges have limited involvement in a case, for example, when a matter is postponed before evidence has been led. Acting judges sometimes do not see a case through from beginning to end, especially when they act for only a few weeks. According to one acting judge (1AJM), “this somewhat militates against autonomy”.

Task significance: All the judges participating in this study were very conscious of the significant impact of their work on the lives of other people. “You have to be extremely sensitive to the power you have, because it has a huge impact” (2JM). Their judgments can be life-changing, for example, in a criminal matter when a perpetrator is sentenced to jail for life, or in a civil matter, where people are evicted from the place where they are staying; it can also be career-limiting, for example, when a medical practitioner has been found guilty of malpractice. Their judgments are not necessarily limited to only the people involved in a specific case, but “due to the principle of precedent” (9JF), these can have far-reaching effects, especially when it is a matter of public interest. It can “have an impact on the development of the law” (3RJM). Judge 7JM noted with enthusiasm that, when another judge refers to his judgment and “makes it his/her own”, he flourishes.

Training and development opportunities

Since the dawn of the new democracy in South Africa, people other than advocates, for example, businesspeople, academics and some inexperienced attorneys, have been considered for appointment as judges. They do not always have the necessary maturity in terms of knowledge and experience and, thus, require training. Most judges who participated in the study were of the view that they must continue learning and developing themselves. There are plenty of opportunities to learn, as noted by judge 1JF: “... we have weekly training meetings that we arrange with ourselves ... I think everyone is developing. The job is of such a nature, structured in such a way as to provide continuous legal education. Then we have SAIJE [the South African Institute for Judicial Education] and we have winter schools and summer schools.” Formal training opportunities are provided by the SAIJE and the annual Judges Colloquium. The objective of judicial education is to “foster a high standard of judicial performance” and, ultimately, to ensure the “fair and efficient administration of justice”, with its end object “to provide justice for all” (Moseneke, 2011, p. 6). Judicial education is imperative to establish a judiciary that comprehends and is committed to constitutional values and that appreciates the complex social and historical context within which it must function. Consistent with this notion, judge 15JF noted that “social context training” is imperative before anyone is elevated to the bench. “I’ve got to know the people I’m working with, I’ve got to understand their culture so that I can relate, so I can respect them.” Judge 21JM agreed with this view.

By virtue of the nature of their job, judges are exposed to work environments that are unknown to them, and they continuously learn about non-legal things that they never knew about beforehand. The more diverse the work, the more judges develop, as their work gives rise to learning new things by exploring other types of work and work environments, such as, for example, the aviation industry. When a judge presides over a matter involving, for example, a person with a disability, then he/she learns about the lived reality of people with disabilities, besides giving a judgment. This is in accordance with the requirement for “sensitivity training”, as explained by former Chief Justice Mahomed (1998, p. 109): “[P]roper judicial insights in many areas would involve training sensitive to the perspectives and the complaints of special groups, unfairly marginalised in the past, such as women, blacks, homosexuals and even illiterate and disabled persons, all disadvantaged by assumptions which might need review and discussion.” Educating themselves broadly in that context, over and above dealing with the legal forensic dimensions, satisfies judges’ need for development, which, in turn, enhances their well-being. Opportunities to learn can also arise in various other ways: doing research and reading other judgments on certain topics about which they have very limited knowledge, for example, medical terminology or procedures relating to a medical negligence case; talking to, and asking advice from, colleagues, “ ... that’s normally more in line with seeking assurances when it isn’t something obvious, particularly when it’s something you’re slightly unfamiliar with” (4JM); and “listening to some experienced counsel appearing before a judge” (3JM), as he/she might mention something a judge did not know.

Remuneration

Judges’ compensation is regulated in terms of section 2(1)(a) of the Judges’ Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001) (Government Gazette, 13 December 2018). Some judges were satisfied with their salary and benefits, while others were of the view that their remuneration was insufficient when considering their workload and the emotional stress associated with their work, as well as when comparing their salaries to, for instance, those of politicians. Judges who had previously worked as, for example, magistrates and attorneys at small practices were generally satisfied with their remuneration, as it was much higher than their former earnings. However, judges who had previously been attorneys at large law firms or advocates, especially silks, reported that their income had decreased significantly.

Judges who were generally satisfied with their salary and benefits, but not their increases, advanced the following arguments:

- Compared to most other occupations in the country and compared to judges in other countries, South African judges receive a good salary. In this regard, judge 4JM noted: “In a country where only, something like 10% of the population earns more than R6,000.00 per month, the Judges’ salary now is about R150,000.00 per month, it’s a magnificently wonderful salary. ... My own enquiries suggested our bench is probably one of the best paid benches in the world. I think allowing for purchasing power of parity we earn more than English Judges.”
- They had taken the position to serve their country and its people; for them, it was a calling.
- In terms of the Judges’ Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001) (Government Gazette, 13 December 2018), judges are entitled to a salary for life after retirement until a month after they die, which is an incredibly generous pension. Retired judges, therefore, continue to receive their salary at exactly the same rate as that of sitting judges. Upon their death, their surviving spouses continue to receive their full salary until they die.
- The sabbaticals to which they are entitled every four years, as well as their substantial leave allocation, are further significant benefits.
- A “salient benefit” of being a judge, for which money could not compensate, is their “standing in society ... it just put you in a different place” (12JF).

Contrary to the above, those judges who were not satisfied with their remuneration, presented these arguments:

- As judges are not allowed to engage in other working activities, their salary has to at least keep up with inflation.
- To attract the best talent from the bar and sidebar, the discrepancy in income cannot be too big; otherwise, there will be no incentive for them to come to the bench, “... as they see it as financial suicide” (6AJM). A more comparable income would probably also result in more black advocates considering elevation to the bench, which would bolster transformation.
- Although the lifelong pension is an excellent benefit, some judges argued that they could die shortly after retirement. As a silk, for example, they could have earned a much higher salary, which would have enabled them to provide financially for their children after their death. Now, however, they were earning less, and once they die, their children would not have the benefit of their pension, as it only applies to spouses.

Most judges objected against their annual increases. South African judges did not receive a pay increase in 2016. In 2017 and 2018, they received a lower-than-inflation increase, resulting in them earning less in real terms. An aggravating factor is that the state financial year begins on 1 April, and the increase for the year (beginning April) is only gazetted a year afterwards, in the last month of that financial year. For example, if there had been a 4% increase with effect from April 2017, it would only have been made effective on 31 March 2018. Although it is backdated, judges lost out on the forfeited interest of their income: "... that's little bit of a fiscal scandal" (4JM). Not receiving a salary increase has a further significant negative impact. Judges receive a gratuity after 15 years of service as a judge, which is double their salary, tax-free. Then they get another pay-out when they have 20 years' service, which is also a double salary minus the gratuity that they received after their initial 15 years. Therefore, if there were no salary increases between a judge's 15 years' and his/her 20 years' service, he/she would receive no gratuity after 20 years' service. Moreover, the gratuity is only calculated up to 20 years' service. There was, thus, no motivation for judge 4RJM to continue working any longer.

Acting judges receive the same salary as permanent judges, but do not enjoy the privilege of a good pension scheme. If they come from the ranks of advocates, they continue to have expenses relating to their practices; for example, they still have to pay their group fees, their rent, and their secretaries' salaries. Taking these expenses into account, the salary is no longer competitive, and serving as an acting judge is not lucrative, unless a person has the desire to become a permanent judge. The advantage of acting, though, is that when an acting judge is appointed permanently, the period he/she has acted will count towards his/her time served. One acting judge (2AJM), who had the ambition to be elevated to the bench, expressed the view that being an acting judge is a career – a means to advance in his profession to be permanently elevated to the bench. There are, however, no guarantees that one would become a judge. "Everything I have done in my career to become a judge might end up with me one day at the Judicial Committee with Julius Malema asking me a question and he perceives it to be negative or racist and then they say no, 'you can't be a judge', and that's the end of it."

Co-worker relationships

Although high court judges conceptualise the judicial project as something in which they are all involved, it does not include any teamwork. The level of social interaction depends, in part, on the individual judge's personality. On the one hand, some judges reported that they preferred to live on the margin, which was their disposition. On the other hand, most judges felt

connected to one another, especially those who had worked together as advocates or had been on the bench together for long. They reported that they make time to interact socially and to assist one another, time permitting. “Organisational citizenship behaviour – that’s an ethos. For example, in motion court, if you finish your work early, you will ask the other judges, ‘do you need help?’ and take some of their cases, if necessary” (1JF). A division in which there was an exceptionally good spirit of collegiality and where judges took the time and made use of the opportunities to assist one another and to socialise, was the Free State division. Interactions in the labour court were also reported to be positive and fulfilling, where collegiality, support, and organisational citizenship behaviour were experienced.

Some acting judges narrated that they did not always experience a sense of connectedness and togetherness, probably because their acting stints were often short and/or intermittent, and they did not get the opportunity to build a relationship with serving judges. Nevertheless, they opined that they could seek advice from them and that most of them were generally very friendly, engaging, and accommodating.

Superior relations

Most participating judges reported a sense of mutual respect between the senior judges and them. The DJPs and the JPs of the various divisions were considered to be approachable, personable, and accommodating despite their heavy workloads. They were viewed as being supportive of autonomy and to willingly provide training opportunities. Judges’ psychological needs for autonomy, competence, and relatedness were, therefore, fulfilled. “I’ve had a lot of interaction with the senior judges, with the JP and the DJPs ... Each of them has a very different personality, some are more forthcoming than others. ... they’ve come to me to ask me to do things ... and I’ve raised concerns that I have ... which they responded positively towards. So, the relationship there is excellent” (4JM). There is, however, a lack of feedback regarding performance or work objectives at an individual level, as expressed by judge 11JF: “We hardly receive feedback; the only time we receive feedback is if a matter is taken on appeal or if it is commented on by an academic.”

Integration of quantitative and qualitative results

This study aimed to explore what the effects of job demands and job resources were on the well-being of judges in South Africa – whether they flourished and prospered or whether they languished and suffered from burnout. From the study it was evident that consistent with the

JD-R model, despite their job demands such as work overload, there are sufficient social resources to enable judges to obtain their goals if they choose to do so, as indicated in the CA of Sen (1992).

Judges have the autonomy to work within agreed parameters, which contributes towards their flourishing. The findings of the quantitative part of the study revealed that autonomy related practically significantly to PWB, which is consistent with judges' reports that they experience freedom of choice in the execution of their work-related tasks. Autonomy was practically significantly related to training and development opportunities, while the latter had a practically significant relation with judges' PWB, as well as a practically significant negative relation with hassles. This correlates with the findings of the qualitative part of the study. Judges reported that with the development of their skills and knowledge through attending regularly available training programmes of their choice, doing research, or gaining experience on the bench over time, their competence is enhanced, and they gain more self-confidence.

There were practically significant relationships between co-worker relationships and autonomy, and a practically significant relationship (medium effect) between co-worker relationships and judges' PWB. All judges reported that, despite working long hours and often in isolation, having to make their decisions on their own, there was generally a good collegial relationship among them, and they respected one another. Some judges even became friends while others decided to stay on the periphery, preferring an amicable work relationship. Most judges reported that, when asked, they will be willing to assist or to give advice on legal topics to their colleagues. Through interacting with one another, opportunities are created for judges to learn from one another and to develop their skills and knowledge. This correlates with the findings of the quantitative part of the study that co-worker relationships related practically significantly to opportunities for training and development.

Supervisor relationships were practically significantly related to judges' PWB, and practically significantly related to both co-worker relationships and judges' EWB, while practically significantly negative (medium effect) related to hassles. During the interviews most judges agreed that there was a sense of mutual respect between them and their colleagues. Despite a lack of feedback regarding their performance, the DJPs and the JPs of the different divisions were reported to be generally cordial, accommodating, and open to communication, with a tendency to encourage judges to act independently in the management of their courts and to

develop new skills. These findings are consistent with the findings of Deci and Ryan (2008) that supportive climates enhance autonomous motivation. When individuals are accepted by their colleagues, it has a significant positive impact on the meaning they experience in their work and life (Steger & Dik, 2010). Employees' performance generally improve when they are included in the social activities of their group, as the identity they have with their work, their colleagues, and the workplace tend to be stronger (May et al., 2004). Such fulfilling relations with colleagues may result in flourishing, as it creates a sense of belonging and solidarity.

Judges' psychological needs for autonomy, competence, and relatedness, as per the SDT of Deci and Ryan (1985, 2011), were, therefore, fulfilled. The SDT asserts that there are three distinctive psychological needs that are indispensable for optimal functioning: the need for autonomy (that is, the need to have control over one's actions), the need for relatedness (that is, the need to feel connected to others), and the need for competence (that is, the need to have a positive effect on one's outcomes and surroundings). Supportive supervision (characterised by autonomy, competence, and relatedness support) is essential for promoting well-being (Rothmann, Diedericks, & Swart, 2013). Meaningful relationships with supervisors, which are portrayed by trust, support, and non-exploitation, promote individuals' sense of appreciation and respect (Kahn, 1990). According to Kahn and Heaphy (2014), when individuals' preferred identities are confirmed by having rewarded and sought-after relationships, their meaningfulness of work is enhanced. This is in accordance with the findings of Catalino and Fredrickson (2011) that positive interactions with others, especially supervisors, create positive emotions.

The quantitative part of the study indicated that judges' SWB was practically significantly related to their EWB. Judges reported during the interviews that they experienced intrinsic enjoyment and satisfaction from social interactions encountered in their workplace. They perceived a sense of relatedness, comfort, and support from their fellow puisne judges and senior judges. Moreover, they felt that they were adding value to the judiciary and, in their opinion, the work of judges has a significant effect on others.

It was found that hassles which judges experience in their work environment contributed practically significantly to their work pressure and time constraints, and practically significantly negatively (medium effect) to their autonomy. During the interviews some judges reported that hassles, such as incompetent contractors and supporting structures, red tape, and

budgetary constraints, add to their work pressure and have a negative effect on their autonomy. The diminishing and depletion of resources and an inability to cope with job demands result in exhaustion and ultimately in disengagement (Kahn, 1990). When employees are of the view that their job demands surpass the resources available to them, they can experience a sense that they no longer have control over their work due to a lack of competence (May et al., 2004; Schaufeli & Bakker, 2004), which, in turn, will result in employees not flourishing.

The quantitative part of this study revealed that emotional demands had a practically significant relationship with work pressure and time constraints, as well as with burnout. This was reaffirmed during the interviews conducted with the participants. Due to the relentless high volumes of work with which they must cope in the limited time at their disposal, judges do not always have time to work through their emotions, especially after having presided over emotionally taxing cases. Some judges reported that the emotional demands placed on them, particularly when presiding over criminal and family matters, make them emotionally vulnerable and cause them to suffer from burnout. One judge (4JM) noted: "I'm just extremely lucky ... But, who knows, some extremely complicated case may debilitate me, or I may get some ... matter where I can't cope. ... I'm certainly vulnerable and it will be the luck of the draw whether it comes along or not, [when] that edifice of self-confidence is cracked." Employees who do not have enough resources because of cognitive, emotional, or physical overload will feel unable to cope (May et al., 2004; Schaufeli & Bakker, 2004). Employees will then feel that they have not conquered their environment, and as a result, they will not flourish. The findings of this study correlate with those of Barkhuizen, Rothmann, and Van de Vijver (2014) that overload is the most important predictor of burnout. Fifty percent (50%) of female judges who participated in the qualitative part of the study, reported feelings of secondary stress and burnout, compared to only 11,76% of male judges. These findings are consistent with the results obtained by Lustig et al. (2008). Female judges are either more susceptible to burnout or are more candid about reporting stress and burnout. If females are indeed more vulnerable to burnout, whether it is due to, among other things, their age, experience, family commitments, their psychological makeup or because they traditionally worked in family courts, specific measures that are customised to the needs of female judges should be included in intervention efforts. On the other hand, if these differences are due to self-report bias, male judges should be encouraged to candidly acknowledge their experiences of stress and burnout and to seek help without fear of stigmatisation.

Burnout had a practically significant negative relationship with the EWB of judges. The more satisfaction judges derived from their work and the more positive emotions they experienced, the less likely it was that they would suffer from burnout. Burnout was also practically significantly negative related to autonomy and judges' SWB. A stressful environment lacking in social growth, coherence and integration has the potential to contribute to a sense of meaninglessness and burnout. An existential crisis may be provoked when meaningfulness in work wanes, which in turn, can result in burnout (Lambie, 2006). In contrast, propensity to burnout is decreased in work settings where individuals feel supported and appreciated, and where officious and administrative hassles are restricted (Lambie, 2006) and where employees enjoy autonomy in their work. The quantitative part of the study indicated that judges' PWB was practically significantly (medium effect) related to both their EWB and their SWB. During the interviews, participants reported that they were mostly satisfied with their work, in which they enjoyed investing energy. In general, they had pleasant, supporting, and meaningful relations at work despite their heavy workloads and limited time to socialise. They were positive about their own and their colleagues' development, and they believed that their work was significant because of its potential profound effect on people's lives. This correlates with the findings of Fouché, Rothmann, and Van der Vyver (2017) that meaningful work is negatively associated with burnout. Perceiving one's work as meaningful may, therefore, serve as a shield against stress.

It was evident during the interviews that judges' views were divided about the adequacy of remuneration (salary and benefits) and increases. These different feelings related primarily to judges' different occupational backgrounds. Although some judges were not satisfied with their remuneration, most regarded it as sufficient. However, judges felt disgruntled about their annual increases that had not been at least inflation-related over several years. As the salary and benefits of judges are regulated by law and protected by the Constitution (Constitution of the Republic of South Africa No. 200 of 1993), they cannot arbitrarily be tampered with. Some judges, thus, viewed this encroachment on their benefits as being unconstitutional. This is an infringement of the separation of powers – a means by which the executive can exert some power and control over the judiciary. Judges' independence could, thus, be compromised because they are not adequately remunerated. Judges were also discontented that their lifelong salary does not extend to their dependent children. The quantitative part of the study revealed a practically significant (medium effect) relation between judges' remuneration and their SWB.

This probably indicates that judges perceived that their remuneration was linked to their organisational support and acknowledgement of their value.

All judges who participated in the qualitative part of the research acknowledged the necessity of transformation, as individuals from different backgrounds and with different experiences have a variety of perspectives and sentiments. Such diversity inspires well-reasoned, value-based judgments through increasing judicial debate and deliberation among judges (Albertyn, 2014). However, acquisition of better skills, irrespective of the race or gender of candidates, is a prerequisite. There should be more transparency and communication concerning how to achieve transformation.

In summary, although judges do not have a perfect work environment due to, among others, work pressure and time constraints, emotional demands and hassles, this study indicated that, by and large, they flourished, as revealed by both the quantitative and the qualitative results. Judges chose to use the available opportunities for well-being (well-being freedom, according to the CA) to reach their goals, to feel good and to function well at work. There were, however, judges who suffered from stress and burnout due to especially emotional demands.

Recommendations for practice

The following recommendations will probably alleviate the job demands of judges, while increasing their job resources at the same time. This, in turn, will boost their flourishing. Firstly, the President, in consultation with the Minister of Justice, should appoint more judges in those divisions where judges struggle to cope with their crushing workloads. Secondly, in order to improve the cleanliness and maintenance of court buildings, the scope of court managers' authority could perhaps be extended to include managing the work and giving instructions to the personnel of the Department of Public Works. Thirdly, when appointing support staff, consideration should be given to their experience and capabilities, and they should be sufficiently trained in order to support judges to work faster and to be more productive. In the fourth place, although all judges agreed that transformation was imperative, some judges found it virtually impossible to discuss this sensitive topic. There is very limited conversation between people who are supportive of transformation, but who have different views about how one should devise strategies and achieve it. It is recommended that the JPs and DJPs of the different divisions should encourage more rational discussion in this regard. In the fifth place, cognisance should be given to the feelings of distress and burnout that judges, especially female

judges, experience. A professional and considered stress management programme could be implemented. In the sixth place, in order to be more sensitive regarding cultural differences, social context training should be included in the training of new judges. Penultimately, greater security should be implemented at courts and at judges' residences. Lastly, judges' salary increases and benefits should be reviewed. Their annual increases should keep pace with inflation. The fact that not all judges with children are married should be recognised, and after their deaths, financial provision should be made via their pension for their children until such time that they have completed their studies and enter the labour market.

Limitations of the study and suggestions for future research

Attempts were made to be as inclusive as possible regarding participants' gender, racial distribution, age, the period they had been serving as a judge, and the different courts in which they worked. Although judges from six of the nine provinces in South Africa participated in the study, the size of the sample in this study was small. This is due to the relatively small population of judges and the non-availability of some judges during the data gathering. The results may, thus, be viewed as not being representative of all judges. Although this study was fairly representative in terms of the types of courts and jurisdictions in South Africa, the sample size should be increased in future research. Such research could also focus on the development of intervention strategies to assist those judges who experience significant levels of stress, and who ultimately suffer from burnout, due to the demands of their work. Secondly, the study made use of self-reported measures, which might have led to "social desirability bias" (Demetriou, Ozer, & Essau, 2015), as the participants could have responded in a socially acceptable way. However, since participants were from different cultural backgrounds, were highly educated, and were used to applying their minds critically to factual issues in the execution of their daily tasks, these factors would probably have refuted socially acceptable responses. Thirdly, due to the cross-sectional design (which allowed identification of relationships between variables at one point only), the causal relationship among all the study variables concerning workplace flourishing could not be established. However, the researcher is convinced that the findings are robust and views the cross-sectional design as a sound design, especially because the detail of qualitative collection methods was integrated with the broad, numeric trends of quantitative research (Creswell, 2009). Penultimately, due to the small sample, it was not possible to utilise sophisticated statistical techniques to analyse the quantitative data. Lastly, very limited research, such as that of Van der Klink et al. (2016), has been done in the sphere of industrial psychology on the application of the CA, which is

intimately linked to well-being concepts and quality of life. It is recommended that future research should include the CA, as it could assist in indicating which resources are needed to attain work goals, which personal and socio-environmental conversion factors would have an influence on an individual's capabilities, and which aspects of work individuals find pleasing, contributing positively to their flourishing.

Conclusion

Overall, while some responses contained indications of stress, for most respondents, the demands of being a judge were balanced by substantial sources of contentment. It was evident from the results of this study concerning judges that all three essential needs, as per Deci and Ryan's SDT (Deci & Ryan, 1985, 2011), that is, the needs for autonomy, competence, and relatedness, were met to a large extent. Of the judges who participated in the quantitative part of the study, 75% were flourishing, while 25% were moderately flourishing. Nevertheless, the stressors experienced by judges should be addressed, and the findings of this study may provide a rationale for interventions aimed at enabling judges to cope better with the inevitable demands they face in the execution of their duties.

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CHAPTER 5

CONCLUSIONS, LIMITATIONS, AND RECOMMENDATIONS

The purpose of this chapter is to reflect on the three articles constituting this study. Conclusions are drawn in keeping with the research objectives. Moreover, limitations of this research are discussed, and recommendations are made. Lastly, research opportunities emanating from this study are presented.

5.1 Conclusion

The conclusions described below are drawn from the studies in the three research articles.

Well-being of judges: A scoping review of quantitative and qualitative studies

The first objective of this study was to review qualitative and quantitative empirical studies of different factors that affect the well-being of judges globally and to determine what could be done to reduce the occupational stressors that result in them languishing as well as actions that could be taken to enhance their flourishing. While flourishing at work refers to an employee's desirable well-being state, achieved through positive experiences and the effective management of job-related factors (Rautenbach, 2015), purely languishing individuals are mentally unhealthy; they have minimal levels of emotional, psychological, and social well-being.

Not all judges experience the same job demands and sources of stress, as these vary according to, among other things, their gender, their country's political and economic position, the courts in which they work, and the types of cases over which they preside. Previous research has identified the following constructs as being prominent stressors for judges worldwide: working long hours in order to cope with a consistently heavy workload (Hakanen, Rodriguez-Sánchez, & Perhoniemi, 2012; Ludewig & Lallave, 2013; Lustig et al., 2008a; Lustig et al., 2008b); experiencing emotional demands due to exposure to gruesome evidence or human misery (Flores, Miller, Chamberlain, Richardson, & Bornstein, 2009; Lustig et al., 2008a; Lustig et al., 2008b); making decisions affecting other people's lives (Ludewig & Lallave, 2013); experiencing negative work-home interference, especially female judges (Anleu & Mack,

2014; Kohen, 2008; Ludewig & Lallave, 2013; Lustig et al., 2008a); having inadequate resources and support (Lustig et al., 2008a; Lustig et al., 2008b); and being concerned about safety and violence against judges and their families (Flores et al., 2009; Chamberlain & Miller, 2009; Miller & Richardson, 2006). Gender bias and discrimination were also reported by some female judges (Anleu & Mack, 2014; Ludewig & Lallave, 2013), but it seems that this inclination has subsided over the years (Kohen, 2008).

Judges are human and are, thus, not immune to negative feelings, such as anger and sadness. Judges' occupational stress is manifested in physical and emotional problems, such as sleep disturbances, muscle tension, hypertension, diabetes, irritability, burnout, and secondary traumatic stress (STS) (Chamberlain & Miller, 2009; Chase & Hora, 2009; Lustig et al., 2008a; Lustig et al., 2008b; Miller & Richardson, 2006). Judges who deal with family and criminal cases (Chamberlain & Miller, 2009) and immigration judges (Lustig et al., 2008a) are particularly prone to STS. Following a traumatic event, individual judges can experience distortions in their psychological needs concerning their safety, esteem, intimacy, trust, and control, which can result in them doubting their abilities and their decisions, among other things (Miller, Flores, & Pitcher, 2010). Judges, in general, but especially female judges (Lustig et al., 2008a), are highly susceptible to burnout. Burnout was recently included in the 11th Revision of the International Classification of Diseases (ICD-11) as an occupational phenomenon, where it is defined as "... a syndrome conceptualized as resulting from chronic workplace stress that has not been successfully managed. It is characterized by three dimensions: feelings of energy depletion or exhaustion; increased mental distance from one's job, or feelings of negativism or cynicism related to one's job; and reduced professional efficacy" (World Health Organization, 2019). The detrimental physical, emotional, and cognitive consequences of burnout, such as insomnia, hypertension, weight gain, substance abuse, irritability, and short-temperedness (Chase & Hora, 2009; Jaffe, Crooks, Dunford-Jackson, & Town, 2003; Lebovits, 2017), can result in a negative perception of the judiciary. Their negative work experiences, that is, working in the intense and generally confrontational environment of the court in which judges usually receive very limited positive feedback or support vis-à-vis their decisions, have a negative influence on judges' well-being, and they tend to languish.

Several interventions to reduce stress have been proposed. In the first instance, the crushing workload of judges can be reduced by increasing the number of judges and appointing more

support staff (Lustig et al., 2008a). Judges should receive training in recognising symptoms of STS in themselves (Chamberlain & Miller, 2009). Male judges, in particular, should change their attitude regarding the reporting of their stress and safety concerns (Flores et al., 2009) to facilitate therapeutic measures, such as post-trial debriefings following difficult trials. Judges should take breaks from work, for instance, sabbaticals or short (two to four days) respites, to minimise work-related burnout (Chamberlain & Miller, 2009; Hakenen et al., 2012). Moreover, procedural changes, such as properly equipped courthouses to stop acts of violence, and policies to reduce stressors should be implemented (Chamberlain & Miller, 2009; Flores et al., 2009). Lastly, policies and procedures should recognise female judges' family responsibilities and allow for greater flexibility (Anleu & Mack, 2009).

On the positive side, this review revealed that, for most judges, the demands of being a judge were balanced by substantial sources of satisfaction (Mack & Anleu, 2008). Due to the significance of their actions and decisions, which can be life-changing, judges have the propensity to engage in their work and they do not resent working hard and long hours (Hakanen et al., 2012). The nature of their work, for example, the autonomy and flexibility they enjoy, and the quality of justice delivered, the significance of their work, positive and supportive interactions with their colleagues and superiors, as well as their working environment and the way in which the court functions, among other factors, enhance the well-being of judges (Anleu & Mack, 2014; Chase & Hora, 2009; Ludewig & Lallave, 2013; Norris, Commons, Miller, Adams, & Gutheil, 2011). Therefore, despite the demands and stressors in their everyday work, many judges flourish, that is, they feel and function well, which is a predictor of litigant satisfaction and has a significant influence on the public's confidence in the courts. Actual efforts should, thus, be made to combat judges' occupational stressors and to enhance their well-being.

Work beliefs, work-role fit, and well-being of judges in South Africa: Effects on intention to leave and organisational citizenship behaviour

The second research objective was to obtain a better understanding of the effects that South African judges' perceived work-role fit and their work orientation had on their well-being, as well as what the outcomes were, that is, whether they intended to leave or remain in their jobs and whether they displayed organisational citizenship behaviour.

As public officers appointed to decide cases in courts of law, judges have very responsible work; their decisions can be life-changing and have far-reaching consequences. Becoming a judge is seen by advocates, from whose ranks most judges are selected, as the pinnacle of their careers, as judicial service ranks among the highest-status jobs and the most fulfilling ways to serve one's country. Judges, however, do not feel content with their work merely because of the status of their jobs, as individuals tend to see themselves according to their belief about their role, that is, whether they view their work as a job (being interested only in the material benefits from work and not seeking or receiving any other type of reward from it), a career (being concerned with occupational advancement and responding positively to social standing and prestige), or a calling (perceiving work, and not remuneration or advancement, as having value and meaning and as contributing to the good of all) (Bellah, Madsen, Sullivan, Swidler, & Tipton, 1985).

The quantitative results showed that 25% of the judges experienced moderate well-being, while 75% flourished. A total of 71.4% (85.7% flourishing and 57.1% moderately flourishing) of the 28 judges who participated in the quantitative part of this study reported a strong calling orientation to their work, while 28.6% (14.3% flourishing and 42.9% moderately flourishing) of the judges reported that they viewed their work as a career. Of the 25 judges who participated in the qualitative part of the study, the majority reported that they primarily viewed their work as a calling, as their decisions could have a significant effect on others. Such a belief facilitates meaning making through heightening individuals' comprehension of themselves and their work environment (Steger, Dik, & Duffy, 2012). The majority of the few judges who reported that they viewed their work as a career were acting judges who still aspired to be elevated to the bench in a permanent position or those judges, especially females, who wanted to still advance to a more senior position, such as that of deputy judge president. There were also judges who reported that they could not choose only one orientation; that is, they viewed their work as a job, a career, and a calling. Only one judge noted that she regarded her work principally as a job. She probably experienced a reduced sense of meaningfulness in her work because, when individuals' interests and aspirations are not conveyed through their work, meaning making occurs less often (Wrzesniewski, Dutton, & Debebe, 2003).

The well-being of judges was, *inter alia*, influenced by their interactions within their work milieu, as well as the fit between their individual characteristics, such as their knowledge, capabilities, and values; and environmental characteristics, for instance organisational values

and features, and aspects of their roles (Shipp & Jansen, 2011). In accordance with the opinion of May, Gilson, and Harter (2004), if judges feel that their work make a difference in the lives of other people, if they can express themselves in their work, and if they feel that their values are congruent with those of the judicial system, there is a good work-role fit, which contributes to them feeling and functioning well.

In terms of the relationship between work-role fit, psychological well-being (PWB), emotional well-being (EWB), and organisational citizenship behaviour (OCB), the current study found practically significant relationships. Work-role fit showed the strongest relationship with PWB. This correlates with the findings of, inter alia, Olivier and Rothmann (2007), who found that work-role fit was the strongest predictor of psychological meaningfulness. Judges' psychological need for autonomy, competence, and relatedness (Deci & Ryan, 2011) were satisfied. Their meaningful experiences supported their well-being (Matuska & Christiansen, 2008). The results also indicated that work-role fit had a practically significantly relationship with EWB. Judges who perceived that their wants were taken care of and who encountered pleasant reactions at work, experienced a good work-role fit. Almost all judges interviewed, reported that there was a high level of fit between their individual characteristics, such as their personalities, skills and qualities and the characteristics of their work environment. They enjoyed their work, which they perceived as meaningful and significant. When there is a good work-role fit, individuals feel at ease in their workplace, which they perceive to encourage them to express and to live out their values. They are then inclined to invest greater personal effort in their work (Olivier & Rothmann, 2007). The quantitative part of the study, furthermore, revealed that work-role fit was a practically significant predictor of OCB. This was consistent with the qualitative results. When employees experience a high level of fit between their personal characteristics and their work, they tend to do more than what is expected from them to successfully complete specific tasks (Dik & Duffy, 2008). Judges who experienced a congruence between their self-perceptions and their subjective understanding of the requirements of their roles, were prepared to spend greater personal effort to help their colleagues and to expand their performance within and beyond the constraints of their job description. This study showed that there was a practically significant relationship between EWB and social well-being (SWB). Having job satisfaction and experiencing positive affect were, thus, linked to experiences of judges that were directed at social activities and a sense of caring and belonging they encountered in the workplace, as was reported during the interviews. Although most participating judges reported job satisfaction and positive affect, there were a

limited number who experienced negative affect and felt overwhelmed, depressed, and unhappy.

Lastly, there were practically significant negative relationships between EWB, SWB, and intention to leave. Consistent with previous research findings (Diedericks & Rothmann, 2014; Redelinghuys & Botha, 2016; Rothmann, 2013), flourishing judges, who experienced job satisfaction and a sense of belonging and caring, were less inclined to consider quitting their work. Although most judges reported that they would continue working until retirement, some felt that if their independence was challenged, they may consider leaving.

In summary, the study revealed that, although some judges were only moderately mentally healthy, most judges were flourishing. They perceived their work as a calling, that is, an end in itself (Wrzesniewski et al., 2003), as having value and meaning, and as having a significant effect on the lives of others. Moreover, they felt that their work roles were aligned with their self-concept and that they possessed the specific skills and qualities required for their particular work. These feelings, in turn, were associated with a more meaningful work experience and engagement in work. Flourishing at work had a positive effect on judges' OCB and correlated negatively with their intention to leave. All participating sitting judges reported that they would remain in their jobs, unless their independence were to be challenged.

The effects of job demands and job resources on the flourishing of judges in South Africa

The third objective of the study was to obtain a better understanding of specific job demands and job resources that had an influence on the well-being of judges in South Africa and what the outcomes were, that is, whether they flourished and prospered or whether they languished and consequently suffered from burnout.

Job demands are negatively appraised physical, psychological, social, or organisational facets of work that necessitate continued physical or psychological effort or skills and are, therefore, related to specific physiological and psychological costs (Schaufeli & Taris, 2014). On the contrary, job resources are valued physical, social, or organisational facets of work that are functional in attaining work objectives, decreasing job demands, or motivating personal development and advancement (Schaufeli & Taris, 2014). The job demands-resources (JD-R)

model (Demerouti, Bakker, Nachreiner, & Schaufeli, 2001) was used to study the effects of job demands and job resources on the well-being of judges.

Regarding the quantitative part of the study, 21 (75%) of the 28 judges indicated that they were flourishing, while only seven (25%) judges indicated that they were moderately flourishing. Most judges who participated in the semi-structured interviews also indicated that they were flourishing. It was evident that consistent with the JD-R model, despite their job demands such as work overload, judges generally chose to use the available opportunities for well-being (well-being freedom according to Sen's capability approach) (Sen, 1992) to reach their goals, to feel good and to function well at work.

Judges have the autonomy to work within established parameters. The findings revealed that autonomy had a practically significant relationship with training and development opportunities. When developing their skills, expanding their knowledge, and acquiring more experience, judges gain more self-confidence and act autonomously, which in this study, contributed to their flourishing. There was also a practically significant relation between co-worker relationships and autonomy. All participating judges reported that, despite working long hours, often in isolation, and having to make their decisions on their own, there was a very good collegial relationship among them. They respected one another and most judges reported that, when asked, they were willing to assist or to give advice on legal topics to their colleagues. These findings are consistent with the findings of Deci and Ryan (2008) that supportive environments enhance autonomous motivation. When individuals are accepted by their colleagues, it has a large positive impact on the meaning they experience in their work and life (Steger & Dik, 2010). Employees' performance generally improve when they are included in the social activities of their group, as the identity they have with their work, their colleagues, and the workplace tend to be stronger (May et al., 2004). Such fulfilling relations with colleagues may result in flourishing, as it creates a sense of belonging and solidarity.

Judges' PWB was practically significantly related to supervisor relationships. The SDT asserts that there are three distinctive psychological needs that are indispensable for optimal functioning: the need for autonomy (that is, the need to have control over one's actions), the need for relatedness (that is, the need to feel connected to others), and the need for competence (that is, the need to have a positive effect on one's outcomes and surroundings). Judges' job characteristics, such as their autonomy, independence, ability to complete (most) matters from

beginning to end and having a significant influence on the lives of others, enhanced their EWB, PWB, and SWB, thereby contributing to their flourishing in the workplace. Despite a lack of feedback regarding their performance, senior judges (JPs and DJPs of the different divisions) were generally viewed as being open to communication, and they encouraged judges to develop new skills and to act independently in the management of their courts, which satisfied judges' need for relatedness. Supportive supervision (characterised by autonomy, competence, and relatedness support) is essential for promoting well-being (Rothmann, Diedericks, & Swart, 2013). Meaningful interaction with supervisors promotes individuals' sense of appreciation and respect (Kahn, 1990). According to Kahn and Heaphy (2014), when individuals' preferred identities are confirmed by having rewarded and sought-after relationships, their meaningfulness of work is enhanced.

Judges' SWB was practically significantly related to their EWB. Judges experienced intrinsic enjoyment and satisfaction from social interactions encountered in their workplace, where they experienced a sense of relatedness, comfort, and support from their fellow puisne judges and senior judges, and they felt that they were adding value to the judiciary and that their work had a significant effect on others. A positive work environment plays a vital role in the flourishing of individuals in their place of work, in keeping with the findings of Catalino and Fredrickson (2011) that positive interactions with others, especially supervisors, create positive emotions.

It was found that hassles that judges experience in their work environment contributed practically significantly to their work pressure and time constraints. During the interviews some judges reported that they find hassles, such as, incompetent contractors and supporting structures; red tape; budgetary constraints; and concern about their safety, frustrating, as it adds to their work pressure and has a negative effect on their autonomy. The diminishing and depletion of resources and an inability to cope with job demands result in exhaustion and ultimately in disengagement (Kahn, 1990). When employees are of the view that their job demands surpass the resources available to them, they can experience a sense that they no longer have control over their work due to a lack of competence (May et al., 2004; Schaufeli & Bakker, 2004).

In terms of the outcomes of their well-being, judges' emotional demands had a practically significant relationship (medium effect) with burnout, as well as work pressure and time constraints. This was confirmed during the interviews conducted with the participants. Due to

the relentless high volumes of work with which they have to cope while under time pressure, judges do not always have time to work through their emotions, especially after having presided over emotionally draining cases. Some judges reported that they felt emotionally vulnerable and burnt-out, particularly when presiding over criminal and family matters, which they found emotionally taxing, as they had to manage their own as well as other people's emotions. The findings of this study correlate with those of Barkhuizen, Rothmann, and Van de Vijver (2014) that overload is the most important predictor of burnout. A much higher percentage (50%) of female judges reported feelings of stress and burnout, compared to only 11.76% of male judges, which is consistent with the findings of Lustig et al. (2008b). Female judges are either more susceptible to burnout or are more candid about reporting stress and burnout. If females are indeed more vulnerable to burnout, whether it is due to, inter alia, their age, limited experience, family commitments, or their psychological make-up, specific measures that are customised to the needs of female judges should be included in intervention efforts. However, if these differences are due to self-report bias, male judges should be encouraged to openly acknowledge their experiences of stress and burnout and to seek help without fear of stigmatisation.

Burnout had a practically significant negative relationship with judges' EWB, indicating that the more satisfaction judges derive from their work and the more positive emotions they experience, the less likely they would suffer from burnout. Burnout was also practically significantly negatively related to judges' SWB. Judges indicated that they generally had pleasant, supportive, and meaningful relations at work. Propensity to burnout is decreased in work settings where individuals feel supported and appreciated, and where officious and administrative hassles are restricted (Lambie, 2006). Judges were positive about their own and their colleagues' development, and they believed that their work was significant because it could potentially have a profound effect on people's lives. This correlates with the findings of Fouché, Rothmann, and Van der Vyver (2017) that meaningful work is negatively associated with burnout. Perceiving one's work as meaningful may, therefore, serve as a shield against stress.

Although some judges were not satisfied with their remuneration (salary and benefits), most judges regarded it as sufficient. They did, however, feel unhappy about their annual increases, which had been below the rate of inflation for several years. As the salary and benefits of judges are regulated by law and protected by the Constitution (Constitution of the Republic of South

Africa, 1996), they cannot arbitrarily be tampered with, and some judges, thus, viewed this encroachment on their benefits as being unconstitutional. Their independence could be compromised when their remuneration is not adequate. Judges were also discontented that their lifelong salary did not extend to their dependent children.

The necessity of transformation was acknowledged by all judges who participated in the qualitative part of the research because diversity inspires well-reasoned, value-based judgments through increasing judicial debate and deliberation among judges (Albertyn, 2014). However, acquisition of better skills, irrespective of the race or gender of candidates, was noted as a prerequisite. Some judges were of the view that there must be more transparency and communication concerning how to achieve transformation. Transformation was not just about a demographically diverse bench, though. Judges, regardless of their race, must be willing to transform themselves. Some judges should be dedicated to assist colleagues, especially those who had had an education of inferior quality in the past. Although they might all well inherently be intellectually on par with one another, owing to limited education and experience, some might not be able to perform at an appropriate level. Those who need help have to accept assistance from their colleagues and upskill themselves.

5.2 Limitations

Firstly, due to the nature of the scoping review, the rigour or quality of evidence in the primary research reports was not appraised. Moreover, no external auditors or research participants were appointed to validate the findings. Best practice was, however, pursued throughout the research process.

Secondly, due to limited empirical research regarding the well-being of judges, studies from only five countries were included in the scoping review. Although judges from six of the nine provinces in South Africa participated in the multi-method study, the norm group remained small. The homogeneous, small sample hampered the investigation of the personal and contextual factors that advance flourishing at work and its outcomes from a multilevel perspective. However, notwithstanding the small sample size archetypal of a distinctive, rare group of judges, significant relationships were discerned between the study variables.

Thirdly, external generalisation cannot be inferred from the results of the multi-method study, as it concentrated on judges in South Africa. Future studies should include judges in other countries as well as other professions in South Africa.

Fourthly, due to the small sample size because of the relatively small population of judges and the non-availability of some judges during the data gathering, basic statistical techniques were used to analyse the quantitative data. Future studies, with larger sample sizes will probably be able to utilise more sophisticated statistical techniques.

Penultimately, the multi-method study utilised self-reported measures, which might have resulted in “social desirability bias” (Demetriou, Ozer, & Essau, 2015), as the participants could have responded in a socially acceptable way. However, since participants were from different cultural backgrounds, were highly educated, and were used to applying their minds critically to factual issues in the execution of their daily tasks, these factors would probably have counteracted socially acceptable responses. Moreover, as individuals can more accurately report on aspects affecting their work circumstances (Frese & Zapf, 1999), some authors (Haefffel & Howard, 2010) have voiced their discontent with the common trend to regard self-reported measures as a shortcoming.

Lastly, due to the cross-sectional design (which allowed identification of relationships between variables at one point only) of the multi-method study, the causal relationship between all the study variables concerning workplace flourishing could not be established. However, the researcher is convinced that the findings are robust and views the cross-sectional design as a sound design, especially because the detail of qualitative collection methods was integrated with the broad, numeric trends of quantitative research (Creswell, 2009). This multi-method design resulted in well-validated and corroborated findings, as discussed by Creswell (2009). In future, however, other designs could be employed to make allowance for greater causal inferences through more comprehensive and longitudinal research (Ployhart & Vandenberg, 2010).

Regardless of the limitations of this study, the present findings have significant implications for practice and future research.

5.3 Recommendations

5.3.1 Recommendations to Solve the Research Problems

Well-being in the workplace concerns how individuals think and feel about their work and place of work, and it directs their behaviour. Furthermore, it forecasts job attitudes and performance and significantly affects productivity and work relationships. Flourishing workers are happy, engaged, and self-motivated and are continually learning new things. They are inclined to trust their supervisors and co-workers; they obey their workplace's rules and regulations; they recommend improvements; they display OCB and work together to reach joint goals; and they tend to remain in their work. Such behaviour promotes an inventive and industrious workplace, with socially integrated workers. Positive social relationships, thus, create a work culture, which is reciprocally supportive, and improves trust and cooperation among workers (Tov & Chan, 2012). The converse is also true. Individuals who are disgruntled, that is, languishing, tend to be disengaged, to display counterproductive behaviour, or to leave their jobs. To promote individuals' mental health, it is, thus, essential to comprehend the aetiology and nature of their experiences and capabilities (Keyes, 2002).

Having regard to the results of this study, various aspects should be addressed to attend to the stressors experienced by judges and to promote their flourishing in order to achieve positive individual and organisational outcomes.

To promote flourishing of judges, interventions aimed at EWB, PWB, and SWB should be implemented. The emphasis should be on personal and contextual factors, such as judges' work orientation, their perception whether they fit into the distinct role of a judge, the demands and resources specific to their occupation, their capabilities and their choice whether they want to act on these, as well as the impact of these factors on their well-being and its outcomes.

To realise advantageous outcomes for both the judiciary and individual judges, the following aspects should be attended to:

Judges' well-being and efficiency will be enhanced when they experience a good P-E fit and when they find their work meaningful, as opposed to just doing the work for the status or the benefit of a lifelong pension. When selecting judges, cognisance should be given of ensuring

that their individual characteristics are compatible with those of their work environment. This could probably be done by including psychometric testing in the selection process and further consideration by the Judicial Service Commission. When elevating judges to the bench or more senior positions, decisions should be based not merely on race or gender, but also on acquisition of skills. It is important that suitable individuals are selected, as appointing the wrong person can have calamitous consequences for the individual judge, the judiciary, and the public.

Work situations should minimise the emotional, cognitive, and physical burdens experienced by employees (May et al., 2004). Anxiety and stress of newly appointed judges will probably be reduced when they receive guidance in orientating themselves at their new place of work, for example, by alerting them to the need to be finely attuned to the etiquette rules, showing them where to park and where the library and other research facilities are, and so forth. Intervention strategies could also include training of prospective and newly appointed judges on how to formulate judgments, which was acknowledged as a great stressor during a workshop for advocates on the subject of acting judges, held in Rivonia, South Africa, in May 2015 (Johannesburg Society of Advocates, 2015).

To foster engagement, judges should detach themselves and recover from their work demands by taking short respites or occasionally taking longer sabbaticals. Having time off from the continuous flood of work can restore their focus and avoid the lasting harm of secondary trauma. Judges should know that sitting in court, especially family and criminal court, day in day out, listening to multiple cases of trauma, can easily result in burnout. It is imperative to edify judges about potential causes of secondary trauma, so that they can more readily recognise signs of such trauma in themselves, such as irritability, depression, and increased alcohol use, and manage their distress. In recognising this, judges should seek help – whether professional assistance or support from their colleagues – without perceiving that disclosure is a sign of weakness and vulnerability. They should also be more conscious of the importance of taking care of themselves.

Interventions should be developed to construct work environments that will enhance judges' job satisfaction and limit their stressors. The President, in consultation with the Minister of Justice, could appoint more judges in those divisions with extremely heavy workloads. Furthermore, it is recommended that magistrates should not merely be recognised as judicial officers, but as part of the judiciary, as recently indicated by Cape Town Chief Magistrate, Mr

Thulare, when addressing a conference of the Africa region of the International Association of Judges (IAJ) (Rickard, 2019). They could then be redeployed to very busy higher courts. Another way to manage the heavy workload and to prevent reserved judgments would be to allocate some time, for example, a week or two, for judges to read, to do research, and to write their judgments while cases are still fresh in their mind, after having presided over trials or done appeals or motions over a certain period. One participating senior judge noted that, if such an on-and-off rotation duty roster were to be implemented, it would alleviate judges' stress and anxiety to get their judgments out in time.

Other interventions to enhance judges' well-being would be to appoint experienced and capable support staff, who would have to be sufficiently trained to support judges. Moreover, in order to improve the cleanliness and maintenance of court buildings, the scope of court managers' authority could perhaps be extended to include managing the work and giving instructions to the staff of the Department of Public Works.

Lastly, as attacks on judicial officers have become more prevalent, there should be greater security for judicial officers in court and at home, as Judge President of the Western Cape High Court, Judge John Hlophe, urged when speaking at the opening function of the African bloc of the IAJ meeting, held in June 2019 (Rickard, 2019).

5.3.2 Recommendations for Future Research

Although this study was quite representative regarding the types of courts and jurisdictions in South Africa, the sample size should be enlarged in future research. Future studies should also involve judges from more countries, including other developing countries in Africa, as this will enhance our understanding of the way in which courts function, how they are staffed, and how budgets are allocated to the judiciary. This could, in turn, result in processes and/or measures being put in place that will increase judicial well-being.

To ensure that there is a good fit between a judge and his/her work environment, further research could be done to develop a set of criteria to be included in the selection process of judges, in consultation with the Judicial Service Commission. Furthermore, strategies could be developed for judges to live a more balanced life.

Female judges' experiences in the workplace need further investigation. This could include research on measures to be implemented so as to increase the number of women in the judiciary (for example, through mentoring, training, and greater involvement in politics), to enhance their well-being (by being more sensitive to the fact that they must deal with the same stressors male judges do, while having to balance their careers and families), and to prevent gender bias.

Future research should examine the incidence and magnitude of different stressors with which judges must contend that could result in burnout. Research could, for example, focus on the factors that cause the greatest amount of stress for judges, the type of judges who are most at risk, the way these occupational stressors affect judges' personal lives, their job performance, as well as their general well-being. Intervention strategies that are specifically customised to relieve the distinct stress that judges contend with should be developed.

Lastly, very limited research, such as that of Van der Klink et al. (2016), has been done in the sphere of industrial psychology on the application of the CA, which is intimately linked to well-being concepts and quality of life. It is recommended that future research should include the CA, as it could assist in indicating which resources are needed to attain work goals, which personal and socio-environmental conversion factors would have an influence on an individual's capabilities, and which aspects of work individuals find pleasing, contributing positively to their flourishing.

5.4 Contributions of the Study

Positive psychology, which is the examination of happiness and well-being (Seligman & Csikszentmihalyi, 2000), is important in any workplace because work is a significant area of individuals' lives, in which they engage and find meaning (Van Zyl, Deacon, & Rothmann, 2010).

Firstly, this study effected more extensive confirmation regarding the influence of positive practices on workplace flourishing. When individuals experience subjective well-being, they flourish, while those who are not subjectively well, languish. This study corroborated that flourishing in the workplace occurs when, among other factors, individuals experience work-role fit (May et al., 2004; Olivier & Rothmann, 2007), when they have a calling work orientation (Peterson, Park, Hall, & Seligman, 2009; Wrzesniewski et al., 2003), when their

job demands do not surpass the available resources (May et al., 2004; Schaufeli & Bakker, 2004), and when they experience high levels of EWB and function well both psychologically and socially (Rothmann, 2013). It showed that flourishing employees experience greater job satisfaction and work engagement, they are enthusiastic and productive, and they have a reduced tendency to develop STS and burnout. Distinctive organisational outcomes of flourishing behaviour of judges were, inter alia, organisational citizenship behaviour and less turnover intent and actual turnover. Workplace flourishing is in the best interest of individuals, organisations, and communities because work is an omnipresent and influential part of workers' well-being.

Furthermore, this study extended available literature on the well-being of individuals in the workplace by including judges, whose work situation differs vastly from that of other employees. Very limited information is available regarding the welfare of judges globally, and no previous studies could be found regarding the flourishing of judges in South Africa.

There have been significant bodies of literature on the CA and the difference it can make in many fields, such as economics, public health, technology, sustainability analysis, and studies regarding environmental policies, disability, and education (Robeyns, 2017). However, there is very limited research regarding the effect this approach can have on the well-being of individuals in the workplace. The current study offset the dearth of application of the CA in the science of industrial psychology by including judges and by focusing on what was important to, and valuable for, them to achieve their goals and whether they were able and enabled to do so (Van der Klink et al., 2016).

Scientific evidence on the relationships among work beliefs, work-role fit, the well-being of judges in South Africa, their OCB, and their turnover intention was provided. Scientific evidence was also established regarding the influence of job demands and job resources on the well-being of judges, that is, whether they flourished and prospered or whether they languished and suffered from burnout, as well as judges' conscious decision whether they wanted to utilise their capability set to achieve their valuable functionings. This study, therefore, extended the limited knowledge regarding the welfare of judges by revealing both positive and negative factors that affect their well-being. It provided indispensable clarity that a balance between job resources and demands, a good work-role fit, and a calling orientation has a positive effect on flourishing at work. Moreover, it raised awareness among policymakers of the necessity to

consider the value of interventions to reduce judges' stressors, which could result in STS and burnout, with negative personal and organisational outcomes, and to facilitate the flourishing of judges.

In summary, this study contributed to both theory and practice by not only offering added support regarding the importance of flourishing at work, but also to empirically ascertaining several previously largely unexplored personal and contextual factors related to the lived world of judges. It emphasised the aim to better understand flourishing at work and its importance in the judiciary.

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