

TA and Mediation/RJ

Useful methods from Transactional Analysis
for the facilitator of Mediation and
Restorative Justice

Eleonore Lind PTSTA-p and Mediator

www.eleonorelind.se
eleonore.lind@telia.com

What is Mediation and what is Restorative Justice?

Definition of mediation: Mediation is a step-by-step process where impartial third parties help disputants build their own agreement.

Definition of Restorative Justice (RJ): Restorative justice is seen as a broad approach oriented towards repairing, as far as possible, the harm caused by crime or other transgressions. A core element of restorative justice is active participation by the victim, the offender and possibly other parties (the community).

History of RJ

- "Wise" people
- Medieval county laws, Sweden
- For example New Zealand, Canada, USA, Africa
- Nils Christie "Conflicts as property" 1977
- Late 80s - 2000
- Council of Europe 1999
- EU regulations ? and 2012
- Fairly well developed in Scandinavia, intermittent in the rest of EU

Basic principles from RJ

Voluntary

Impartial mediator/facilitator

Confidential process

Aim of RJ/Mediation

Recognition

Empowerment

Basic principles from TA

Philosophical assumptions:

People are OK

Everyone has the capacity to think

People decide their own destiny, and these decisions can be changed

Basic principles:

Contractual method

Open communication

Methods from TA

- Basic hungers: stimuli, structure and strokes (recognition)
- Lifepositions
- Ego state model, structure and function
- Drama triangle (Games)

Some Games found in Mediation/ RJ

Mediator: NIGYSOB, Kick Me, Look How Much I have Tried, I Am Only Tying to Help You, See How Hard I've Tried

(**Parties:** NIGYSOB, Poor Little Me, Kick Me, Yes But..., Stupid)

Victim: NIGYSOB, Poor Little Me, Kick Me, Yes But..., If It Werent For You, Rapo, Poor Me,

Offender: NIGYSOB, Poor Little Me, Cops and Robbers, Kick Me, Look How Much I Have Tried, Yes But..., If It Werent For You, Wooden Leg, See What You Made Me Do, Stupid

Some findings on Mediators Style, RJ (VOM)

1. The competent mediation style not guided by values
2. The objective and agreement oriented mediation style with humanistic values
3. The fair and juste mediation style where morals and reconciliation is in focus
4. The soft mediation style where the human aspects are in focus

Den svenska medlingsmodellen, till nytta för brottsoffret. M. Jacobsson, L. Wahlin, T. Andersson 2013
ISBN: 978-91-40-68331-1

1. The competent mediation style not guided by values

Mediators describe themselves as impartial, attentive, neutral, directive, guiding, supportive, empathic, fair and juste, clear and competent in their self evaluation. But not righteous or virtuous.

It is of some importans to the mediators that the understanding between parties increase and that the offender gains more insight into the consequences of the crime and impact on victim. And that the victims feelings of shame decreases. Less important that the victims fear decreases.

This is the least clear style, but can be heard clearly in some recordings. A more pragmatic then ideological attitude.

2. The objective and agreement oriented mediation style with humanistic values

Mediators with this mediation style see themselves as impartial and in some instances neutral in their latest mediations. What is important in mediation is to increase the understanding between the parties, that the victim has seen the face of the offender and that the offender gains increased insight and that his/hers feelings of shame diminishes. Finally that a agreement is done between the parties.

This style is clear. A objective, structured, but humanistic appearance.

Integrated Adult ego-state

3. The fair and just mediation style where morals and reconciliation is in focus

The mediator in this category describe themselves as neutral and fair and partly attentive. They think it is important that the parties reach an agreement, the offender apologizes, the victim accepts the apology and reconciliation between the parties. It is of **lesser** importance that the offender feels shame and guilt and that these feelings decrease, that the victim gets restitution/reparation or can or can get on with his/her life.

This style can be heard clearly. They are specifically concerned about being fair and juste with some moral and educative comments.

In TA language, shows a lot of Parent ego-state.

4. The soft mediation style where the human aspects are in focus

The mediator with this style thinks they are attentive, and empathic but not very guiding nor directorial.

They think that increased understanding between parties is important, that the victim gets answers to his/her questions and that the feelings of fear, shame and guilt decreases.

That the feelings of guilt decreases for the offender and both can get on with their lives.

This is clear in many recordings, but more as a part of rather than a pure way of mediating. They are attentive and listens actively.

Integrated Adult showing a lot of Child ego-state.

Thank you!

Eleonore Lind