

Psychotherapy and Justice:

A case for application of
gestalt therapy in the justice
system.

KATYA CARUANA



Introduction.

When we think of justice, we rarely think of psychotherapy, perhaps less of gestalt. Nonetheless, for justice to take effect and be served it must take an all-inclusive perspective and pursue a holistic approach. For this it needs to function in a horizontal, coordinated, and multidisciplinary manner, hand in hand with other disciplines, such that it fundamentally becomes whole, as in a complete gestalt, which may facilitate equality and access to justice for all.

Law and justice are brought forth in a human attempt to restore a sense of balance and equilibrium towards an injured party or parties. Lady Justice, the goddess from Greek Mythology is portrayed as blindfolded representing impartiality. She

holds the balance scales, representing balance and fairness, and the sword, symbolising reason. These qualities are evident in the practice of psychotherapy - not least gestalt psychotherapy.

Justice and psychotherapy not only complement each other but also, I want argue, become one and the same. Both in their own ways seek balance, harmony, equity, and justice. Gestalt therapy focusses on healing of the organism, bringing balance within oneself and with others. The law invokes actual compensation delivered as an attempt to balance injustices suffered by an injured party.

Human rights and Social Responsibility

There are areas where I see more potential to integrate psychotherapy within the human rights and social responsibility spectrum. For example I see a lot of scope for application of psychotherapy in relation to victims of crime, people who are homeless, persons affected by all forms of violence, tragedies including natural phenomena and terrorism, trafficking of persons, and conflict resolution, to name a few areas.

Such work, whilst being hopefully beneficial in its own right may also serve to bring psychotherapy to greater prominence within the justice world. In this way I would like to see psychotherapy including gestalt psychotherapy, earning respect and acknowledgement for its role as a part of the justice system.

There are many places where justice and psychotherapy meet. Psychotherapists are brought in to courts in their capacity as experts. We also have roles to play in areas of mediation, alternative dispute resolution, in litigation and in other areas such as in restorative justice.

Restorative justice is one of the most beautiful areas of law bringing the victim and the perpetrator together. Restorative justice is a bridge-point where justice and psychotherapy merge.

Restorative Justice and Gestalt Psychotherapy

In my working life, the projects I have derived most value from have been those that involved delivering justice to others. And, especially those that supported social inclusion of those most in need. I see justice as related to the wellbeing of society.

My inner journey in becoming a gestalt psychotherapist has taught me that life is all about love. This is about sharing whatever we have, and living with a hopeful sense of solidarity and inclusion.

From a literature review as part of my ongoing studies in gestalt, I have discovered that restorative justice encapsulates a gestalt perspective. Similarities, and common concepts I find are as follows.

Restorative Justice

Reintegrative Shaming v.
Disintegrative Shaming

Offender opportunity to confront
damage done

Offender space to “make it right”
with the victim

Offender opportunity to “make it
right” with themselves

Seeking to “restore” and seeking to
heal

Gestalt Psychotherapy

Reintegrative Shaming v.
Disintegrative Shaming

“Remedy” offered to victim

Supporting reconciliation, if victim
wants, and if perpetrator wants, and
supporting forgiveness if there is will

Space to work through

Facilitation to “restore” and
facilitation to heal

As can be observed, both
approaches embrace and function
on a reparative basis.

In the gestalt psychotherapy
frame, an individual having suffered
the trauma of a crime may incur
non-functional disturbances in their
cycle of contact. The organism may
not be able to continue to self-reg-
ulate appropriately to a desired
equilibrium, creating a need for
re-adjustment.

The therapeutic process is an at-
tempt to re-frame a dysfunctional
organismic self-regulation, and to
facilitate the organism’s creation
of a new and creatively adjusted
mode of contact. This will hopefully

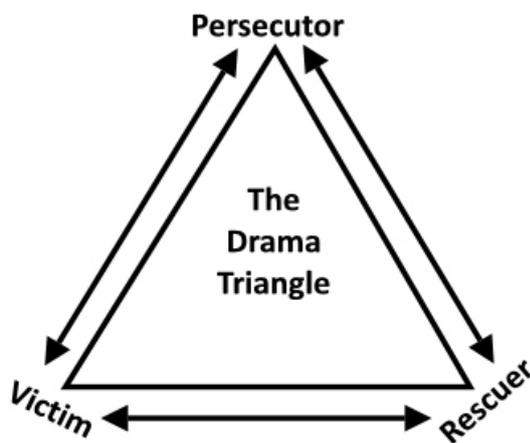
lead to a healthier equilibrium and
implies a transformative process.
“Your sense of the unitary in-
ter-functioning of you and your
environment is contact” (Perls et. al.
1994, p. 104¹), referring to a healthier
mode of contact, which in therapy
we find and experience through
presence, experiment and directed
awareness and so forth - “various
excitements, coloured with pleas-
ure, aggression or pain, energise
the organism to make contacts and
creative adjustments in its environ-
ment”(ibid. p. 181).

For a victim of crime, “the recovered
scene [i.e. memory of the crime]
does not produce release, yet when
it accompanies the renewed

1 Perls, F., Hefferline, R., Goodman, P., (1994). Excitement and Growth of the Human Personality, Gestalt Journal Press.

flooding of feeling it is very important in the self-awareness" (ibid. p. 283). A new sense of self is then formed as with this new flooding of feeling the I-Thou relationship between therapist and client facilitates the forming of a new sense of self.

The Karpman Triangle in Restorative Justice and Gestalt psychotherapy.



**From Transactional Analysis
by Steve Karpman**

Whilst the Karpman Triangle is not from the gestalt epistemology, it can facilitate comprehension of how restorative justice and gestalt psychotherapy work similarly.

From a gestalt perspective, creative adjustments can be both healthy and pathological. A creative adjustment that is pathological implies an organism that remains attached to a fixed sense of self. By bringing awareness, the individual can arrive at a more flexible use of self appro-

priate to the new situation.

If we look at the Karpman Triangle we see possibility for movement of sense of self between victim, perpetrator and helper. If not adequately supported an individual may become fixed in a certain role - say the victim role, or they may form an identity as perpetrator. Restorative justice, thought of in gestalt therapy terms, aids movement around the triangle by facilitating some empathetic experience of those in the other positions. Sense of self does not remain stuck.

Reparative Justice and Gestalt Psychotherapy: A Reparative Approach

The reparative approach does not only cater for the victim but also offers a healing space for the aggressor.

This common ground is held by both gestalt psychotherapy and restorative justice. I believe that introducing more gestalt into the justice system would complement and support efforts towards restorative justice.

Reparative justice hand in hand with gestalt psychotherapy may provide for:

- (i) The appointment of a gestalt psychotherapist by the court to apply the gestalt psychotherapy

approach in the court setting, in the process of mediation, and possible restoration and reconciliation.

(ii) The involvement of the therapist as part of the victim, offender, and helper dynamic. In this case the gestalt psychotherapist supports movement from fixed positions, aiding repair, reconciliation and reassurance.

(iii) Balance/fairness understood as a key concept.

(iv) Facilitating restored quality of life and supporting the emergence of a renewed sense of self following the various traumas surrounding a crime.

(v) Alleviating consequences of possible trans-generational transmission of trauma and related implications.

(vi) A resilience & responsibility building approach versus a punitive approach, which leads to educative mechanisms and promotes alternative dispute resolution.

Conclusion

As can be seen justice and psychotherapy not only complement each other but share huge common ground. They have similar purposes and objectives.

Where common values are lacking in practice, or are less evident, it is up to us as gestalt psychotherapists in our activism to bring our love of being, our sense of justice and of equality to the fore.

As gestalt psychotherapists we share a love of life, of being, and of becoming, in the gestalt and psychotherapy way that we know. In a way, this allows us to perceive the most extra-ordinary life in its ordinariness. The greatest gift this can give us is the opportunity to contribute towards the common good and towards using our voice to support the voiceless. I have made an argument here for the scope and the need for gestalt therapists to be more actively involved in the justice system.

ABOUT THE AUTHOR



Katya Caruana is a gestalt psychotherapist from Malta. She is currently engaged in the public service of Malta as Director (Justice) of the Department of Justice within the Ministry for Justice, Equality & Governance of Malta.

She is experienced in gestalt psychotherapy organisations and currently is involved in serving as a Member of the Organisational Committee of the Malta Association for Psychotherapy, and, Member of the Board for the Psychotherapy Profession in Malta.

She is also involved voluntarily in the YMCA-Malta, an NGO catering for the provision of shelter residences for homeless persons and to assist and facilitate their hopeful reintegration in the society, and has assisted from time to time voluntarily in other NGOs towards and in favour of the wellbeing of society.

Katya Caruana is a candidate for the EAGT elections taking place on the 12th September 2020 online and has shown her interest and availability to serve on the Human Rights & Social Responsibility Committee on the EAGT. She was involved in a gestalt psychotherapy training setting for a long number of years, and deeply misses her contribution in a more specifically gestalt psychotherapy setting, where she feels she can contribute more towards common good and the establishment and development of the profession.

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