



ISSN - 2582-211X

# LEX RESEARCH HUB JOURNAL

ON LAW & MULTIDISCIPLINARY ISSUES

**VOLUME I, ISSUE II  
MARCH, 2020**

**Website** - [journal.lexresearchhub.com](http://journal.lexresearchhub.com)

**Email** - [journal@lexresearchhub.com](mailto:journal@lexresearchhub.com)

**Lex Research Hub  
Publications**

## **DISCLAIMER**

All Copyrights are reserved with the Authors. But, however, the Authors have granted to the Journal (Lex Research Hub Journal On Law And Multidisciplinary Issues), an irrevocable, non exclusive, royalty-free and transferable license to publish, reproduce, store, transmit, display and distribute it in the Journal or books or in any form and all other media, retrieval systems and other formats now or hereafter known.

No part of this publication may be reproduced, stored, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other non-commercial uses permitted by copyright law.

The Editorial Team of **Lex Research Hub Journal On Law And Multidisciplinary Issues** holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not necessarily reflect the views of the Editorial Team of Lex Research Hub Journal On Law And Multidisciplinary Issues.

**[© Lex Research Hub Journal On Law And Multidisciplinary Issues. Any unauthorized use, circulation or reproduction shall attract suitable action under application law.]**

## **EDITORIAL BOARD**

### *Editor-in-Chief*

**Mr. Shaikh Taj Mohammed**

Ex- Judicial Officer (West Bengal), Honorary Director, MABIJS

### *Senior Editors*

**Dr. Jadav Kumer Pal**

Deputy Chief Executive, Indian Statistical Institute

**Dr. Partha Pratim Mitra**

Associate Professor, VIPS. Delhi

**Dr. Pijush Sarkar**

Advocate, Calcutta High Court

### *Associate Editors*

**Dr. Amitra Sudan Chakraborty**

Assistant Professor, Glocal Law School

**Dr. Sadhna Gupta (WBES)**

Assistant professor of Law, Hooghly Mohsin Govt. College

**Mr. Koushik Bagchi**

Assistant Professor of law, NUSRL, Ranchi

*Assistant Editors*

**Mr. Rupam Lal Howlader**

Assistant Professor in Law, Dr. Ambedkar Government Law College

**Mr. Lalit Kumar Roy**

Assistant Professor, Department of Law, University of Gour Banga

**Md. Aammar Zaki**

Advocate, Calcutta High Court

## **ABOUT US**

**Lex Research Hub Journal On Law And Multidisciplinary Issues (ISSN 2582 – 211X)** is an Online Journal is quarterly, Peer Review, Academic Journal, published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essays in the field of Law and Multidisciplinary issues.

Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. **Lex Research Hub Journal On Law And Multidisciplinary Issues (ISSN 2582 – 211X)** welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

**TRANSACTIONAL PSYCHOLOGY:  
AN INSIGHT INTO CLIENT COUNSELING &  
ADVOCACY SKILLS**

*Authors –*

**Shreya Srivastava**

BBA. LL.B, 4<sup>th</sup> Semester  
Amity University, Kolkata

**Ankit Chaturbedy**

BBA. LLB, 4<sup>th</sup> Semester  
Amity University, Kolkata

## Abstract

The aspect within ourselves which makes us behave, act, demonstrate ourselves according to the stimulus of a situation, is how our qualities of analytical judgment, reasoning, leniency towards incurred principles of life and teachings are depicted. The execution of one's own self is researched and re-researched by various philosophers, legal scholars etc. from ages and one such Personality Theory of 'Transactional Analysis' is the 'Parent Ego State' and their respective issues in the light of developed Transactional Analysis theory. The key findings and observations of Eric Berne, the propagator of Transactional Analysis, on the Parent Ego are processed and analytically explained with real world examples and observations within. The storage and feedback mechanism in which the brain acts like a tape recorder – will also be left for the readers to judge; applying their reasoning by defining the 'Ego' state of the writer of this paper.

## Introduction

*“That which pervades the entire body you should know to be indestructible. No one is able to destroy that imperishable soul”*<sup>1</sup>. No matter how much the science and technology has advanced in determining proteins behind the impulses of the brain and muscular activity, we the humans have always attached our introspection of behaviour to the immortal soul we bear. But the fact remains that attitude, behaviour, action and inaction we display at different interactions of life are generated from the conscious and subconscious stimulus we learned, adapted, executed and made habitual with individual and social life.

According to Sigmund Freud in early 20<sup>th</sup> century, human psyche is multi-faceted, and that each of us has warring factions in our subconscious. Since then personality theories have evolved regarding execution of behaviour under the influence of subconscious application of mind and past remembrance.

In 1950, Prof. Eric Berne developed a theory of *“Transactional Analysis”* (hereinafter denoted as TA), which proposed the idea that verbal communication, particularly face-to-face, as at the centre of human social relationships and psychoanalysis. According to him when two persons interact a 'Transaction Stimulus' is generated and the person generating the stimulus is 'Agent' and the person responding to it is 'Respondent'. The generation and response of the stimuli is affiliated to three particular ego states, that are: (i) Parent [the *'instilled'* concept of life]; (ii) Adult [the *'believed'* concept of life]; and (iii) Child [the

---

<sup>1</sup>(Bhagavad-Gita 2.17)

'sensed' concept of life]The communication we make and the behaviour we execute are from any three of the alter ego states and a single person can display any three of ego states on different topics and circumstances. According to Berne's TA the effective communication happens when a homogenic transaction occurs between any two ego states without any alternation in the ego state of the agent and respondent in between of the delivered stimuli. Cross Transactions or alteration of ego states between agent and respondent causes the miss communications and discussions can only continue when the ego states are mended along with the relationships<sup>2</sup>.

## Parent Ego

According the Berne, Parent Ego State depicts the voice of authority, absorbed conditioning, learning from the attitudes, circumstances in and among the persons in our lives and societal affiliation. The very conditioning and nurture of our moralistic and judgemental behaviours are influences from our parents, grandparents, relatives, friends, neighbours, childhood memories. In 1951, Dr. Wilder Penfield proved that our Brain is a Tape Recorder, which recalls past experiences and playback the feelings and expressions attached to the subconscious recall of past learnings and experiences. The human brain has everything recorded even we might have forgotten them and along with that the associated feelings and temptations stay locked or expressed in our character.

Our parent ego state is made up of huge number of learned and recorded information which is in playback every time we associate with circumstances similar to what we are already updated with. According to Thomas Harris, a Psychiatrist, "*A person whose early instructions were accompanied by stern intensity may find it more difficult to examine the old ways and hang onto them long after they are useful, having developed a compulsion to do it 'this way or no other way'*"<sup>3</sup> Everything the child saw his parents and environment say or do is recorded in the parent. This data is taken in directly without any editing or reasonable interpretations. So parental prejudices, preferences, decisions are taken into the child's belief system and sit in a state of being called the Parent. Parental figures and significant others are *not* necessarily

---

<sup>2</sup> Anita Mountain & Chris Davidson, Transactional Analysis- Eric Berne, (Feb. 10<sup>th</sup> 2020; 09: 25 PM) [www.businessballs.com](http://www.businessballs.com)

<sup>3</sup>Roma Sharma, Understanding Our Ego States, (Feb. 10<sup>th</sup> 2020; 09:59 PM) [www.medium.com](http://www.medium.com) [Nov 10, 2017]

biological, but maybe someone with power, authority or influence that have had an impact on us during our childhood. These may be teachers, priests, or even movie heroes.<sup>4</sup>

Our parent ego sets in tune the different circumstances we face and overt actions and inaction both biologically and psychologically through our behaviour applying the nurtured minds and beliefs of our past and ongoing present learnings from the environment in which we are raised and guided.

## **Modern Transaction Analysis & Parent Ego**

Transactional Analysis being one of the most convenient theories of modern psychology is based on 4 principles:

- 1) Structural Analysis (analysis of the ego states);
- 2) Analysis of transactions;
- 3) Script analysis; and
- 4) Game analysis

Thus, Transactional Analysis is about identifying which ego states are present in persons' transactions so that there is better understating of the thought and behaviour and thus consciousness of having more constructive transactions with dear ones.

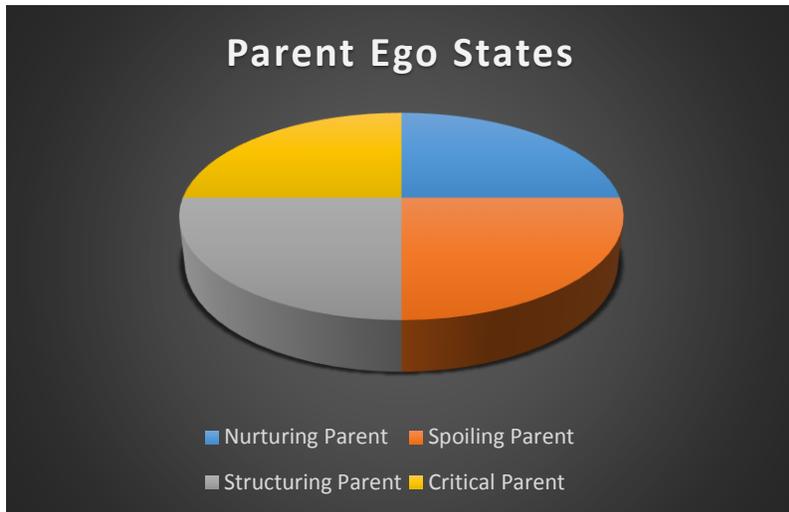
Eric Berne's followers and other analysts started researching in the TA theory and a new 7 Element Model was proposed by Wagner Joines and Mountain in the year 1980. The new theory was based on personality, model of communication and study of repetitive patterns of behaviour. The original three structure model [Parent – Adult – Child] was further subdivided into:

- Parent Ego State consisting of Nurturing and Controlling parent ego.
- Adult Ego State, which requires no change because of the behaviour executed is par to the analysis of both Parent and Child ego states.

---

<sup>4</sup>Berne, E. (1961) *Transactional Analysis in Psychotherapy*. New York, Grove Press.

- Child Ego State, further subdivided into Adapted and Free Child ego states.<sup>5</sup>



**Parent ego state:**

- I. Nurturing parent**
  - a) Nurturing (positive)
  - b) Spoiling (negative)
- II. Controlling parent**
  - a) Structuring (positive)
  - b) Critical (negative)

**Pie Chart depicts four classifications under the Parent Ego & their positive & negative classification**

According to the researchers and psychologists the Parent Ego states bear some definite characteristics which can be classified as under:

- I. Physical Attributes: Angry, Impatient body language, reflexive actions, dynamic expression, pointing habits, patronization of gestures, aggressive, etc.
- II. Verbal Attributes: Using critical and judgemental words, posturing and patronising language, use of ‘How to’, ‘Under no circumstance’, ‘Always’, ‘Never’, ‘Don’t lie’ etc.
- III. Cultural difference and maintainability of such body language is executed.

---

<sup>5</sup> <http://www.clairernewton.co.za/my-articles/transactional-analysis-part1-the-masks-we-wear.html> [Feb. 10<sup>th</sup> 2020; 09: 25 PM]

## Parent Contamination

“The difference between a conviction and a prejudice is that you can explain a conviction without getting angry” – **Samuel Butler**. Literally, contamination is *the process of making inferior or impure by admixture*. Contamination also occurs in the Adult Ego State by the Parent and Child mode. Such a situation arises when one talks about reality or fact which is nothing but a mere prejudice. Under the psychoanalysis theory, contamination refers to the overlapping of two ego states which leads to a failure to distinguish between and separate the various ego states in one person.<sup>6</sup>

The concept can be better understood by the example whereby a conversation is set up between an Advocate and a Client wherein we can chalk out that adult ego state is contaminated by Parent and Child ego states. The case is stated as follows;

Sneha, a girl from a conservative joint family is married to Subhash for 3 years now. She has been constantly exposed to violence in her matrimonial house by her husband and is too scared to take a stand. Ayushi, who is Sneha’s bestfriend, forcibly brings her to an advocate for advice. While interacting with Sneha, the advocate notes that, she lived with parents and significant others who inculcated the thought and said words like ‘Men are more powerful’, ‘Male are dominant and can have higher vocal control’, etc. So while growing up, even when not having a real experience to go by, she firmly believed it. Thus, there is subconscious introjection of the prejudice. This is where the parent ego mode seeps in. Now, in her child ego state, she has well lodged a feeling of dread and fear about men and the concept of Male Chauvinism; the same is the reason why she was scared to stand against injustice. This is where double contamination affects the integrating Adult ego state.

## Issues of Parent Ego State

---

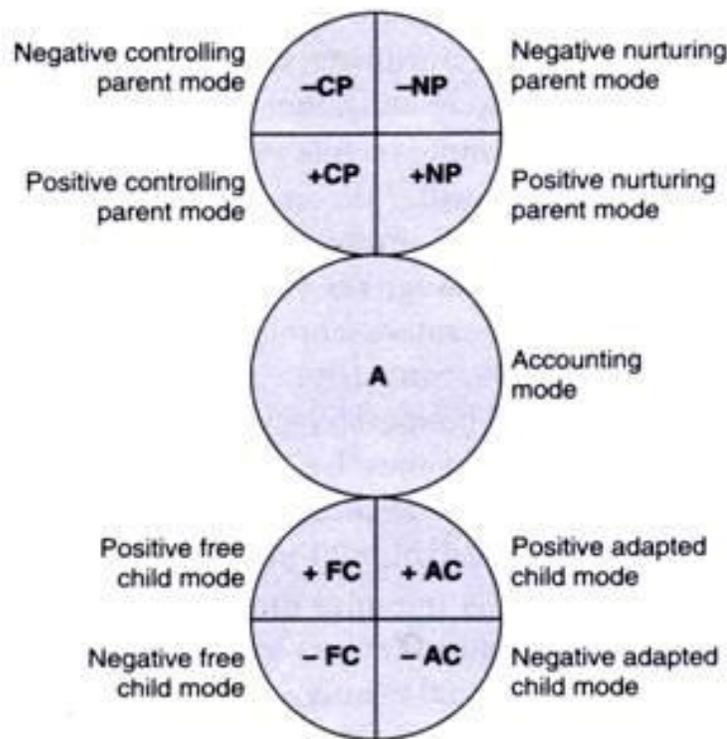
<sup>6</sup> Transactional Analysis of Change Theory; <http://www.shareyouressays.com/knowledge/transactional-analysis-on-change-theory-and-the-contamination-of-the-adult-ego-statediscussed/102941>

Generally in a parent ego state humans try to exhibit the perceptions and attitudes build over years of information collection and rationalization of information without applying reasoning. Thus, the parent ego type personnel face stiff situations and inflexible adaptations while interacting with other ego states in environment and teamwork. Basically we need to understand with examples and situations how, where and in which manner ‘Parent’ ego state is displayed. The following examples are observations applied in the theory of Transactional Analysis from the very common happenings in our lives:

- I. Sharing “Sarcastic Teenage Romance Memes”, among the netizens the Indian users from around 90s are found sharing extensively, memes on teenage romance and objectifying the legendary ability to live life single; some criticising teenage romance, some express astonishment, some glorifies their era, and some puts on sarcasm upon themselves. But why actually the sarcasm and criticism, when active social media use and effects of societal development is enjoyed both by the recent teenagers and 90s era netizens. The reason is the parent ego state of the 90s era netizens, those in earlier Indian societies has not been much able to prospect the scope of teenage romance due to the undeveloped communication systems, orthodox preferences of society, parental teachings and restrictions and negatively build up mindset on teenage romance. Thus, when the societal change has occurred in decades after changed the societal thinking and teenage romance sprang up with the development of other factors in Indian society. The rational mindset and new approaches to look about relationships have outpaced the orthodox thinking and now the 90s era netizens are naturally expressing their subconscious parent ego through their Teenage Romance Memes, which actually bring forward their learnings and viewpoints in an adapted manner.
  
- II. Commenting on “Government Employees”, we often find ourselves flattering about the government employees and posts. The reason behind this is our learnings from childhood and teenage which has always found government jobs – “Raja r Chakri” (King’s Job), corrupted individuals, workless atmosphere, life settling career, etc from our parents and relatives. Also the favourable marriage preference of society for government employees made us believe that those people are special and respectable. So, while interacting with government employees we usually think negative, try flattering, and speak pinching words to try affecting their moral applying parent ego.

III. Recently the Supreme Court of India in 2018, decriminalised homosexuality from the Indian Penal Code and penal law system. The country has rejoiced the decision and there is a widespread acceptance from the social strata of the society but many citizens both literate and illiterate in this modern society shows defiance from the topic of homosexuality itself and consider the Gay people as sinners and contenders of unnatural sex and against natural law. But this hatred, criticism, negative opinions are exactly what we have learned, observed, accumulated from the childhood unquestioned and unreasoned from the parents and society.

Now let's understand from the above examples and by the given diagram we would objectify the interactions between Parent and other ego states.



Following figure shows the various stages of ego states and their interaction

### **Problems faced by Parent Ego State in real world interactions**

The parent ego state's biggest flaw seems to be the unreasonable acceptance of facts which gets to access the decision making and visionary process of the persons with parent ego. The mindset and execution depend upon the preinstalled notions from the childhood and parental authority is exhibited. The main issues arise when there is a different vision, thought, action, observation, circumstance etc. not familiar with their preinstalled notions and execution of behavior on certain issues. The adaptations are quite hard as the authoritarian stand is prejudiced in acceptance of new ideas and happenings on which the pre-developed notion is on contrary. Among the parent ego there are positive sides which include Nurturing Parent, which even though having pre-established mindset, uses logical and analytical expressions on contrary viewpoints.

Understanding with an example, suppose there in an orthodox Indian family and a topic of decriminalization of homosexuality is being raised, some people will try to project that things change with time, although not heartedly and some would try to avoid the topic. These people can be termed as '*Positive Nurturing Parent*'. Now on the similar topic if some people start to exploit the topic and try making things more uncomfortable for others are '*Negative Nurturing Parent*', who believe in exploitation of contrary topics to use them as mechanism to overpower and influence others. Now if some parent, seeing the situation at the family getting worse try to control and order to stop the discussion for the betterment of all can be termed as '*Positive Controlling Parent*'. Now if hearing the discussion some start to criticize and complain about the decriminalizing of homosexuality, that person can be termed as '*Negative Controlling Parent*'.

So, from the above example we can understand that pre-developed notions and lower or no adapting capabilities of parent ego state brings forward different viewpoints on contrary topics and when this ego state interact with '*Negative and Negatively Adapted Child Ego*' or analytical '*Adult Ego State*' the barriers to communication (Personal, Subject Matter Related, Professional etc.) occurs.

The acceptability of facts in changed circumstances and arguments from the other side makes judgement and behavior execution difficult for the Parent Ego State when contrary ideas and notions are to be executed by them which prejudices their original beliefs and in such occasion ambiguous, aggressive, arbitrary, illogical and immoral behavior is displayed.

## **Impediments in profession with regard to Parent Ego State**

Professional life is the most important for a human being as only this sphere brings food and life to persons on earth in general. Here are some impediments or blockades parent ego states have to face:

1. **Advocacy Skills:** advocacy skills require unambiguous judgement, effective listening, logical viewpoint and unprejudiced minds leaving the predeveloped notions people have to perform the requisite for their clients and society with application of law. But if the parent ego overpowers the analytical and logical reasoning an advocate will either bring arbitrary decisions or lose clients on fear of acceptance of new proposals, contrary to his/her pre-developed notions.
2. **Learning and Interpretations of Law:** Law Students need to apply the law well and in appropriate manner for delivery of justice for the clients. But when you have a prejudiced mind regarding certain topic, one cannot apply the exact meaning of law and make arbitrary interpretations, which finally hampers the careers of students.
3. **Social Communication:** With time there is development and upliftment of society from orthodox culture. Now if a person with pre-developed notions can't accept the changes and live with them in synchronization, the social communication would be minimal, finally leading to formation of more prejudiced execution of behavior and thoughts.
4. **Formal Relationships:** When working in an office or firm one has to mix with various kinds of people, they have to accept and try to adapt the environment. But, if the pre-developed notions retract a person from familiarizing with the general environment, the formal relationships get hampered.
5. **Authoritarian Behavior:** The parent ego people try to be often authoritarian over others using criticism, complaints, orders etc. and this can be in contrary or favorable situations and continuing this would further hamper the expressions and acceptance by other ego states.

Apart from professional impediments, parent ego state can also face personal relationship and family culture problems as they find hard in upgradation of family culture and system, which further distance them from the family members of other ego states also.

## **A Conclusion through solutions to overcome the barrier of communication: Parent Ego**

Sticking to what which is not upgrading isn't a very feasible solution in this modern world. If you aren't flexible then the world would run over by breaking you, so it is very important for all of us to use logic, effective listening, analytical reasoning and progressive outlook to deal with modern problems and bring forward effective solution.

As per Eric Berne's TA, the different ego states 'Adult' ego state is the most analytical and it develops with our past experiences and applying them according to past experiences on similar events. For example, if at past some person while criticizing any matter related to freedom of women in modern society found himself in radar of criticism from society, would not speak such or execute any contrary behavior, at least in public.

Adult ego is also our own development and reasoning mode where we apply judgement and decision making according our own social and behavioral learning. So, this state is most optimal to control and maintain both 'Child Ego' and 'Parent Ego' states.

Instead of controlling and nurturing parent ego when already formed negative and controlling we must look for the upliftment of pre-developed notions in humans from the very childhood and they can be done by following institution:

1. **Family:** The first words and conception about life and society is developed in our families in general, so parents, relatives and other members must not mentor for prejudiced mindset, aggressive behaviors on certain topics, engage into dialogue and observation of children will definitely bring a very new reasonable and logical parent ego state itself.
2. **Society:** Often we find 'Honor Killing', 'Caste Issues', 'Communal differences' etc. in our society, which promotes orthodoxy, patriarchy, prejudice and create divisions in society and social thinking of a person. Instead a society must follow liberal views, harmony, fraternity to make logical viewpoint develop in the parent ego development process.
3. **Self:** Children nowadays are connected to Social Media and Information Technology from early stages, and all adults in general uses information devices and smartphones, so it is very easy to collect information and test with their build up notions. It is self-introspection and proactive reasoning ability one must execute before executing behavior and judgement according to preinstalled notions.

4. Teachers and Mentors: Teachers are persons who imparts knowledge upon all and many notions built in childhood are form the learning from school and colleges. Teachers must focus on teambuilding, logical explanation, promote cultural acceptance and develop the listening and thinking abilities of the students, which would further develop the society when the student won't apply arbitrary judgements and unambiguous behavior.

Change is the only constant and to change the negative aspect of parent ego, we must impart positivity in people from childhood. With time we find the children and teenagers of recent era, presenting themselves as liberals, accepting change, engaging into dialogue, communicating well negotiations, and apply reasoning from the very beginning years in life. This has been possible because the recent parents of one generation earlier imparted positivity instead of orthodoxy, reasoning over arbitrary, fraternity over bias, community over caste, etc. Today we find people try solving things with harmony, acceptance of homosexuality, abolition of Triple Talaq, live in relationships, transgenders as third gender, adultery as not a crime by the society shows the development in all ego stages, specially parent ego states.

However, the task is continuous and still we find communal hate, violence, oppression related to caste and gender rampant and this problem is due to lack of reasoning education and prevalence of orthodoxy in many families and societies. Being students of law and with a responsibility to improve society we must form associations and spread awareness in public and in children through awareness drives, lectures, public speaking and careful dialogue.