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THE EXPLORATORY CONTRACT  
A MUTUAL COLLABORATION IN RISK, UNCERTAINTY AND DISCOVERY

*Sue Eusden\**

***Abstract***

Berne's gift of contractual method rooted us, as transactional analysts, in the principle of mutuality. He helped us know why we are both sitting in a room together.

In this paper I will explore how contracting can become a "contracted" technique which can risk closing down on the unknown, out of awareness and unconscious aspects of human being and relating. I will expand on more contemporary ideas of exploratory contracts which allow space for learning and transformation for the client and also, potentially, for the therapist.

I draw on a clinical case where the contract was partly negotiated through a "Pirates' Charter." I will play with this as a metaphor for exploratory contracts and consider the possibilities and probabilities of loyalty and betrayal; how such a contract can take us out in the open seas, to subvert the script, discover lost lands (Selves) and treasure. This kind of contracting assumes games will be enacted, challenges the hierarchy of the therapist as expert and demands mutual risk.

To this end I seek to extend Berne's principle of mutuality into the realms of the unconscious where client and therapist seek to navigate the tensions inherent in the dialectic between "contracting" and "expanding".

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*Introduction*

There is a long history of dialogue and dialectic about the theory and practice of contracts in TA that is beyond the brief of this paper. Berne's ideas on contracts have deep roots, still resourcing the theory and practice of contemporary Transactional Analysis (TA). Integrating learning from developmental, neuroscientific, intersubjective and relational writers have influenced the creative possibilities of additional ways of working with contracts and the process of contracting. I will expand on some of my ideas regarding working with exploratory contracts (Sills, 2006) relating to this through a clinical example.

I have always valued Berne's principle of contracting and the practice of contracting in clinical work and life. As a feminist I am rooted in the ethic of consent and the knowledge that consent is both simple; yes means yes and no means no; and complex. Berne's TA helps to make sense of this complexity with his ideas of ulterior transactions, games and scripts. He was brilliant in his writing about how we get into confusions in relationships and in life. He was adamant about how to use contracts to help clients make change and get cured. At the heart of his, and Steiner's (1974), writing was the aspiration to equalise power in the therapeutic relationship.

*Mutuality. What is the nature of your business?*

Berne (1966) made a helpful distinction between the business contract and treatment contract. The two need to compliment each other, and where they do not there is a danger of gaps appearing that need careful attention or "minding" (Eusden, 2011).

I see the purpose of the business contract as offering a frame for the treatment/psychological contract or the "work". It ensures the administration of mutuality. The venue, time, length, frequency and cost of sessions is clarified between the two parties, but what to do in that time is where we earn our money!

Bordin (1994), on the elements of effective psychotherapy, says that useful outcomes rely upon a working alliance that involved the mutuality of goals, tasks and bonds. The goals and tasks are core

to the treatment contract; that we have a shared agreement about the goal of the work and a clear understanding of how the therapy will work and what will be the role of each party. Duncan and Miller (2000) demonstrate the importance of there being a match between the client's and the therapist's understanding of what the client's problem is and what s/he needs in order to change.

Berne's commonly cited definition of a contract is: «An explicit bilateral commitment to a well-defined course of action» (1966, p. 362). His focus on action as an outcome of a contract was both useful and limited. It offered a way of establishing a mutual base for some, who could operate in a more cognitive frame. However, I believe it also "contracted" (shrunk) the frame for others who could not function in this more left brain method. Sills (2006) helped to expand the ways of describing contracts with the contracting matrix. She opened a way forward for many transactional analysts who had been struggling to adapt to a system of working, teaching and examining that demanded a clear, outcome-focused contract from Adult with clients who have come into therapy because agreements in their lives have floundered or failed and they have lost trust either in themselves, others or both. Anticipating that clients would form such contracts seem to go against the very advice that Berne wrote so eloquently about: «the patient comes not to learn how to be straight, but to learn how to play his games better» (Berne, 1972, p. 349).

I believe that coming into therapy is often a profound risk from desperate and desolate places in people. People often come because they have exhausted other avenues of help and support. When people are in distress they can often build walls rather than bridges, and initial contracting needs to account for the prospecting nature of beginning therapy, the cocktail of fear and hope and the inevitable script-confirming solutions that shape the consultation. Asking for help is a tough thing to do when you are in a hole, and often our Adult is not the leader of the pack in the hunt for relief.

Clients know that they are feeling "bad" or troubled and they want to feel better and life to be different. This is the most commonly expressed desire, but it is more a goal than a contract and

generally a request for a magician, as Berne (1972) wrote, rather than a therapist. Sills (2006) points out that failed or discontinued treatment is largely caused by a difference in expectations between participants i.e., differences in the understanding of the psychological contract. It is important to understand the client's goal as it is expressed.

The challenge is then finding a way to develop a *shared* agreement about this as often this goal potentially points to furthering the script/game for potentially both the client and the therapist. An exploratory contract is often suitable for someone who can identify internal distress but cannot see way forward. Often such client's have a complex history with being helped.

### *The Exploratory Contract - A container for confusion*

The contracting matrix (Sills, 2006) is a way of thinking about or organising four different types of agreement for the therapeutic work. Each one has implications for what might be required from the therapist in terms of relationship and approach. It outlines four different types of contract along two axes. The vertical axis describes the continuum between "hard" (observable, tangible, verifiable) and "soft" (emergent, subjective, process-orientated) contracts.

The horizontal axis reflects the degree to which the client may or may not understand what changes she wants to make. Two types of hard contracts are Behavioural and Clarifying, and two types of soft contracts are Exploratory and Discovery contracts. Sills says:

The exploratory contract may be suitable when clients have neither understanding nor clarity other than a need to feel better; they need to go on an inner journey in a relationship with a trusted other (Sills, 2011, p. 137).

When clients arrive in distress, without awareness, exploratory contracts are helpful frameworks for the therapist to make a shared agreement about how to proceed. I think this is what Berne was referring to when he wrote:

An explicit agreement between a patient and a therapist which states the goal of the treatment during each phase (Berne, 1972, p. 352).

There are no outcomes here, more of a potential emergent process-orientated focus. Berne also issued us with further good guidance:

The therapist's first task is to find out what role he fits in the patient's script, and what is supposed to happen between them [...] The therapist's job is to see it coming before it happens, and try not to pick up the pieces afterwards (Berne, 1972, pp. 353-54).

He writes about how the therapist must also pay attention to the role the client plays in her script. He strikes at the heart of the relational and mutual encounter when he announces that this means something is «supposed to happen between them». He advises us to anticipate the script drama and how “game dosage” (1972, p. 351) will decide how the treatment continues. Berne was really hitting the nail on the head of why an exploratory contract is important. Where I depart from Berne is that I don't believe the therapist can necessarily «see if coming before it happens». I believe we can have some premonitions and ideas, but when we are in the realm of the unconscious, we are blind, caught up in the intersection of our scripts (Stuthridge, 2012) and essentially our job is to build a container so that when “it happens” we have prepared the ground to use the happening fruitfully and with care so that something can be learned and a genuine discovery is made.

I see the exploratory contract as creating a container for this process. The kind of contract I find best suits this work is an open agreement for learning and discovery. I talk with my clients about being a companion in adventure, or a co-investigator/detective. My metaphor varies and is generally informed by the client's capacity for curiosity and play. As therapists we are not taking on passengers to deliver to a pre-determined destination, but fellow explorers, intent on discovery.

I listen for the history of relationship, the client's patterns of asking for and receiving help, attachment, trust and betrayal. In

terms of structural analysis I wonder about the confusions, relational units (Little, 2006) that may be formed and I am aware of my own patterns of relating and curious to the possible pulls and pushes that may be evoked in me. I begin to wonder what this adventure might involve and whether I have the capacity for it, and what mastery the client will bring and what piracy may occur. I am interested in emphasising the mutuality in the encounter and sharing one of the paradoxes of psychotherapy – «how do you make it safe enough to explore what is not safe to explore?» I do not assume that it is me that will “make it safe”. Most of the clients I have worked with have a history where the person who was supposed to protect and keep things safe and steady was either not able to do so, or was the direct source of threat. This configuration is re-stimulated when people come into therapy and I think it is important to find a way to contract that invites exploration rather than adaptation.

Minding the gap between the client’s goals and the therapist’s goals is an early navigation point, an informative exercise in mutuality and a crucial task in the establishment of a working alliance. The collisions, collusions and confusions that can emerge give us some early warning signs of the journey ahead.

The exploratory contract becomes the strong vessel to withstand the weather of games and enactments (Berne, 1964; Eusden, 2011; Shadbolt, 2012; Stuthridge, 2012; Eusden and Pierini, 2015; Novak, 2015) and stormy times in the work. I explore commitment to the work and build a contract to contain attention to the therapeutic relationship as a compass that can help us learn together how to help them towards their desired goal. The contract is to work to become “companions in adventure” and prepare for all that adventures bring.

We contract for commitment to co-investigation and the process of learning. My belief is that on any adventure, learning comes through getting into difficulties and using these points as “marvellous messes”, inevitable games that sometimes have to be gotten into – in order to be gotten out of and learned from. When a client brings third or second degree game experience, I would

hope to catch the game building at an early stage (Berne's game dosage) to learn how the seeds of relating germinate. This is not always possible and the therapist does need to have a strong internal container and a good supporting team in terms of supervisors, therapist/consultants, peers and a good outside life, to keep themselves "shipshape".

I use the idea of a compass as a necessary tool, that will support our exploration of their and my internal and external worlds. The compass is a quadrant model (Figure 1), developed drawing from Kohlrieser's (2012) links between caring and daring. The North/South axis runs from High Dare to Low Dare and the West/East axis runs from Low Care to High Care. This allows me to wonder and wander in the transference/countertransference matrix and ask self-supervisory questions.

Am I coasting in the countertransference (Hirsch, 2008) by perhaps taking a high care, but low dare/risk position? Hence am I potentially in a Rescuer role? Or am I taking risks without equivalent care? Might I be in a Persecutor role?

Where might the client be? When one of us is in a low care/low dare position, what does that invite in the other? How might these roles be complementary in our scripts and how might this help me/us orientate towards an ethically rooted tension of risk and care?

How might my way of being or interventions nudge us into the North East quadrant? I may invite the client and I to use this explicitly to monitor risk and support both inside and outside the therapy room. This way we can track power, risk, trust and games and build a dialogue and relationship that can sail on these seas, get lost and found and grow from experience.

The top right quadrant of High Dare High Care is perhaps the aspiration one to sail into, but risk and support must always be rooted in ethical attention and orientated with COMPASSion.

Everything contributes to the goal of discovery.

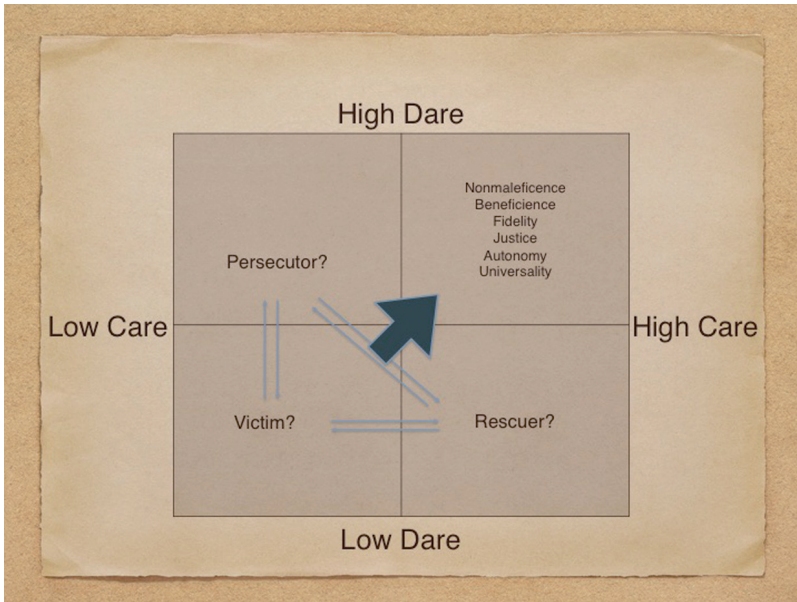


Fig. 1 - High Dare - High Care Compass.

(Model incorporates ideas from Kohlrieser, 2012; Karpman, 1968; McGrath, 1994)

I consider my theoretical wonderings as a mapping process, that help chart the journey. I use my countertransference and anticipation of enactments in the therapy as magnifications of relational processes the client and I are investigating. These are skills and tools I bring on board with me as part of my role of being the therapist, along with a team of colleagues and professional support behind me (ports of call), that bring different and vital minds to help me navigate in what can feel, at times, like a sea of uncertainty.

### *Negotiating a code*

Issues of loyalty and betrayal, trust and mistrust abound in a relationship with a power differential such a therapist and client. Inevitably both parties bring their relational histories with all the probabilities and possibilities that may occur. The contract needs



to account for this and address the question «how will we be together?». It needs to account for the fact that whilst the relationship has a mutual basis, the roles are asymmetrical and the therapist is seen as the “helper” and the client as the one coming for help. Each has different tasks to attend to (Cornell, 1986). The possible ethical disorganisation (Eusden, 2011) that can occur needs preparing for so as to attend to the here and now dance of what will probably happen (script reinforcement) versus what might possibly happen (script subversion). How my client (below) led and taught me to establish a (Pirates’) Code or Charter has been a significant contribution to my thinking about navigating risk. How we navigate the old codes and establish new ones is central to any contracting process.

This is a form of process contracting so that the contract acts as a strong container in which we can explore, learn and help the client find whatever they are needing.

So contracting, for me, rather than a formal outcome-focused agreement, is an ongoing ethical attention to issues of consent, permission, trust and games and enactments.

### *A good adventure contains misadventure!*

Having an adventure shows that someone is incompetent, that something has gone wrong. An adventure is interesting enough in retrospect, especially to the person who didn’t have it; at the time it happens it usually constitutes an exceedingly disagreeable experience (Stefansson, 2004).

In my therapy work with a young man of twelve I joined a pirates’ ship and became “First Mate”. It was the most honoured position, after “Captain”, which was clearly his position as it was crucial he maintained his power over everyone, so as never to feel vulnerable again.

His history of relationships was of being the eldest of four and care-taker to his siblings. His parents had delegated their roles to him, as well as involving him in drug smuggling, violence and problem solving for them. He had solved the conflict of attend-

ing school by ensuring he was regularly excluded and was taken into foster care at aged 10. He settled for a short time and then had 6 different carers in six months as placement after placement broke down. Always he was the “problem” and this next placement sought help early on as he had arrived with them to stay in bed 23 hours a day and refuse any contact. He was depressed, defeated and also defiant.

I knew my chance of making a conventional contract with him was minimal. In fact, when I went to meet him, having reviewed his enormous stack of files, I was trepidatious and not hopeful that I would be able to make any impact. I felt impotent and afraid and tasked with an important job. In our first meeting we had a sword fight in the garden of the home where he was living.

I have no memory of how we orchestrated it. We were “en-guarde” with a swashbuckling (plastic) sword each, both enlivened by the encounter. We play-fought and in the rough and tumble I cut him on his hand. It was a tiny wound, but enough to stop the play and he looked at me and said «no-one has ever done that to me before». I was shifting internally through states of guilt, shame and curiosity. It was not much more than a scratch, but a therapist is not supposed to cut their clients! I was ethically disorganised! It was a crucial moment and one which seemed to convince him, to my surprise, that he wanted to see me again.

I reflect heavily on this session and my “mistake” the level of risk and the seeming fruit that had come. I think that being willing to engage in a more risky encounter with this young man had opened a moment of hope in him, and as I recovered myself afterwards, in me too.

We agreed a contract that I would arrive to spend time with him to talk about anything he wanted to and he would plan how we would spend the time/direct the play. No further contracting was done as it seemed that to impose outcomes or actions would kill the work. He had lived under huge pressure from adults to do as they bid in all sorts of oppressive and confusing ways. I wanted to create a space where we could *discover and explore* what was going on inside him and help him to come to terms with

this. This was my goal and I made this explicit with him and also that there would be no behavioural conditions like he had to go back to school or behave better. We would meet, no matter what happened in the week. My commitment was to turn up and be curious with him about whatever he choose. His commitment was to turn up and be curious about something.

The piracy theme emerged early in our work, following the sword fight. It led to him finding a role in which he could be powerful, the “Captain”. He built a pirate ship from an old trailer in the garden where we worked and created an intricate world, including treasure under the floor, a pirates’ flag, treasure maps and a Pirates Charter. In doing this he taught me how to be with him and also generated a creative metaphor to explore and contain his confusions around loyalty and betrayal. I understood the Charter as a form of contracting that said how to keep the work safe enough but not too safe that it was dead. In it he told me who was safe and who wasn’t (had to walk the plank). Each week, a new/updated charter would be presented to me and we would talk about this and work to make careful links to his past, his story and his current life. It told me what the code of conduct was, how he needed me to be with him and helped us to find a way to explore what it was like to be a pirate and why it was such a good role. The safety in isolation and being able to evoke fear in others, threaten them and rob them. It helped us talk about being robbed and frightened. This young man’s courage and risk in opening his inner world to me (and others involved, this work was done as part of a team around him) and us navigating lost states of fear and confusion. Our explorations of consent, power and abuse of power through the piracy play were live, robust and challenging. They led to a profound change in the work one day when I arrived to be taken to a different part of the garden, where a tribe of toy monkeys, sitting in a group, were waiting for us. He had spend the week with his foster carer visiting charity shops collecting this troupe. I knew now our contract was changing and we had shaken off the pirates and were perhaps now interested in belonging in groups, rather than being identified as outside the group.

This work taught me that I had to engage directly with the piracy of a contract first, to be curious about the anti-contract – the pirate parts of the client (and therapist) that will aim to sabotage the treatment, the working alliance. My client and myself both learned to make friends with the enemy in our different ways. The first part of the contract was to make an alliance with the pirates and form a Charter, an agreement of how we will work together for the purpose of discovery. I believe this involves a trust in the clients' capacity to lead the way and an openness in the therapist to stay open to all experiences and also draw on support and other minds.

My early risk in engaging in an unknown, slightly transgressive encounter has taught me a lot about taking contracts slowly, not forcing them, but allowing the work to emerge, trusting that the scripts and games need to emerge and influence the dyad and contracting for how we are going to be together.

### *Conclusion*

By recognising that psychotherapy can be risky, full of adventure with the potential for misadventure, my proposition is that an exploratory contract can act as a container for the therapeutic work. The two parties, as companions in adventure or co-investigators, need to commit to mutual exploration involving both risk and support to ensure that issues of power, consent, games and enactments are acknowledged and utilised as part of the treatment.

Exploratory contracts are an ongoing process of exquisite ethical attention and negotiation of how to be together, developing a shared code of conduct that is meaningful to both, with the aim of discovering what is lost, unknown and implicit in the client's world. It allows the client to do the discovering and requires a steady trust in the therapist that there is always treasure to be found.

## BIBLIOGRAPHY

- BERNE E., (1964), *Games People Play: The psychology of human relationships*, Ballantine Books, New York
- BERNE E., (1966), *Principles of Group Treatment*, Grove Press, New York
- BERNE E., (1972), *What Do You Say After You Say Hello?*, Grove Press, New York
- BORDIN E.S., (1994), *Theory and research on the therapeutic working alliance*, in HORVATH O., GREENBERG J., (Eds.), *The Working Alliance: Theory Research and Practice* (pp. 13-37), Wiley, New York
- CORNELL W.F., (1986), *Setting the Therapeutic Stage: The Initial Sessions*, in «Transactional Analysis Journal», n. 16, pp. 4-10
- DUNCAN B.L., MILLER S. D., (2000), *The Heroic Client*, Jossey Bass, San Francisco
- EUSDEN S., (2011), *Minding the Gap: Ethical considerations for therapeutic engagement*, in «Transactional Analysis Journal», n. 41, pp. 101-13
- EUSDEN S., PIERINI A., (2015), *Exploring Contemporary Views on Therapeutic Relating in Transactional Analysis Game Theory*, in «Transactional Analysis Journal», n. 45, pp. 128-40
- HARGADEN H., SILLS C., (2002), *Transactional Analysis: A Relational Perspective*, Brunner-Routledge, East Sussex
- HIRSCH I., (2008), *Coasting in the Countertransference: Conflicts of self interest between analyst and patient*, TheAnalytic Press, New York
- KARPMAN S., (1968), *Fairy tales and script drama analysis*, in «Transactional Analysis Bulletin», n. 7, 26, pp. 39-43
- KOHLRIESER G., (2012), *Care to Dare: Unleashing astonishing potential through secure base leadership*, Jossey-Bass, San Francisco
- LITTLE R., (2006), *Ego state relational units and resistance to change*, in «Transactional Analysis Journal», n. 36, pp. 7-19
- MCGRATH G., (1994), *Ethics, boundaries, and contracts: Applying moral principles*, in «Transactional Analysis Journal», n. 24, pp. 6-14

- NOVAK E.T., (2015), *Are Games, Enactments, and Reenactments Similar? No, Yes, It Depends*, in «Transactional Analysis Journal», n. 45, pp. 117-27
- SHADBOLT C., (2012), *The place of failure and rupture in psychotherapy*, in «Transactional Analysis Journal», n. 42, pp. 5-16
- SILLS C. (Ed.), (2006), *Contracts in Counselling and Psychotherapy* (2nd edition), Sage, London
- SILLS C., (2011), *The Importance of Uncertainty*, in FOWLIE H., SILLS C., (Eds.), *Relational Transactional Analysis: Principles in practice*, Karnac Books, London, pp. 129-40
- STEFANSSON V., (2004), *My Life with the Eskimo*, Kessinger Publishing, Whitefish, Montana
- STEINER C., (1974), *Scripts People Live: Transactional Analysis of Life Scripts*, Grove Press, New York
- STUTHRIDGE J., (2012), *Traversing the fault lines: Trauma and enactment*, in «Transactional Analysis Journal», n. 42, pp. 238-51