DESIGN FOR COMPASSION
HUMANISING THE COURTROOM FOR THE SUSPECT

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Compassion in the courtroom

Humanising the courtroom for the suspect
All humans are born equal in dignity and rights and should act towards one another in a spirit of brotherhood (Article 1, Universal Declaration of Human Rights). Compassion impels us to treat others with fairness and respect, and bring us closer together. A place where the impact of compassion could be explored is the courtroom of criminal law. In the courtroom, we pay attention to the suffering of victims as a result of crimes, but the suspect suffers as well. His suffering prevents further crimes and provides retribution for the victim, but it stands in the way of his willingness to cooperate. Being treated with compassion would allow the suspect to find himself in a courtroom where he is encouraged to participate (Tyler & Blader, 2003), and willing to take responsibility for his actions.

Compassion is seen when people aid others that are suffering. Recognising that the sufferer’s needs are not met, and acting based on the understanding of the situation is what defines compassion. The act of alleviating someone’s need through compassion is patient, dignified, and without judgement. This knowledge allows for a strategy to design for compassionate interactions. A model is created that aids designers when designing compassionate interactions, which is used throughout the project.

In the courtroom, suspects are judged and given punishment for violating the law. This is done by the judge, as retribution and to prevent further crimes. The public prosecutor as the suspect’s enemy and the lawyer as the suspect’s teammate argue on opposite sides to convince the judge of their story. If present, the disadvantaged party contributes to their statement about the consequences of a crime. While the courtroom is about the suspect, it is seen that he is submissive in his role, he is there to cooperate with the investigation. The current interactions with other courtroom actors, the room itself, and the values of the suspect during the procedure make the suspect suffer throughout the procedure.
The suspect is suffering because he doesn’t feel he is acknowledged. Suspects should be given a chance to share their point of view in the courtroom and participate. A design vision is created to support this goal and define the interaction of the design intervention that proposes a compassionate interaction in the courtroom. The experience the concept evokes should be vulnerable, yet comforting, determined, and mediated.

The created concept is a procedural change that allows the suspect to participate when he is not given a role. Requesting an opportunity through the press of a button to participate, increases the perceived acknowledgement of the suspect. Additionally, it makes the suspect feel like a courtroom participant who can gain information as well during the process. This increases his engagement throughout the hearing. This procedural change is evaluated, and recommendations are made for the intervention to be more impactful.
Criminal law
A system of law that is concerned with the punishment of those who have violated the law.

Compassion
The emotion that motivates people to alleviate the pain of those who are suffering

Courtroom
The room in which the legal process takes place

Disadvantaged party
The actor in the courtroom who has personally experienced the consequences of a crime, and is present in the courtroom to make a statement about it

Design for Compassion (DfC)
The practise of investigating the impact of compassion in a given context through design interventions

Design for Compassionate Interactions (DfCI)
The practise of evoking a compassionate interaction through design interventions

Horizontalization
Reducing the perceived difference between layman and professionals

Judge
The actor in the courtroom who is concerned with investigating the truth and punishing the suspect

LaC
Lawyers as Changemakers

Lawyer
The actor in the courtroom who is legally obligated to defend the suspect

Need
A set of physiological or psychological requirements for well-being

Interaction
An exchange of information, verbally or otherwise

Penal Code
The collection of crimes and offenses and their punishments

Prevention (General)
Punishing a suspect to avoid crimes committed by other members of society

Prevention (Individual)
Punishing a suspect to avoid a repeat offence
Public prosecutor
The actor in the courtroom who accuses the suspect and represents society and law enforcement

Repeat offence
The reoccurence of a violation of the law by someone who has previously committed a crime

Retribution
Adding deserved suffering proportional to the suffering that has been caused to someone else

Requisitoir
The prosecutor’s turn in the courtroom to accuse the suspect

Suffering
A state of not having one’s fundamental needs fulfilled, or being unable to fulfill one’s fundamental needs.

Suspect
The actor in the courtroom that has violated the law

UDHR
Universal Declaration of Human Rights

User
A suspect who is suffering in the courtroom
People suffer. Everyone will have most likely met someone who is suffering, mentally or physically. For example, 2 in 5 immigrants don’t feel at home in the Netherlands (nu.nl, 2016), 1 in 5 elderly are lonely (van Beuningen & de Witt, 2016), and 1 in 12 young adults is psychologically unhealthy (CBS, 2018). Suffering is human nature, and as social creatures, we strengthen our connection with others by alleviating their suffering. This is not obvious in all contexts, however. In an increasingly polarising world, we put up our walls to shield us from the suffering of others. What happens when nobody takes responsibility for those who suffer around us every day?

In the courtroom, we look towards the disadvantaged party who suffers, he who lost a father because of a drunk driver, or she who has been abused at home. Since 2005, we focus on the disadvantaged party and how a crime made them suffer. Retribution and punishment of the suspect are increasingly demanded from society, harsh and without remorse. However, in this project, we look at the suspect, and values such as forgiveness and restoration. More specifically, we look at the impact of compassion in the courtroom. Through a lens of compassion, the experience of the suspect is analysed and designed for.

This thesis is about the graduation project titled: “Design for Compassion. Humanising the courtroom for the suspect.” It was started in collaboration with Lawyers as Changemakers. In this thesis, the reader is guided through seven chapters that explain the steps that were taken to investigate the emotion of compassion, the exploration of the courtroom, and the design process.

In Chapter 01: Project scope, the starting point of the project is presented. It goes into detail about compassion, the courtroom, and the problem statement that was formulated. Additionally, it presents the relevance and limitations of this project.

It is the aim of this project to explore the value of compassion and how it can be applied by designers. In Chapter 02: Design for Compassion, a definition for this project is formulated. Thereafter, it is used to create a framework that allows designers to design for compassionate interactions (DfCI). This framework is used throughout the rest of the project.

Chapter 03: The courtroom presents information gained from literature research about the goal of criminal law. This is connected with the courtroom, its architecture, the process and the actors in it.
Elaborating on this information, Chapter 04: Exploring the courtroom, the current situation is analysed, focusing on the suffering of the suspect during the courtroom procedure. Through this analysis, it is possible to formulate design opportunities to alleviate the suffering of the suspect.

In Chapter 05: Ideation, the DfCI framework, and the design opportunities are combined to generate seven ideas that introduce compassionate interactions. In this chapter, the ideas and insights from discussing these ideas are presented.

The insights of the ideation are used to formulate the design goal in Chapter 06: Design brief. This chapter presents the design guidelines that serve to create the final design.

In Chapter 07: The concept, the final design of this graduation project is presented. In this chapter, the concept is also evaluated and recommendations for further research are proposed.

The last chapter of the project, Chapter 08: Evaluation, looks back at the aim of the project as described in the project scope, and evaluates the DfCI framework and the design process in the courtroom. Additionally, this chapter finishes the thesis with a personal evaluation of experiences and learnings while doing this project.
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“Love and compassion are necessities, not luxuries. Without them, humanity cannot survive.”

- Dalai Lama XIV, (spiritual leader)
Project scope

The aim has been defined at the start of the project, which guided the research and design. This chapter starts by introducing this aim, and the context of the project. It goes into detail by explaining the motivation for compassion in this project, the context of the courtroom, and the stakeholders in the project. Furthermore, it discusses the relevance of the project. I hope you find this thesis enjoyable and informative.
1.1 Aim of the project

I believe that design has the power to connect people. By being able to take on an outside perspective as a designer and identify opportunities for a desired system or situation, I aim to positively impact the relations between people wherever possible. Together with the organisation Lawyers as Changemakers, the potential of the emotion ‘compassion’, has been explored in the context of the courtroom as a challenge to connect people and positively impact the situation.

Compassion connects people with each other, improving the situations that people find each other in. It compels people to look for the pain of the other, and help them. Simultaneously, it makes us feel that our problems are seen and that we do not stand alone. Interacting with compassion dares people to place someone else in the middle of their world, even those who are considered enemies (Armstrong, 2019).

An opportunity to positively impact the relations between people presents itself in the context of the courtroom. There, the focus is not on the quality of interactions between people, but on values such as retribution, authority, and effectiveness. In the courtroom, there is attention to the suffering of the disadvantaged party, and punishment of the suspect. To be more specific, due to recent legislation advancing the position of the disadvantaged party in a courtroom, the focus of the project was placed on the experience of the suspect in this context. Since the courtroom is aimed to punish people who are guilty, compassion for the suspect is not expected.

The contradiction between the value of compassion and the situation in the courtroom is what sparked this graduation project and the thesis that you are now reading. In collaboration with Lawyers as Changemakers, the aim of the project has been formulated as follows:

“Firstly to explore the emotion of compassion and the value it has for designers, and secondly to apply the insights by designing for compassion for the suspect in the Dutch courtroom.”

The starting point of the project is defined by elaborating on the highlighted segments in the following chapter. Additionally, the starting point of the project is formulated in Appendix A: Project Scope.
1.2 Compassion

1.2.1 What is compassion?

Compassion is an emotion that allows people to recognise and empathise with the suffering of others and being motivated to alleviate this sorrow. It bears great resemblance to emotions such as empathy, love, and kindness, but is distinctly different since its cause is specifically related to the suffering of others, and it motivates people to act. From an evolutionary point of view, compassion is viewed by Charles Darwin as a necessity to the survival of species, as natural selection favours species who aid each other when in pain or distress (Ekman, 2010).

No longer than a decade ago, in 2009, Karen Armstrong, British author and influencer, advocated for the importance of compassion in our lives. She encourages that we treat everybody with compassion, without exception, in her Charter for Compassion (charterforcompassion.org, 2009). In an increasingly polarising world, compassion is presented as a means to “break down the political, dogmatic, ideological and religious boundaries” humanity has put up. According to her, everybody should be treated with respect, without exception. The charter has received support from political and religious leaders across the globe, which has shown us that there is both a need and desire for compassion in society.

1.2.2 The value of compassion

Encouraged by the passion of Armstrong’s works and the potential compassion offers, this project started with a motivation to explore the value of compassion for designers, and apply the insights of this exploration to a certain context. The project explores the definition of compassion and how to look at problems with a compassionate lens. This results in a framework that will help designers to inspire and validate their design process.

To make the theoretical practice of design for compassion tangible, a context is chosen in which design can add meaning, and in which suffering, the requirement for compassion, is noticeably present. The Dutch courtroom, a context in which suffering, anger, and frustration are dictating the experience of professionals and newcomers, is chosen as the context for this project.
1.3 The courtroom

The theoretical framework for design has been tested through a design challenge in the context of the Dutch courtroom, to further refine the model. When talking about compassion, the courtroom might not be the first context that comes to mind. It is hierarchical and focused on the effectiveness of the procedure. By exception, it is not a place where compassion, but retribution and anger can be expected. Furthermore, as a traditional organ of our society, words such as design and innovation are scarcely used. It is this context, however, that could benefit much from a human-centred mindset that design brings. Therefore, the challenge has been undertaken in this graduation project to design for compassion in the courtroom.

1.3.1 What is the courtroom?

In the Netherlands, there are three different types of law. They address different kinds of legal conflicts: civil law, administrative law, and criminal law. Civil law aims to resolve disputes between two societal or commercial parties. Examples are bankruptcy, liability, or divorces. Administrative law interferes in conflicts between a societal party and the government, such as issues with permits and licenses. Lastly, criminal law is the judgement of people who are prosecuted because they have violated the law, for example, drug trafficking or theft. All three of the above-mentioned laws have different procedural and material laws, meaning that the procedure and the laws themselves differ between each of them. Therefore, a choice has been made for the scope of the project and compassion.

The scope of the project has been chosen to be criminal law, for two reasons. Firstly, it has been learned that there is a lack of compassion in this context (C. Spierings, personal communication, December 11, 2018). Public prosecutor Disa Jironet says that recognising the humanity of the situation is very valuable since criminal law is about the judgement of people (brainwash, 2018), which contrasts with the focus of civil or administrative law, which is often about money. This contradiction, the lack of compassion but the focus on people, is an interesting opportunity to explore. Secondly, since the introduction of the disadvantaged party in the courtroom in 2005, the aim and the value of humanity in the courtroom is an everyday discussion amongst professionals. Ever since 2005, the role of the disadvantaged party is changing, and they have become more influential in the courtroom procedure. Some advocate for the potential of forgiveness and restoration in the courtroom for the disadvantaged party as a result of this (Lens, Pemberton, & Groenhuijsen, 2010), while others would rather see the focus return to the suspect (Mebius, 2018; Bossema, 2018), ensuring that values such as closeness and compassion do not play a part in the courtroom. There is an opportunity for design to contribute to this discussion with a different rationale: with a focus on the needs of the suspect. It is for these two reasons, the potential to design for compassion and the potential to make an impact in the courtroom, that criminal law has been chosen as the focus for this graduation project.
The courtroom in criminal law is the room where suspects are interrogated, and where judges investigate the legal truth and decide a fitting punishment. Punishment is defined as the addition of suffering, as retribution to the disadvantaged party and society (Jörg & Kelk, 1992). Suffering is accepted as an inherent part of the courtroom. The suspect, in his turn, is responsible for the suffering of others, and the suffering that is added to him, either in the courtroom or through punishment, is therefore considered to be deserved, and functional. The suspect, in his turn, is responsible for the suffering of others, and the suffering that is added to him, either in the courtroom or through punishment, is therefore considered to be deserved, and functional.

In the courtroom, the suspect is the main subject, since he is the person who will be judged and has to undergo punishment for his violation of the law. The cases that are dealt with in courtrooms are varied, and range from tax fraud to sexual abuse, all of which have to be facilitated by the space, and the actors in this space. Surrounding the suspect in this courtroom are four actors. The judges, who interrogate and judge him. His lawyer, who defends his case. The public prosecution, who demands retribution in the form of punishment. Lastly, if present, the aforementioned disadvantaged party, if applicable (see: figure 2). Because of the different people and the implications of the judgement, the courtroom is a context, rich with emotionally laden interactions. In this, the suspect is submissive, undergoing the procedure and these emotions without much control. It is in this context that the role of compassion for the suspect, the main actor in the courtroom, is studied during this graduation project. In the body of this thesis, the procedure of the courtroom, the actors and the interactions with the suspect are presented.
1.3.2 Compassion in the courtroom

Acting with compassion introduces a relatively new claim, that not all suffering the suspect experiences in the courtroom is deserved. Working to alleviate undeserved suffering is beneficial to the courtroom hearing, and the experience of the suspect. This claim is not unique, and three arguments can be formulated based on literature from the field of legal reasoning and law philosophy to support this claim.

First of all, it is found that the procedure and the physical space of the courtroom are designed to serve the goal of the courtroom; the needs of the suspect are not taken into account. The role of the suspect is submissive, and as a result, the suspect does not feel acknowledged or respected in his position. If the needs of the suspect would be taken into account, it would increase their perception of procedural justice, which in turn would improve their engagement and cooperation (Tyler, & Blader, 2003).

Secondly, compassion can be used not only to make the suspect feel acknowledged but also positively affect the quality of legal reasoning. Del Mar (2017) argues that compassion improves the quality of legal reasoning by enhancing the ‘perspectivistical imagination’ of the actors in the courtroom. Perspectivistical imagination is defined as the ability to imagine the perspective of the other, without judgment. Compassion is not a suitable means to decide on the outcome of a court case (van der Klaauw, 2018), but can play a role in making the others’ point of view insightful. This argument acknowledges that emotions, specifically the judges’ emotions, could play a role in the courtroom, a proposal that is not popular but has merit. Similarly, Leendert Verheij, advocates for ethnical diversity in the courtroom participants to enhance the empathic ability to understand the point of view of suspects (Thijssen, 2018). To show acknowledgement and respect, Del Mar claims that compassion might be one of the most promising tools available in the courtroom.

Lastly, in the last decennia, there is more evidence for the horizontalization of the law (Hol, 2006), which is evident by testimonies of practitioners who advocate for a more humane execution of their role in the courtroom. Frank Wieland, the judge in the recently closed case of Willem Holleeder, is an example of a judge who takes time to understand the suspect. For him, the relationships in the courtroom are of great importance to make the hearing go smoothly (Stoker & Tijssen, 2019). Another example is public prosecutor Disa Jironet. She takes time to understand the suspect, because “when it is your job to judge other people, recognising the humanity is a virtue” [translated] (brainwash, 2018). It is about hearing, and being heard. These examples from practice show that treating suspects with compassion has the potential to positively affect the procedure and outcome of the court.

A case is made reinforcing the potential of compassion in the courtroom, it could positively affect the suspects’ perception of procedural justice, it improves the quality of legal reasoning and enhances the acknowledgement of the suspect. Therefore, the result of the project should be a design intervention that makes the suspect feel he is treated compassionately, i.e. compassion should be shown towards the suspect. During the project, weight was given to the exploration of compassion as an emotion, and how it could be used in design, given the context of the project.
1.4 Lawyers as Changemakers

The thesis is started in collaboration with the organisation Lawyers as changemakers. Lawyers as Changemakers is a team of three jurists who research opportunities to innovate criminal law, how it can be smarter, simpler, and more humane, and how jurists can play a role in this process (lawyersaschangemakers.org, n.d.). This research is performed in collaboration with a network of likeminded people and organisations; an example of this would be the course Design of Justice at the University of Amsterdam, in which they collaborate with the Rietveld Design Academy to create a courtroom that conveys different values, such as harmony.

While being practitioners themselves, their strategy involves values such as openness, kindness, mindfulness, and compassion to humanise the process and make a sustainable. Also, they provide support and workshops for jurists who are of a similar mind and face the same challenges in their occupation. Together with the knowledge that the jurists from Lawyers as Changemakers bring, this thesis can be brought to a fruitful end.
1.5 Project relevance

While compassion is identified as an emotion that has benefits for both larger societal topics as well as the context of this project, the courtroom, guidelines or a tool for designers to design for compassion do not exist yet. Compassion is a complex social emotion that consists of multiple steps and defines an interaction between two or more people. A tool for designers based on research and practice helps to simplify the concept for design.

Secondly, it is shown that compassion could have a role in the courtroom, specifically regarding the suspect. Little is known about the experience of the suspect and the impact of the increasing influence of the disadvantaged party. This graduation project aims to explore the context from the perspective of the suspect and gain an understanding of the opportunities for design to contribute to the experience of the suspect in the courtroom.

Currently, the needs of the suspect are not the main focus of the process. Since the objective of the courtroom is to find the juridical truth and judge this party, the needs of the suspect are secondary. Increasing the experienced procedural judgement of the suspect, meaning that the outcome of the process is more likely to be agreed with, allows the suspect to engage more in the process. This lead to him taking responsibility more easily. However, an approach to giving space for compassion in the current courtroom is lacking, since it isn’t conventional, and is largely dependant on the actors themselves, such as Frank Wieland or Disa Jironet (source). Therefore, a design intervention is created in this thesis that will allow for compassion in the courtroom, increase procedural justice, and humanise the courtroom.
1.6 Limitations

Several limitations should be acknowledged, concerning the courtroom and compassion. First, it was learned in an interview with lawyer C. Spierings (2018), that while everyone gets equal, fair sentencing in the courtroom, there is little room for a personal, human approach, because actions of the courtroom participants are dictated by the procedure. From this, a major limitation in this context can be found: how can compassion be introduced in the courtroom functionally, without masking the true power balance and endangering the position of the court? This will be a design challenge that is acknowledged throughout the design process.

Additionally, not all stakeholders are equally receptive to the introduction of compassion, since it endangers the current status quo. Therefore, investigating how compassion can be reframed into a value or need for those stakeholders will also be taken into account to convey the relevance of a human value such as compassion in the context.

Third, the courtroom is a highly sensitive context, in which an iterative design process will have difficulty being realised since evaluating small iterations rapidly is not feasible. A different approach will have to be found during the design process to gather insights about the impact of design without harming the context itself. For the evaluation of the final design, this limitation could be overcome by roleplaying, instead of implementing the concept in the context itself. It is estimated that using methods that do not rely on evaluation in the context, this limitation can be dealt with. These limitations will be taken into consideration while formulating the design goal and throughout the entire project.
“‘A true king’s power is his compassion.’”

- Sarabi

(Queen)
In this chapter, the definition of compassion and its application when designing is explored. The objective of this chapter is to design a tool that integrates the knowledge of compassion with the design approach and can be used by designers to design for compassion. First, a definition of compassion is established. Then, the framework is designed together with instructions for its application. This framework then is used as an approach for ideation in chapter 4.
2.1 What is compassion?

2.1.1 Dictionary definitions

**Compassion**

\[\text{noun} \quad /\text{k}əmˈpa(ə)n/\]

1. A strong feeling of sympathy and sadness for the suffering or bad luck of others and a wish to help them. (Cambridge Dictionary)

2. Sympathetic consciousness of others’ distress together with a desire to alleviate it. (Merriam-Webster)

3. The humane quality of understanding the suffering of others and wanting to do something about it. (vocabulary.com)

*figure 4: Three definitions for compassion from three different online dictionaries*

The definition of compassion is rather complex, so as a starting point, different dictionary definitions of compassion were reviewed (see: figure 4). While containing differences, there is also some overlap in these definitions. Comparing them makes clear that it is an emotion that involves two people, and consists of two parts: understanding and acting (see: figure 5). Both parts will be investigated to understand the role of each actor.

*figure 5: Two steps of compassion from dictionary definitions: empathic understanding and acting*
2.1.2 Understanding the sufferer

The first part of these definitions describes the empathiser’s understanding of the suffering. To increase our understanding of compassion, suffering itself is worth looking into as well. Suffering is described by the Cambridge Dictionary as: “physical or mental pain that a person or animal is feeling”. Adopting this definition, it is chosen to define suffering as the mental pain a person experiences, which, as author Timothy Dawes describes, is the result of not having fundamental needs met, or not being able to fulfil fundamental needs (TEDx Talks, 2017). For example, a kid can be suffering because he is being bullied in class, not being able to meet his need for belonging. His suffering can be alleviated by making new friends. To show compassion, understanding why someone’s needs aren’t met, is necessary. According to the dictionary definitions, this is done with a strong feeling of sympathy (Cambridge Dictionary), or sympathetic consciousness (Merriam-Webster).

When defining this feeling of sympathy, a similar term empathy should also be presented. Sympathy is similar to empathy, yet Brené Brown, research professor at the University of Houston, describes the difference regarding the interactions and effect between people (The RSA, 2013): “Empathy is feeling with people”, and consists of four elements: taking the perspective of someone else, staying out of judgement, understand emotion in others, and finally, communicating that to them. In compassion, the communication manifests itself in the form of action to alleviate the suffering of the other. Sympathy does not require a connection, and necessitates an understanding of someone else’s suffering but ends there. It is claimed that “Empathy fuels connection while sympathy drives disconnection” since an empathic response takes into account the emotions of the sufferer, whereas sympathy only acknowledges the situation (Brown, 2013). For this reason, empathy is preferred over sympathy in a working definition of compassion for this project.

Another definition of empathy useful for the definition of compassion stems from the design practice. Kouprie and Sleeswijk-Visser (2009) defined empathy as an emotion of four steps: discovery, immersion, connection, and detachment. These four phases describe the journey a designer goes through to gain new knowledge about the user. Similar to Brown’s definition, the designer, or empathiser, takes the perspective of someone else (immersion), and recognises the emotions (connection). This definition also states that the situation of
the sufferer needs to be discovered by the empathiser, and that emotional detachment is necessary to communicate the understanding. Comparing both definitions allows us to comprehensively define the suffering by the empathiser in four parts (see: figure 6).

1. Recognising: the empathiser discovering the suffering, with a willingness to be immersed in it.

2. Immersing: the empathiser taking the perspective of the sufferer, while his withholding judgement.

3. Understanding: the recognising and connecting to the situation of the sufferer

4. Detaching: the empathiser stepping out of the situation of the sufferer with new knowledge that he can act upon.

<table>
<thead>
<tr>
<th>Phase</th>
<th>1</th>
<th>2a</th>
<th>2b</th>
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<tbody>
<tr>
<td>Brown (2013)</td>
<td></td>
<td>Perspective taking: Seeing the world through the eyes of the other</td>
<td>No judgement Refrain from judgement to allow yourself to feel the pain of the other</td>
</tr>
<tr>
<td>Kouprie et al. (2009)</td>
<td>Discovery: Recognizing the emotion of the user with a willingness to explore it</td>
<td>Immersion: Wander in the user’s world and take the user’s point of view with an open mind.</td>
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<tbody>
<tr>
<td>Understand: Recognizing the emotions of the other with focus on your loved one.</td>
<td>Detachment: Stepping out of the user’s world to reflect with an increased understanding.</td>
</tr>
<tr>
<td>Connection: Connecting emotionally with the user, understanding the feelings and the meaning.</td>
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figure 6: A comparison between two definitions of empathy, Kouprie et al. (2009) and Brown (2013)
2.1.3 Interacting with effect

The second part describes the act of the empathiser, which allows the sufferer to feel he is being treated with compassion. This is the result of the empathic understanding described in 2.1.2, and alleviate the suffering. In the previous segment, the experience and motivations for the empathiser to act are discussed. This part will go into detail about the experience of the sufferer.

For compassion to exist in a situation, two actions need to be taken, one by the sufferer, the other towards the sufferer. First, the sufferer needs to be able to show and explain their suffering to be understood. Their ability to do this is not always self-evident, and not being able to meet a need can be frustrating, aggravating or even scary. Additionally, focussing on the actions instead of the underlying needs does not allow for the sufferer to express themselves. An example of this is given by Tim Dawes: A woman who is causing a scene in the hospital is not being helped by telling her to “calm down” (focus on the action), but rather ask why she is panicking. While not always evident at first, the opportunity for the sufferer to be heard is instrumental to be treated with compassion (source).

Second, the empathiser needs to act to alleviate the suffering and meet their needs. Building on hearing the unmet needs of the suspect, and not focusing on fruitless attempts, the act of the empathiser shows that the sufferer is being listened to. While the act itself is dependent on the situation, it is assumed that some characteristics of the interaction could be generalised. Three interaction characteristics have been defined in the early stage of the project, serving as a stepping stone for exploration.

The interaction has to be non-judgmental. It is defined that the empathiser has to abstain from judgement for him to understand the situation of the sufferer. The sufferer has to experience this as well, to increase their willingness to share.

Second, the interaction has to be patient. It was learned from a mentor of ex-detainees that sharing nor feeling compassion can be forced, and needs space (R. van der Heul, personal communication, December 12, 2018; Braithwaite, 2016). While interacting, there has to be room for silence, and room for thinking.

Last, the interaction has to be dignified. “Compassion impels us to dethrone ourselves from the centre of our world and put another there” (charterforcompassion.org). In the interaction, it should be apparent that the empathiser is curious to understand the situation of the sufferer or the act to alleviate suffering should be fitting based on what has been shared.

These three characteristics describe the experience of the sufferer, and in the context of this project, the suspect in the courtroom. Making the suspect feel being treated with compassion should thus include these characteristics.
2.1.4 The compassion blueprint

Based on the findings in chapters 2.1.2 and 2.1.3, a compassion blueprint is designed. The blueprint of an emotion describes the elements that separate compassion from any other emotion, as was found during the literature analysis. Figure 7 explains the definition of compassion and the steps that need to be taken to achieve this. This is an updated version of figure 5.

“Compassion is the empathic consciousness of someone else’s suffering with the desire to alleviate it. Furthermore, it compels people to react to this empathic understanding, by working to help those who are suffering. It is an emotion that enables us to connect empathically with people around us and allows us to look at the true need in their suffering. At its core, compassion compels us to treat everyone, without exception, as you would want to be treated yourself, with absolute justice, fairness and respect.”

figure 7: The emotion blueprint for compassion, based on literature comparisons for understanding and acting
2.1.5 A working definition

The project aims to create a design intervention that makes the suspect feel he is being treated with compassion. While the compassion blueprint gives an overview, it lacks the direction needed to answer the research question of this segment. Therefore, the blueprint is used to establish a final working definition that will be referred to during this thesis when spoken of a “compassionate interaction”. The focus is on the interaction between empathiser and sufferer, signifying the difference between compassionate behaviour, and acting with compassion. It is assumed that to act with compassion, the empathiser does not need to go through the entire process of feeling compassion (see: figure 8). The main objective is to let the sufferer experience the effect of a compassionate interaction to alleviate their suffering. The definition thus is as follows:

“A compassionate interaction is a patient and dignified interaction, free of judgement, that makes the sufferer feel heard and seen by the empathiser through the acknowledgement of the suffering, and alleviate the suffering in the situation of the sufferer through action.” (definition)

In this definition, three components have been identified: actions (acknowledging and acting), characteristics of the interaction (patient, dignified, and non-judgemental), and the intention (to alleviate suffering). These three components are key to understanding the definition of a compassionate interaction, and how to design for such an interaction.

figure 8: The scope of what is meant with a compassionate interaction and its components
So far, the definition of compassion has been analysed and detailed by comparing dictionary definitions, research, and personal communication. Through this, compassion has been defined as “the empathic consciousness of someone else’s suffering, with the desire to alleviate it.”

A compassionate treatment consists of three parts: the actions, the characteristics, and the effect. During the process, the empathiser shows that the suffering is seen, and acts to meet the needs of the sufferer. Interacting with compassion means making the sufferer feel he is being treated with patience, dignity, and without judgement. The result: the sufferer feels, heard, and respected he is seen, heard, and respected, and therefore his suffering is alleviated (see: figure 9).

The definition established in this chapter will serve to answer the second research question: “how can a compassionate interaction be designed?” In chapter 2.2, the knowledge of this chapter is used to create a design framework that answers this question.

![Figure 9: The three components of a compassionate interaction: character, actions and effect.](image-url)
2.2 How to design for compassion?

2.2.1 Framework for compassionate interactions

With the knowledge from the previous subchapter, it is explored how compassion can be designed. The blueprint allows any part of the process to be isolated and understood to formulate a design goal. For example, one could use this blueprint as a starting point to design for compassionate behaviour by enhancing the empathiser’s recognition and his understanding of the sufferer’s situation.

This project aims to design for the compassionate treatment of the suspect in the courtroom. Therefore the focus in the compassion blueprint will be on the suffering, and specifically, the interactions that affect the sufferer (see: figure 8). To make the insights of chapter 2.1 useful for design, as is stated in the project scope, a framework is designed to fulfil the aim of this project. Additionally, it should support the designer throughout the design and evaluation of the project. The framework takes into account three components of compassion: The desired effect, the interaction characteristics, and the compassionate actions. These components have to be designed in a specific order, from the goal (abstract) to the actions (concrete). The figure is shown in figure 10 and figure 11 on the following pages.

To design for compassionate interactions (DfCI), a designer has to start defining the effect, which describes the why of design, it’s the reason of existence. Second is the “how” that characterises the interaction between the empathiser and the sufferer. This should fit with the context and be consistent with the design goal. Last, the action, the what, can be designed, which should fit the interaction qualities and the design goal.

The framework instructs the designer to follow this order and links it to the definition of compassionate interaction. Therefore, in the framework, both an instruction sheet and a canvas are included to support the designer when designing for compassionate interactions. In the rest of the chapter, the framework is explained and discussed.
1. The design goal:
The design goal describes the desired effect of a compassionate interaction. It should include answers to these questions:
- Who is the sufferer?
- Who is the empathiser?
- What is the desired effect?
- Where and when does the desired effect take place?

2. The interaction qualities and analogy
A compassionate interaction is without judgement, patient and dignifying. The qualities to describe the interaction, expression and behaviour should convey these characteristics and fit the context of the compassionate interaction. Use an analogy to iterate and communicate the determined interaction qualities.

3. The design intervention
The qualities and analogy allow you to define the actions and the tools that facilitate them in order to facilitate a compassion interactions. How will the empathiser act to alleviate the suffering of the other?
If applicable, think of both communicating suffering and how the empathiser can be motivated to act to reach the desired effect.

Figure 10: The instructions to design for compassionate interactions.
1. The goal is to

2a. The qualities of the interaction are:
1: .......................... 2: .......................... 3: ..........................

2b. The interaction should feel like ..............................................

3. The intervention

How is suffering seen?

How is the need met?

figure 11: The design for compassionate interaction canvas
2.2.2 How to use the framework

The framework serves as a guideline when designing compassionate interactions. It is meant to be used iteratively, meaning the four steps can be repeated to achieve the desired effect. Since the aim of the graduation project is the design exercise, the preceding research is not included in the framework. Therefore, this approach assumes that the context has been investigated and the causes of suffering have been identified.

1. Define the desired situation.

If the reason for suffering is defined, the designer is challenged to formulate a design goal that describes the desired situation, in which the suffering is alleviated. The design goal should define the desired effect of the design. This goal consists of several elements. Since mental suffering is the absence of the sufferer’s need (Dawes, 2017), the design goal has to specify which need of the sufferer is met to alleviate the suffering. Furthermore, it should define who the sufferer is, and who the empathiser should be in the context. Lastly, the design should include the time and place, where and when is the suffering going to be alleviated through compassionate interactions. In the ideation and evaluation of the concept, the design goal is used to generate ideas or evaluate the successfulness of the design respectively.

2. Determine the interaction qualities

The design goal describes the goal of the compassionate interaction, as well as the context, but it does not describe how the goal is going to be reached; determining fitting interaction qualities serves that purpose. In the analysis, it is defined that a compassionate interaction is without judgement, patient and dignifying. However, the interaction itself varies based on the situation of both the empathiser and the sufferer in the context. Therefore, the three characteristics of the interaction need to be defined as interaction qualities, properties of the interaction that describe the interaction, the expression and the behaviour of artefacts or people that are interacted with (Lundgren, 2011).

3. Design the actions

The third step in the framework is to facilitate the interaction qualities with a design intervention. This design intervention can take many shapes; examples of design interventions are products, product-service systems, or communication protocols. Standard design techniques, such as Brainwriting, How To’s, and Analogies can be used by the designer in creative sessions to design a concept that fulfils the criteria set by the interaction qualities and the design goal (Tassoul, 2009. Van Boeijen et al., 2013). The result of this step is a design intervention that fits the design goal and aims to alleviate someone’s suffering fitting to the context of the situation.
4. **Evaluate the criteria**

The degree of successfulness is measured in the final step of the framework: evaluating. During this step, the design should be evaluated with users. Tools and methods that can be used to evaluate the designs include, but are not limited to roleplaying, heuristic evaluation, Pick-a-mood (Desmet et al., 2016), or Likert scales. The conclusion of this step is to make an informed decision on the next iteration cycle. Should the design goal be changed? Are the interaction qualities fitting for the context? Does the design intervention convey the desired effect? With this information, the design can be improved to meet the needs of the sufferer, and a following iteration of the cycle can be started.

### 2.2.3 Partial conclusion

To show how compassionate interactions can be designed for, a framework that allows designers to design for a compassionate interaction has been designed in this chapter. This framework focuses on the interaction between sufferer and empathiser in the compassion blueprint and isolates the components of compassion necessary to convey a compassionate interaction. This framework has been compared with design techniques to create a step by step guide through the framework that allows designers to correctly approach designing for compassionate interactions.

This framework is a successful means to design a compassionate interaction and thereby answers the research question that was posed at the start of chapter 2.2. Future efforts will aim to define the limitations of the framework, as well as evaluate its usefulness through practice.
The framework has been designed to be used in this graduation project. Therefore, the framework has some limitations regarding its use and application.

Undoubtedly, there are some issues with the use of the designed framework by other interaction designers. For example, it is designed with knowledge of the definition of compassion. While the framework translates the three components of a compassionate interaction into a design framework, it does not communicate the underlying understanding of compassion. When not used by interaction designers, the framework poses another issue. It has been designed to be used by people that possess the necessary understanding of jargon and methodologies. The framework does not go into detail about the different methodologies, such as design methods, or the definition of ‘interaction qualities’ and an ‘analogy’.

There are also limitations to the application. Since the project aims to make the suspect feel treated with compassion, the framework has been designed with compassionate interaction in mind. Therefore, it is only appropriate when designing for compassionate interactions, not compassionate behaviour. When treated with compassion, it should make the sufferer feel he is heard and seen. However, compassionate behaviour does not always facilitate that, and can sometimes have the opposite effect (e.g. compassion is not kindness). Therefore, the designer is instructed to design with the experience of the sufferer as a starting point, not the experience of the empathiser. The focus is on the characteristics of the interaction and the actions, not on the empathic understanding.
2.4 Conclusion

This chapter has started by finding the answer to the questions: what is a compassionate interaction, and how can a compassionate interaction be designed? The answers to these questions have been presented in the form of a working definition and a framework. The framework communicates the definition of a compassionate interaction, guides the designer through the steps necessary to design for a compassionate interaction, and allows the designer to evaluate their design to reach the desired effect iteratively. From a heuristic evaluation, it was perceived that the framework in this iteration is understandable and helpful when designing for compassionate interactions. As such, the framework can be used by interaction designers as a valuable tool for designing a compassionate interaction in a situation where someone’s suffering is identified. It will, therefore, be used during this project, which aims it is to design for compassionate interactions in the courtroom for the suspect. In the fourth chapter of this thesis, the framework is used in the scope of this graduation project to test its usefulness when designing for compassionate interactions. In chapter 6, the conclusions and further recommendations for this framework are presented, based on the insights gained from its application during the project.
“Be kind, for everyone you meet is fighting a harder battle”
- Plato
(philosopher)
In chapter 01, the context of the courtroom has briefly been explained. However, in this graduation project, a more elaborate understanding of the courtroom and the suspect is required to create fitting designs in the context. Therefore, the context of the courtroom has to be explored to identify opportunities for design. In this chapter, the goal of the court is analysed together with the physical space of the courtroom. The results of this analysis, combined with the established framework, are used in the following chapter to start the idea generation.
3.1 The goal of the courtroom

January 11th, 2018. Scheveningen. 23:30. The body of a 30-year-old woman is found in her house, cut into pieces. (Gioia, 2018). The main suspect, her husband, has been taken into custody and is being investigated by the police. They want to uncover facts and build a case for the courtroom. The husband undergoes psychic evaluation, during which, it was found that the suspect was recently fired and his wife, the victim, had cheated on him and wanted a divorce. The two most important pillars of his life crumbled (ad.nl, 2019). A year later, the prosecution demands eight years of imprisonment and hospitalised detention for the crime during the first court hearing. It is the responsibility of the court to find a fitting punishment. Because the suspect was not psychologically accountable when he murdered his wife, he was sentenced to four years and hospitalised detention for treatment on March 6, 2019.

The context of this graduation project is the courtroom for criminal law. This room is the stage for the judgement of suspects who have violated the penal code (the collection of laws in criminal law) and committed a crime for which they are to be punished. It is the space where the legal truth in cases such as the one above is investigated, and a fitting punishment is decided. The hearings are varied and include cases such as tax fraud, sexual abuse, drug trafficking, traffic accidents, and domestic violence, all of which have to be facilitated in the same space, and the actors within this space. In the courtroom, the physical space, the actors, and the procedures serve the goal of the jurisdiction of the Dutch criminal law.

3.1.1 The reason for a court

One of the earliest mentions of a courtroom is described in the tragedy of Oresteia, written in the 5th century B.C.: After ten years of warfare, king Agamemnon of Mycenae returns from Troy to find his wife plotting his murder to avenge the sacrifice of their daughter and out of jealousy for his new concubine, Cassandra. Together with her lover, they manage to kill Agamemnon and his concubine in his own home, an act that sets events into motion driven by passion, hatred, and revenge. Agamemnon’s son, Orestes, returns home and avenges his father together with his sister by killing his mother, who, in turn, is hunted by the merciless Furies. These goddesses relentlessly pursue Orestes, who manages the escape their chase once, with the help of the god Apollo. It is when Orestes is captured by the Furies here, in act 3, that he pleads to Athens to intervene, who summons twelve Athenian citizens to serve together with her as an independent council, intervening in the cycle of revenge and ending the bloodshed, sentencing Orestes not guilty (see: figure 13). Athens then proclaims that all trials should be settled in court, rather than being carried out personally.

The Oresteia, possibly written during a time where democratic justice in ancient Greece was developing (Bury, 1956), shows us that a society without a judicial party is prone to escalating violence and crime. From the tragedy, the need for the court to be independent and unbiased is clear. The judge, who is Athens in the tragedy of Oresteia, needs to be accepted by all other process parties as the authority in the courtroom, to prevent a cycle
of revenge in society. Instead of revenge, the process is rational to judge the suspect. Since only the guilty party is punished, randomness in punishment is discarded, making the outcome of the process acceptable for everyone who is involved. Based on this notion, the first goal of the courtroom is formulated, which states that the court is there to intervene rationally in a cycle of revenge, to prevent escalating crime (see: figure 14).

The fundamentals for an independent Dutch criminal law system were laid centuries after the tragedy of Oresteia. In the early 18th century, the law was spoken by the governing ruler in society, a king for example. However, this often led to the abuse of power, imposition of ideals and unfair punishments. In this analysis, the ideas of two influential philosophers that resist the notion of a tyrant are discussed. These ideas are were and still are important cornerstones for Dutch civil law. These philosophers are the French judge Montesquieu, and the Italian criminologist Cesare Beccaria.

In 1748, Montesquieu wrote the l’Esprit des Lois (The Spirit of Laws), wherein he advertises the separation, or distribution, of powers to prevent apprehensions caused before by a centralised power. He proposed that a centralised power should be separated into three systems: executive, legislative and judicial. This separation is more commonly known as the ‘Trias Politica’. For the first time, a proposal was made to form an organisation independent from the ruling power, which is concerned with judicial matters: law speaking and punishment. However, in this manifest is was uncertain how this independent organisation should behave, and with which goals it should act.
The Italian jurist, politician and philosopher Cesare Beccaria, who is now considered amongst the fathers of criminal justice, condemned the death penalty, torture, and other disproportionate punishments in his treatise “On crime and Punishments” (Dei delitti e delle pene, 1764). Beccaria argued that criminal punishment should only be severe enough to achieve order and prevent subsequent crimes, anything exceeding this would be tyranny (Allen, 2019). Therefore, he pledged to get rid of randomness, the abuse of power, or religious dogmas that were prevalent in the late 18th century. With a centralised set of principles governing criminal punishment, he advocated for what, in his opinion, should be the goal of the governmental policies in his view: to achieve the “greatest good for the greatest amount of people” (Verhofstadt, 2014). Instead of torture and the death penalty, he advocated for proportionate punishments that prevent further crimes, which is still a goal of criminal law in the Netherlands today.

These two notions, of separating a centralised power and limiting the power of the judicial system to aim for the greatest good for the greatest amount of people, are the foundation upon which Dutch criminal law has taken shape. It is with this knowledge that a second goal of the court is formulated: the courtroom aims to ensure the greatest good for the largest amount of people by law speaking and punishing the guilty party. Both goals are visualised below (see: figure 14).

The court is the only party in society that can intervene by judging who the guilty party is, and what a fitting punishment should be to fulfil its goals. However, the question remains: what constitutes a fitting punishment? To intervene without emotions, judges need rules or guidelines to formulate a rational punishment. Beccaria is again used to define what a fitting punishment is. He has defined a fitting penalty as a proportionate and subsidiary punishment (Verhofstadt). The principle of proportionality describes that punishment has to be in proportion with the crime since a criminal should be added minimal suffering, while still sending a message to the outside world and preventing other crimes. Logically, the ideal punishment is effective, yet moderate, and fits the intensity of the crime and suffering inflicted to the disadvantaged party.

3.1.2 The effect of punishment

The court is the only party in society that can intervene by judging who the guilty party is, and what a fitting punishment should be to fulfil its goals. However, the question remains: what constitutes a fitting punishment? To intervene without emotions, judges need rules or guidelines to formulate a rational punishment. Beccaria is again used to define what a fitting punishment is. He has defined a fitting penalty as a proportionate and subsidiary punishment (Verhofstadt). The principle of proportionality describes that punishment has to be in proportion with the crime since a criminal should be added minimal suffering, while still sending a message to the outside world and preventing other crimes. Logically, the ideal punishment is effective, yet moderate, and fits the intensity of the crime and suffering inflicted to the disadvantaged party.
The principle of subsidiarity defines that it is better to add minimal suffering, but deserved, than an extreme punishment, such as cutting off fingers for a theft, which can be avoided by the rich. To prevent crime, it is deemed more important than the punishment is inescapable, than severe. These two principles of Beccaria define that a fitting punishment is proportionate and subsidiary, and describe how the court can rationally intervene when punishing the guilty party.

In criminal law, fitting punishments are the addition of suffering to a person (source). Because suspects have caused suffering to someone else, the suffering from punishment is considered to be deserved. The courtroom as a physical space allows judges to be able to decide what a fitting punishment is. The goals of punishments given by the court in criminal law have two different purposes, aiming to fulfil the goals of the court and with the principles of proportionality and subsidiarity in mind. The goals of punishment in criminal law are retribution, and prevention (Stijnen, 2011, Haak, 2013).

Retribution is the first reason for punishment. A criminal who violates the law often adds suffering to a disadvantaged party, for example, the disadvantaged party of theft. When there is no direct disadvantaged party of a violation of the law, the suffering of society can also be considered. Retribution is a motivation for punishment that can also be seen in the Oresteia, however, in criminal law, the judicial party determines a fitting punishment. For the suffering the criminal caused, he has to feel suffering too. Prevention aims to prevent a consecutive violation of the law and is defined in two separate goals: individual and general. By adding suffering, it discourages a criminal from repeating a violation (individual) and discourages other members of society (general). Both individual and general prevention dictate that punishment is justified when it accomplishes these goals.

### 3.1.3 Partial conclusion

In this subchapter, it is established that the court in the Netherlands operates as an independent law speaking party that fulfils two goals. Firstly, to rationally intervene in the cycle of revenge to prevent escalating crime, and secondly, to ensure the greatest good for the largest amount of people through punishment. A fitting punishment is both in proportion with the crime and is the least severe while still being effective. It adds suffering to the guilty party, since he has inflicted suffering to someone else too, and preventing further crimes, either by the guilty party, or other members of society. This holistic analysis of the goal of the courtroom serves as a background for understanding the courtroom itself, its actors and procedure, which are described in the next part of this thesis.
3.2 The room and its artefacts

3.2.1 Entering the courtroom

The door opens and the suspect enters the courtroom, a room designed to host the juridical procedure (see: figure 15). He takes a seat halfway, in the centre of the room on a designated chair, facing forward (A). Behind him, the audience enters the room and sits down, or takes place on the balcony (B). If the suspect did not enter through the same door as the lawyer, he will sit next to him, giving a confident nod: “I got this”. The desks on the front row are fitted with microphones to speak through, but otherwise neutral, a place for the lawyer to rest his documents on (A). On his left, across the aisle, there is a similar desk destined for witnesses, experts, or the disadvantaged party, which could be left empty as well (C). The suspect and all the others are now waiting, in silence, until a door in the back of the room opens, and the judges enter.

In the courtroom, everyone is facing the same way: towards the judges, who have an assigned place at the end of the courtroom. Their seats are elevated above the rest of the people in the courtroom, their roles displayed on the front of their desks (D). Behind them, a portrait of a stoic king Willem Alexander is hung, overlooking the courtroom and its people. To their left, the registrar sits, in charge of documenting the proceedings, and is therefore outfitted with a large monitor (E). On the other side, to their right, the public prosecutor sits (F). While he entered at the same time as the suspect, he is sitting on the platform at a desk that is detached from the lawyers. The room is illuminated by lights hanging from the ceiling, and the sun shines through the window on one side of the room. If everyone is seated, the hearing can start.

3.2.2 Artefacts and their meaning

The courtroom is filled with artefacts that carry different meanings in the context of the courtroom, both practical and symbolical. Since the focus of the project is the courtroom itself, the analysis will be limited to the physical space of the courtroom as well. An image of the courtroom is shown in figure 16. Other artefacts are not taken into account in this thesis.

In the room, several architectural artefacts carry meaning and reflect the values of the courtroom. To start with, the judges and the public prosecutor are seated on a platform that is slightly elevated above the rest of the room. Wearing this toga, the judge is de-personalised, signifying that the suspect is not dealing with a person, but with the law herself (Hol, 2006). The authority is strengthened by the chairs they are sitting in, which are more comfortable and luxurious than the chairs of the other actors and people in the courtroom.

The other actors are all directed towards the platform, towards the judges. Without much instruction, it is clear that the judges are the focal point in the hearing, and that they should be addressed by all other parties, whether it is the suspect, the disadvantaged party, or the lawyers. The position of the suspect is noteworthy for another reason. He is seated roughly in the centre of the courtroom, making it immediately clear that the hearing is because of him. He is the centre not only of the room, but also of the interrogation and other discussions, and while not always addressed, it is about him.
The clothes that people are wearing are another category that is discussed. Judges, the public prosecutor, the lawyers, and the registrar all wear toga’s over their clothes. These toga’s hide the clothes and the body of their wearers. The toga’s signals to the other participants that their wearers are not only people, but representatives of a higher force, and their arguments supersede everyday issues. This is further reinforced by the fact that both the public prosecutor and the lawyer stand when speaking, the literal elevation of their speech. It is here that conflicts are settled by taking them out of everyday society, with different people and a different language.

Last, there is a portrait of King Willem Alexander hanging behind the judges. This portrait is there to show that the authority of the judges is representative of royal authority.
Other artefacts that do not carry much meaning but are there for functional reasons are:

- Microphones on the tables of all actors.
- Monitors on the tables of the judges and the prosecutor. While they functionally provide the actors with information, they can also form a small barrier between them and the rest of the room.
- Name-tags on the desk of the judges, the prosecutor, and the registrar. These don’t only inform people in the courtroom of the roles of the people sitting behind the desks, they also signal that the actors belong in the court, and have a fixed position.

The artefacts in the room all show different values. They show that the court is above normal society, abstracted into its world, shown through the attire, the language that is spoken, and the standing of the actors. It also reinforces its authority, which can be seen in the platform the judges are seated upon, the direction of the other actors in the courtroom, the portrait of King Willem Alexander, and through the chairs and name-tags of the judges and the prosecutor. Lastly, it physically and symbolically puts the suspect in the middle of the courtroom, his position is in the centre of the courtroom, and the hearing and punishment will directly affect him.
3.3 The people in the courtroom

3.3.1 The courtroom actors

In the courtroom, several actors play their roles, each affecting the process. Three judges act as an independent party and decide for a fitting punishment for the suspect in case he is guilty. The chairman of the judges owns the process in criminal law and dictates the order and flow of the process. Second, the prosecution represents the needs of the law that has been violated, as well as society by demanding punishment to prevent further crimes. They also initiate the process by investigating the violation and demanding retribution for it. Last, the lawyer is the legal defender of the suspect and is representative of the needs of the suspect. For a fair and equal procedure, every suspect has the right to a lawyer to defend themselves in the courtroom (art. 40 SV 2017). These actors all dictate the experience of the suspect, and will possibly also be affected by the design intervention in the courtroom (see: figure 17).

Owner of the process

The chair of the judges lead the investigation to be able to find a fitting punishment. Judges set the atmosphere of the courtroom hearing. They are sitting at the end of the room, overseeing the process. The suspect interacts with the judge during the interrogation, and has to answer questions the judge asks them.

Leader of the investigation

The prosecutor starts the investigation and demands a punishment for the violation of the law in the indictment. The prosecutor represents the needs of society and the disadvantaged party. While sitting adjacent to the judges, they are not part of the law speaking party. The prosecutor only directly interacts with the suspect to confront him about the crime. If the suspect does not repeat his offense, their job has been done well.

Defendant of the suspect

The lawyer is the legal aid of the suspect. They represent the needs of the suspect while trying to reduce punishment based on legal grounds in the interest of their client. Therefore, they sit next to the suspect in the courtroom. While not directly interacting, the suspect and lawyer are able to whisper to each other during the courtroom for questions or reassurance.

figure 17: The main actors in the courtroom the suspect interacts with, the judge, the prosecutor and the lawyer
3.3.2 The disadvantaged party

In cases with a victim, or disadvantaged party, they are allowed to make a statement about the experienced effect of the crime and become a part of the courtroom process. While they do so, they are represented by a lawyer, like the suspect, who can make legal claims for compensating any damage, both material and immaterial.

Before January 1st, 2005, the disadvantaged party did not have any part to play in the courtroom. Traditionally, the goal of the courtroom has always been to punish and seek retribution for a committed crime, while preventing further violations of the law. The disadvantaged party did not play a role. However, the importance of the disadvantaged party has been acknowledged and they have been introduced as a process participant. Since their introduction to the courtroom in 2005, they have grown more vocal, from being able to make a statement about the effect of the crime (source) to speaking about punishment and any conditions if applicable, in 2016 (van Beek, 2017). The goal of this statement and the participation of the disadvantaged party is to allow emotional restoration to start. Also, they provide information to the judges, and the confrontation of the suspect should reduce the change of recurrent crimes (Lens, Pemberton, & Groenhuijsen, 2010). Therefore, the disadvantaged party can nowadays be a participant in the procedures in the courtroom, if they so desire.

However, the introduction of the disadvantaged party as a participant has not been received with unanimous agreement, and several parties have spoken against this change in legislation for two main reasons. First, the change does not fit in the current courtroom procedures. Lawyer Peter Plasman and professor Wouter Veraart advocate against giving too much attention to the role of the disadvantaged party, because it inadvertently puts the suspect in the role of a criminal prematurely (Mebius, 2018; Bossema, 2018). Secondly, while speaking in the courtroom does enhance the inclusion of the disadvantaged party, it is questioned whether opening your heart for ten minutes effectively enables the start of emotional restoration (Letschert, & Pemberton, 2012).

3.3.3 Other people

Several other people are present during the court hearing, which undoubtedly affects the experience of the suspect. These people do not play a role in the courtroom process, and are therefore not called ‘actors’. While not included in the scope of the exploration, these actors are shortly discussed as well to give a complete overview of the situation the suspect might find himself in.

First of all, two or three police officers are present in the courtroom. The main function of the officers is to maintain the order and security of the actors and other people when the judge himself is not capable of restoring order any more. Therefore, these officers are seated behind the suspect and in between the rows of the audience. When the suspect is in custody before the hearing, the officers will escort the suspect into the courtroom. In that case, the suspect won’t be with his lawyer when entering the courtroom, and won’t be able to interact with other courtroom actors or people before the hearing.
Secondly, an audience can be present during a hearing, because the courtroom is a public process, a fact that has been made use of to make observations of the context. Therefore, the courtroom features a couple of rows of chairs in the back and a balcony. The effect of the audience on the suspects’ experience stems from their presence, as they are not allowed to interfere or speak up during the process. Based on the seats provided by the courtroom, some audiences can be up to 50 people, the size of which depends on the public interest of the case. The audience is a collective term, and four different types of interested parties can be separated, each with different impacts on the experience of the suspect:

- **Family and friends of the suspect:** Behind the suspect, family and friends of the suspect might be seated, to support the suspect. These people are often expected to be there, and can also be a welcoming surprise if the suspect has been in detention without much contact.

- **Family and friends of the disadvantaged party:** When a disadvantaged party is present, it is not uncommon for family and friends to be there as well. They are seated behind the disadvantaged party, on the right side of the courtroom. While the disadvantaged party often takes their position against the suspect in their statement, their friends and family are not explicitly of a similar standpoint; they are there mainly for support.

- **Interested groups:** It might be that a group of ten to fifteen people is present in the audience. What separates this type from the two above, is that these people are unrelated to any of the process participants. An example of this type is a classroom of law students who are studying the process of the courtroom.

- **Interested individuals:** The smallest effect on the experience of the suspect is when only a couple of individuals are in the audience, unrelated to any of the process participants. These can be anything from students, to an elderly visiting the courtroom.

Thirdly, it is not uncommon for high profile cases to have media attendance. These include journalists with laptops typing along, and a camera recording the hearing. The attendance of journalists is shared with the suspect beforehand and is not as surprising to the suspect as the presence of an audience. It can also be arranged that the suspect will not appear on video.

Lastly, every hearing has a bailiff. The bailiff heralds the opening and closing of a courtroom, instructed by the judges, and administrates the process parties, the audience, and the media into the courtroom. The responsibilities that are visible to the suspect are mostly logistical, making sure that everyone is seated, that a hearing starts on time, as well as providing participants with water. His position during the hearing is in the back of the room and does not disturb the process. Moreover, compared to the other parties, he is neutral, and will not treat the suspect differently from anyone else.
3.3.4 Afraid of the suspect

Looking at the courtroom, its architecture, the people and the procedure, it is clear that the suspect has been placed in an environment where compassionate interactions are not expected. The artefacts, such as the toga, the portrait of the king, and the elevated seats of the judges, signal distance and authority over the process. During the process, the suspect is allowed to participate in a few moments, and only to provide information so that the judges can formulate a fitting punishment, as retribution for the crime. Additionally, the presence of police officers signal that safety in the courtroom means safety from the suspect.

In general, society has turned away from showing compassion to suspects. While the crime rate is lowering in the Netherlands, and while the trust in the court is growing (Dekker & van der Meer, 2007), people react to the suspect as a threat to society. (Beunders, 2019). It is concluded that with an increased level of safety, people become oversensitive, demanding more retribution from those that threaten our state (Beunders). The consequences in the courtroom are self-evident, is shown in chapter 3.3.2. The rights of the disadvantaged party are growing, and with their voice, the need for retribution in the courtroom is growing as well. “quote”, an example of how suspects are being portrayed in the media. Instead of making the suspect feel treated with compassion, current trends move in the opposite direction, towards punishment and retribution.

However, it is argued that retribution should be transformed to restoration (Kaptein, 2008). When looking at the suspect as a part of society, instead of its enemy, restoration allows the wellbeing of the many to increase. In that situation, anger should not have a place (Nussbaum, 2017), because it involved preoccupation with the past. The ideal response to anger is compassion, which facilitates understanding, forgiveness, and love between two people. However, in the current procedure (3.4), restoration is not combined with punishment. To resolve this, a restorative process can be initiated outside of the courtroom. Due to monetary restrictions however, it is not possible to integrate restoration in the current courtroom procedure (personal communication, G.J. Slump, 2018).
A lot has been said about the physical environment and the people, yet there is a third component to the courtroom that requires attention: the procedure. The procedure in the courtroom always remains the same. A fixed courtroom procedure allows judges to investigate whether or not the suspect is guilty, if the crime is punishable, and what a fitting punishment should be. It also guarantees a fair process, regardless of who the judges are. During the entire procedure, the judges are the authority and are in charge of the process (see: figure 18).

In the analysis, the courtroom procedure is divided into two parts: the concrete interrogation and holistic battle. The goal of the concrete investigation is for the judges to investigate the file of the case, and they do so by hearing the suspect, experts, and the disadvantaged party in turns. It is there that the suspect is involved if the judges see a reason for it. In the holistic battle, the public prosecutor and the lawyers of both the suspect and the disadvantaged party (if present) argue for what they believe the juridical truth is, based on the file and statements given in the first part, often with a juridical vernacular. The suspect is not actively involved during this part of the court case. Both of these parts have been detailed further into 11 parts, from the suspect entering, to him leaving the courtroom.

1. Concrete interrogation:

- Entering and welcome: all participants enter, as described in chapter 3.2.1. The chair judge of the judges will welcome everyone and explain the proceedings, the rules, and the rights. The public prosecutor will then introduce the case the hearing will be about. The investigation is now opened.

- Interrogation: The chair judge will lead the investigation by interrogating the suspect about the facts in the file. The suspect has the right to remain silent.
Victim statement: The disadvantaged party can make a statement about the effect and a damage claim as a consequence of the crime. The suspect can react briefly afterward.

Personal circumstances: The interrogation will end with clarifying things such as marital status, occupation, and income of the suspect, which could be taken into account when considering a fitting punishment.

2. Holistic battle:

Indictment: The prosecution states the reason for prosecuting the suspect, as well as their evidence and what they deem a fitting punishment.

Defence: The suspect’s lawyer provides evidence that contradicts or reduced the intensity of the evidence given by the prosecution, followed by what the lawyer deems a fitting punishment for his client.

Reply: The lawyer of the disadvantaged party has the opportunity to respond to the defence, mainly concerning earlier made damage claims.

Reply: The public prosecution can reply to the evidence given by the defence.

Rejoinder: The defence has the opportunity to reply to both the reply of the disadvantaged party and the prosecution.

Last word: The suspect is asked to make a final statement about the proceedings of the case. After that, the chair judge closes the investigation.

Exit: Everyone leaves the courtroom. The judges remain seated until the other parties have exited.
3.5 Conclusion

The courtroom and the procedure of the hearing are designed to fulfil the goals of the court in the Netherlands, namely (1) to rationally intervene in the cycle of revenge, and (2) to impose a fitting punishment. The actors in the courtroom all have a role to play, all affecting the outcome of the trial. The judge has the authority to manage the hearing. The public prosecutor represents the needs of society and the disadvantaged party with the indictment, who is opposite to the lawyer who defends the suspect. The introduction of the disadvantaged party added another actor that is pleading against the suspect. The interaction between parties in the courtroom, especially during the interrogation, is aimed at fulfilling the goals of the court.

The courtroom is a space where the suspect is the object, submissive to the authority of the court and the unfamiliar situation distant from his world. The language and artefacts support the values of the court, and as is shown, the needs of the suspect are not taken into account. For the disadvantaged party and visitors of the courtroom, it is justified that the suspect is suffering in this procedure. As mentioned in the project scope, compassionate interactions have a positive effect on the court. It improves the engagement and cooperation of the suspect in the courtroom process, specifically during the concrete investigation, when their willingness to cooperate is desirable. Therefore, the alleviation of undeserved suffering, meaning suffering that does not serve a purpose in the procedure but is a byproduct of the current experience, through compassionate interactions is beneficial to the courtroom.

With the knowledge gathered in this chapter, the exploration of the context can be designed, to identify when and why the suspect is suffering undeservedly because their needs aren’t met (See chapter 02). How the procedure, actors, and interactions affect the experience of the suspect and why the suspect suffers is the subject of the following chapter.
“It is easy enough to be friendly to one’s friends. But to befriend the one who regards himself as your enemy is the quintessence of true religion.”

- Mahatma Gandhi (lawyer)
Having provided general information about the context, and the underlying values that drive the procedure and rituals in the courtroom, the following step is to gather information about the suffering of the suspect. This chapter will first present the methodology of the exploration, followed by the insights that illustrate when and why the suspect suffers in the courtroom. This information will be used in chapter 05, in the ideation, together with the design for compassionate interactions framework.
4.1 Exploration methods

4.1.1 Research questions

The exploration aims to identify opportunities for compassionate interactions in the courtroom. It is important to identify when the suspect needs compassionate interactions, i.e. when he suffers in the courtroom. It was also defined that while suffering is functional in the courtroom, undeserved suffering can be caused due to the procedure and the physical environment. The research questions that were set up before the exploration are therefore as follows:

Research question 1: When is the suspect suffering undeservedly?
As is stated before, the experience of the suspect is largely unknown, and could not be found through the literature analysis that is performed during the analysis of the context. Therefore, defining the experience of the suspect, and formulating what factors influence the experience of the suspect in the courtroom is important.

Research question 2: Why is the suspect suffering undeservedly?
When formulating the aim of the project in this thesis (chapter 01), it is assumed that the suspect suffers during the courtroom procedure. To formulate the aim of the compassionate interaction in the courtroom, the unmet need should be identified. To do so, the suspect’s journey is looked at to find moments and factors that cause the suspect’s suffering. This question aims to gather in-depth knowledge about the suspect’s needs that are not met and could be met with compassionate interactions.

4.1.2 Activities

Two different types of activities have been performed to approach the topics of the research questions: observations in the courtroom, and interviews with courtroom actors. The interviews can be further split up into two types: interviews with the courtroom newcomers, the suspect or the disadvantaged party, and interviews with courtroom actors, the judge, the public prosecutor, and the lawyer.

1. Observations

In the Netherlands, the courtrooms are fundamentally open for everyone to observe, which allowed the context to be explored through observations at an early stage of the project. Since the research was not bound to a specific courtroom, several cases in courtrooms throughout the Netherlands have been visited to experience the difference in courtroom settings and variety in cases. The observations are meant to gain an initial understanding of the context. Through these observations, more was learned about the architecture, the interactions and the roles of several courtroom participants.

Additionally researcher introspection is used during the observations to discover the context during the observations. In this form of introspection, contrary to interactive introspection which is used during the user interviews, “the researcher serves as the sole introspection who takes their own relevant emotions, sensations, memories, thoughts or imaginations as data for analysis” (Desmet & Xue, 2019). Introspection allows any biases to be made explicit, while simultaneously generating new data by using the potential of
empathy and imagination. Nine cases have been observed in six different courtrooms to ensure a well-informed overview of the procedure, architecture, interactions and experience of the suspect. The cases ranged from tax fraud to associated murder (see: figure 20).

2. Interviews

It was decided to make use of semi-structured interviews. This allowed information to be systematically retrieved within the scope of the project, while allowing for some exploration when new topics emerge (Wilson, 2013). To develop an understanding of the meaning the participants associated with the courtroom process and to go beyond observable insights, laddering was applied in the user interviews. By repeatedly asking “Why does this matter?”, or “Why is this important to you?”, the participant is anticipated to share meaning associated with their values, rather than attributes of the courtroom process (Reynolds & Gutman, 1988). Two types of interviews have been conducted during the exploration: interviews with the suspect or the disadvantaged party, and interviews with other courtroom actors.

In the interviews with courtroom newcomers, the primary aim is to discover their experience in the courtroom. To uncover their latent needs, the interview was divided into three segments. First, participants were asked to describe the process itself. This allowed the participant to recollect their memory about the court case, as well as identify the most memorable moments during the courtroom, which they would feel strongly about. After, the participants were be asked to value several moments either positively or negatively. Lastly, through laddering questions, they were asked to share why any of these moments carried a strong meaning to them (Sanders & Stappers, 2012).

The interviews with the courtroom experts aimed to investigate their perception of the suspect, as well as research in what ways compassion is, or is not part of the courtroom process. An interview guide was developed to ensure the coverage of these topics, detailing an introduction, a list of topics, as well as a list of anticipated questions, and closing comments (Wilson).

<table>
<thead>
<tr>
<th>Date</th>
<th>Court</th>
<th>Topic</th>
<th>Duration</th>
<th>Victim present</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 11, 2019</td>
<td>Utrecht</td>
<td>Restraining order</td>
<td>0:30</td>
<td>No</td>
</tr>
<tr>
<td>March 11, 2019</td>
<td>Utrecht</td>
<td>Sexual assault</td>
<td>1:30</td>
<td>No</td>
</tr>
<tr>
<td>March 12, 2019</td>
<td>Rotterdam</td>
<td>Drug trafficking</td>
<td>3:00</td>
<td>No</td>
</tr>
<tr>
<td>March 12, 2019</td>
<td>Rotterdam</td>
<td>Drug trafficking</td>
<td>1:30</td>
<td>No</td>
</tr>
<tr>
<td>March 13, 2019</td>
<td>Amsterdam</td>
<td>Attempted murder</td>
<td>8:00</td>
<td>No</td>
</tr>
<tr>
<td>March 14, 2019</td>
<td>Den Haag</td>
<td>Tax fraud</td>
<td>2:30</td>
<td>No</td>
</tr>
<tr>
<td>April 2, 2019</td>
<td>Haarlem</td>
<td>Traffic accident</td>
<td>3:00</td>
<td>Yes</td>
</tr>
<tr>
<td>April 4, 2019</td>
<td>Den Haag</td>
<td>Domestic violence</td>
<td>3:30</td>
<td>Yes</td>
</tr>
<tr>
<td>April 16, 2019</td>
<td>Schiphol</td>
<td>Traffic accident</td>
<td>2:30</td>
<td>Yes</td>
</tr>
</tbody>
</table>
4.1.3 Participants

For the interviews with courtroom actors, a total of 12 participants were selected. Opportunistic sampling was used to reach this quantity, while a variety in participants has been guaranteed by using different networks to approach participants (Sanders & Stappers, 2012). Due to privacy concerns, not a lot of information can be shared about these participants, such as names and photographs. An overview of the participants with relevant information can be seen in figure 21.

<table>
<thead>
<tr>
<th>Participant number</th>
<th>Role</th>
<th>Gender</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Suspect</td>
<td>Male</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Suspect</td>
<td>Male</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Suspect employer</td>
<td>Male</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Disadvantaged party</td>
<td>Female</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Disadvantaged party</td>
<td>Male</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Lawyer</td>
<td>Female</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Lawyer</td>
<td>Female</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Public prosecutor</td>
<td>Female</td>
<td>Court North Holland</td>
</tr>
<tr>
<td>9</td>
<td>Public prosecutor</td>
<td>Female</td>
<td>Court North Holland</td>
</tr>
<tr>
<td>10</td>
<td>Public prosecutor</td>
<td>Female</td>
<td>Court North Holland</td>
</tr>
<tr>
<td>11</td>
<td>Judge</td>
<td>Female</td>
<td>Court South Holland</td>
</tr>
<tr>
<td>12</td>
<td>Judge</td>
<td>Female</td>
<td>Court South Holland</td>
</tr>
<tr>
<td>13</td>
<td>Press informer</td>
<td>Male</td>
<td>Rechtbank Rotterdam</td>
</tr>
<tr>
<td>14</td>
<td>Law philosopher</td>
<td>Male</td>
<td>University of Leiden</td>
</tr>
</tbody>
</table>

figure 21: The courtroom participants that were interviewed during the exploration phase

4.1.4 Data collection

From the activities that have been performed, several qualitative data sets are collected. The raw data sets that have been analysed consist of:

- Observation notes
- Interview summaries

1. Observation notes

With the understanding of the procedure of the courtroom, a sheet has been designed to allow for methodical note taking during the courtroom. The data is captured on these sheets during the courtroom hearing. On this, the architectural lay-out can be drawn, as well as
all interactions and other notable details, including things such as body posture, tone of voice and general atmosphere in the room during the courtroom process. The sheet also leaves sufficient space for introspection notes and other comments (see: Appendix B)

2. Interview summaries

The interviews performed with courtroom actors have been voice recorded. These have then been summarised into interview summaries. These summaries allow for analysis at a later stage, without having to listen back to the recordings and saving time, while preserving the detail of the data. By summarising the interviews rather than transcribing the words exactly, time has been saved on a rather time-consuming process. While this is generally ill-advised, because the data raw data is lost, it is justified, since there is only one researcher in the analysis, and recalling the original data proved to be effortless.

4.1.5 Data Analysis

To interpret the data into findings that can be used to answer the research questions, Ackoff’s DIKW framework (1989) is used to to look at the insights at different levels of sense-making (see: figure 22).

The data describes the phenomena that are documented in the activities: the observation notes and interview summaries. During the gathering of data the researcher is continually analysing. The recorded data reflects what is deemed important for the outcome of the project. This is done based on the research questions, and previous knowledge of the subject matter.

On the information level passages of the interview summaries and observation notes were highlighted, and given meaning based on the interpretation of the researcher. Meaning has been assigned based on Maslow’s hierarchy of needs (1943), deriving from insights gathered from the laddering of the interviews (see 4.1.2).

By finding patterns in the information, knowledge about the experience of the suspect has been generated. In this stage, the information is abstracted from the original data. This information is structured according to the timeline of the suspect experience in the courtroom. This analysis allows data to be transformed into knowledge and theory, which, if done correctly, “can predict further events that can be extracted from the evidence” (Sanders & Stappers, 2012).

During the analysis, all data sources have been used, although some more intensely than others. The interview summaries have been used most frequently and are the main input for the analysis. The introspection notes were a reference for the interview summaries, since the interviews could not be performed in the context, but often occurred a considerable time after a court hearing. The observations have been used to structure the data, as well as add qualitative data to describe the experience of the suspect. The raw data can be seen in Appendix C.
4.2 Exploration results

Having analysed the data, the two research questions should be answered to proceed to the design of compassionate interactions in the context. It has been found that the experience of the suspect is influenced by their interactions and impression of other courtroom actors, each affecting the suspect in different ways, and posing a threat to their needs in the courtroom. Secondarily, it is found that the room and the artefacts play a minor role, but are consistent with the interactions with other courtroom actors. The impression of the other courtroom actors, and their effects on the needs of the suspect in the context is understood in this chapter.

4.2.1 The suspect’s needs

The suspect is found to face threats to their needs in the courtroom. To contextualise those threats, the needs of the suspect have been identified. From the analysis, it is found that four needs that are threatened, and thus could be the starting point for design. These needs are: ease, identity, acknowledgement, and security (see: figure 23).

1. Need of ease

First, it is found that suspects want to be at ease in the courtroom. Predictability of the outcome and being able to manage their own emotions are desired, but not always possible. Being at ease is threatened by numerous factors. First of all, they are unfamiliar with the courtroom, and therefore feel less in control over the procedure and the outcome. Suspects are unable to prepare themselves accordingly. Secondly, suspects don’t want to be in the courtroom. They are ashamed of their situation and the courtroom is an environment where they are on display, one participant has called it an “arena”, another a “boxing ring”.

2. Need of identity

Second, in the courtroom it is observed that the attention for the suspect is either for his good or his bad side. The public prosecutor attempts to project the suspect as an enemy of society to guarantee the punishment they demand. The lawyer in turn highlights the opposite side, the human side, of the suspect, to lower the claimed punishment. However the truth of the story is nuanced, a middle point, which is never clear. They are seen as a criminal. Not just by the actors, but also by the audience, and the suspect feels judged by everyone. Who they are is being challenged by the stories of the prosecution and the lawyer, and their identity is not recognised in the courtroom.
3. Need of acknowledgement

The suspect enters the courtroom with his problems. It is concluded that suspects are nervous, intimidated, scared, ashamed, anxious, and insecure. This affects not only their courtroom experience, but also suspect’s acts in the courtroom, and therefore, the procedure of the courtroom itself. Addiction, or pressure from a social circle are examples of the problems that were mentioned during the exploration. Continuing from their need of identity, the courtroom fails to address these problems and expectations. Furthermore, they cannot express this need, since they are in the courtroom to serve the process.

4. Need of security

The journey of the suspect does not start at the courtroom, and from the interviews it is gathered that suspects often find their ways to cope with the situation they are in. In this journey, the courtroom is not perceived as a moment that has meaning for the suspect and has value for them. On the contrary, the courtroom is a threat that is imposed on them, which can disrupt their life. Currently, it is seen as unavoidable, a process that they wish would end, since it stops them from moving on with their lives.
In the courtroom, suspects are seated in the centre of the arena. Their position (right), as well as the elevation of the judges and the prosecutor, are the main factors that set an intimidating and tense atmosphere for suspects. During the majority of the process, suspects are not asked to participate (above). The conversation is about them, but not with them. Therefore a large part of what happens is not understood, which is evident by the abstraction through use of language, and the passive attitude of the suspect.

“When I entered the courtroom, it felt like entering an arena.”
The needs of the suspect

**EASE**

The suspect is ashamed; with or without an audience, the suspect is uncomfortable to be on display. The life of a suspect has changed when the hearing takes place. If they are taking steps to take responsibility or for restoration with the disadvantaged party, the courtroom is a step back. It poses as a threat that can again disrupt their life.

“I would like to kindly ask if you would respect my privacy and wait outside.”

“I was constantly looking at my watch to see when the hearing would end.”

**RECOGNITION**

Suspects feel judged by everyone, not just by the judge. The discussion between lawyer and prosecutor paints a contrasting picture of the suspect. As a result, they do not feel that they come across as themselves, but merely as the criminal who violated the law. They don’t deny that they are guilty, but feel misunderstood.

“I had the feeling that those teenagers behind me were judging me too.”

**ACKNOWLEDGEMENT**

When entering the courtroom, suspect have expectations and problems. However, they don’t feel these needs are acknowledged. They are nervous and insecure, but don’t feel that this is addressed. Suspect are submissive and their needs are not acknowledged. This affects their whole courtroom experience.

“I don’t believe that someone without my problems understands me.”

**SECURITY**

Suspect who want to, or already are, improving their life, do not feel supported in their journey by the courtroom. In their experience, they serve the process, but the process does not aid them. The courtroom itself is not important, as they don’t gain anything from it, and they don’t feel they themselves can change the outcome.

“I wanted to be finished with this part of my life as soon as possible.”
The image of the judge

An unlikely ally
The judge acknowledges the suspect, and makes sure that he understands what is happening. He aims to create an atmosphere wherein the suspect is encouraged to share their story. When talking with the suspect, he makes the suspect feel at ease, by letting go of hierarchy.

“I have never had the feeling that it was unreasonable, or that I was being treated with a biased manner.”

Source: (personal communication [translated], suspect, 2019)

An analytical investigator
The judge owns the process. He sets the rules and interrupts the suspect when necessary. The suspect wants to keep him as a friend, which causes him to be more timid, but also withdrawn, when the suspect feels intimidated or scared.

“That is not how it works (interrupting), now we are just having a conversation.”

Source: (personal observation [translated], courtroom 2019)

The interaction with the judge

Interaction qualities (main):

**Submissive**
The suspect is only allowed to interact when it is wanted

**Persistent**
The judge will continuously ask questions until an answer is given

**Direct**
The suspect is only allowed to interact when it is wanted

Interaction qualities (secondary):

**Passive**
There is no conversation, only eye contact and body language

**Intimidating**
The suspect is constantly watched by the judge, who is looking for reactions. The suspect is constantly being judged, which makes him uncomfortable
4.2.2 Perception of other courtroom actors

Aside from the needs of the suspect, the interaction with the other courtroom actors influences the atmosphere in the courtroom and the experience of the suspect. They are also the main reason for suffering when they pose a threat to the needs of the suspect. The interactions with main courtroom actors, the judge, the public prosecutor, the lawyer, and the disadvantaged party are defined on the following pages (see figure 24 to 27). The knowledge derived from statements in their respective interviews, as well as observations. In visuals on the following pages, each of these actors is shown.

1. The judge

Judges have been described as independent and impartial. They are mandated to adhere to the procedure of the court and the rules that are defined for them to exercise their role. The main interactions between the judge and the suspect present themselves during the concrete interrogation when the judge and the suspect talk with each other. Secondary interaction qualities are also defined, which occur when the suspect is listening to other actors. It is seen that the judge is inquisitive, and often looks for the suspect’s facial expression and body posture. Both the main and secondary interactions affect the experience of the suspect (see: figure 24)

figure 24: A canvas showing the judge, as he is perceived by the suspect
The image of the public prosecutor

An enemy on a leash
The prosecutor is the opposition, intimidating and scary to the suspect. In the indictment, the worst side of the suspect is shown, informing the judge, but also aimed at the suspect. This is evident from the less formal language the prosecution uses when speaking.

"I hear often that [suspects] are ashamed, which I doubt; they just want to reduce the punishment."
Source: (personal observation [translated], courtroom, 2019)

An unavoidable mirror
The prosecutor uses their authority to imprint the consequences of the crime on the suspect. It is their responsibility that a criminal is caught and it is their responsibility to prevent further violation. It leads to harsh and confrontational statements that the suspect has to listen to.

"The suspect slammed himself into the KIA, and the occupants break their necks... disgusting"
Source: (personal communication [translated], public prosecutor 2019)

The interaction with the public prosecutor

Concrete interrogation  Holistic battle

Interaction qualities:

Submissive
The suspect is subject to the confrontation, while the prosecution enjoys the hierarchy.

Mediated
The prosecutor speaks directly to the judge, for the suspect to hear.

Forced
The suspect has no choice but to undergo the interactions.

Aimed
While not directly aimed at the suspect, the prosecution means for their words to be heard and felt by the suspect as well.
2. The public prosecutor

Aside from judges, no other actor directly interacts in the procedure of the courtroom. However, the public prosecutor is seen to disregard that, and while speaking to the judge, she aims their words at the suspect. Their interaction qualities describe these interactions, in which the suspect hears the accusations and evidence against him throughout the entire process. These interactions are defining for the experience of the suspect. In interviews, it was found that, because of the uncertainty and unfamiliarity of the situation, hearing the accusations is shocking, and sets the tone of the hearing and the image of the prosecutor for the rest of the procedure (see: figure 25).

figure 25: A canvas showing the public prosecutor, as she is perceived by the suspect <
The image of the lawyer

A reliable partner
The lawyer gives the suspect juridical and mental support for the situation the suspect is in. They often enter and exit together, and depend on each other for a good outcome. The lawyer speaks of the positive side of the suspect, with respect and understanding.

"My team is two, my lawyer and me. It feels like you go into battle together."
Source: (personal communication [translated], suspect, 2019)

A legal saviour
During the process, the suspect trusts the lawyer for doing what is necessary. The lawyer is respected for his ability to act his role. During the courtroom, the suspect is able to seek support and reassurance with his lawyer; for questions and concerns they consult each other.

"My lawyer and me are on the same page when talking about our approach to the court hearing."
Source: (personal communication [translated], suspect, 2019)

The interaction with the lawyer

Interaction qualities (talking):
- **Equal**: There is no difference in hierarchy, lawyer and suspect are a team.
- **Seamless**: Shoulder to shoulder, suspect and lawyer interact easily and directly without disturbing the process.
- **In control**: The suspect can start interacting.

Interaction qualities (listening):
- **Friendly**: The lawyer aims to calm the suspect with explanations, or just
- **Mediated**: The suspect is not directly spoken to, but through the defense, he feels supported and respected.
3. *The lawyer*

The suspect’s interactions with the lawyer extend beyond the courtroom. It is with the lawyer that the strategy for the court hearing is decided, supporting him throughout his journey. However, due to the scope of the exploration, only the interactions in the courtroom are defined. The image of the lawyer is defined based on their interactions throughout their entire journey and is partially derived from interviews. Primary interactions occur when the lawyer and suspect talk with each other, when entering, or when consulting for example. The secondary interactions also impact the experience of the suspect, mainly during the holistic battle, which are occur when the suspect is listening to the lawyer (see: figure 26).

*figure 26:* A canvas showing the lawyer, as he is perceived by the suspect <
The image of the disadvantaged party

A contrasting actor
The disadvantaged party is a newcomer, but is treated very differently than the suspect. The respect for the disadvantaged party speaks, is absent when it is the turn of the suspect. The suspect is seems to be evil, and the other good, yet the truth is not black and white.

"When [the suspect] showed up in court he had to face what he had done to us."
Source: (personal communication, disadvantaged party, 2019)

An angry outer voice
Typically, the disadvantaged party aims to have an impact on the suspect, and does so by letting out emotions and frustrations. The statement is a confrontation, maybe for the first time heard by the suspect. The suspect has to passively undergo the frustration of the other.

"With one act, you’ve changed a future of love and affection to pain and loneliness!"
Source: (personal observation [translated], courtroom, 2019)

The interaction with the disadvantaged party

Interaction qualities (talking):

- **Hesitant**
  Due to the fragility, reactions are slow, and superficial.
- **Overwhelming**
  The suspect has almost no time to prepare, often a short reaction.
- **Mediated**
  The suspect speaks to the disadvantaged party through the judge.

Interaction qualities (listening):

- **Unequal**
  The disadvantaged party is treated with more respect and patience.
- **Suppressive**
  The suspect is undergoing to emotion and judgement of everyone in the room, disadvantaged party and audience.
4. *The disadvantaged party*

Lastly, the presence of the disadvantaged party. Primarily, the suspect has the opportunity to react to the victim statement. This is the primary interaction these parties have with each other in the courtroom. While officially there are no direct interactions during the victim statement, since everything is mediated through the judge, the statement is written to make an impact on the suspect as well. This is the secondary interaction and is more defining for the experience of the suspect. At this moment, the different levels of attention and respect are felt in the courtroom, which not only affects the suspect but all other actors and the audience, something that sets the tone for the rest of the procedure (see: figure 27).

*figure 27: A canvas showing the disadvantaged party, as she is perceived by the suspect*
To describe the experience of the suspect in the courtroom, a journey map is created. This map shows the positivity or negativity of the suspect’s experience along a timeline. It is an estimation based on the knowledge gained during the exploration and validated with the suspect participants. The journey describes the experience of the suspect during the court hearing, as has been found during the exploration of the context (see: figure 28).

4.2.3 The journey in the courtroom

To describe the experience of the suspect in the courtroom, a journey map is created. This map shows the positivity or negativity of the suspect’s experience along a timeline. It is an estimation based on the knowledge gained during the exploration and validated with the suspect participants. The journey describes the experience of the suspect during the court hearing, as has been found during the exploration of the context (see: figure 28).

1. When entering, the suspect is overwhelmed by the room. One participant said that when entering, he found that a classroom was joining him in the audience. This confrontation added pressure and a feeling of guilt. He froze during the courtroom, as a result of a sudden feeling of being on display. Entering and seeing the room, the hierarchy and the other courtroom actors affect the suspect negatively.
2. During the interrogation and the personal circumstances, the suspect is not at ease. The inquisitive judge asks targeted questions, which fluctuate the experience of the suspect. Additionally, suspects are often cut off when judges believe that their answer deviates from the question. It is here, that suspects don’t feel acknowledged, which is experienced as frustrating, and unfair.

3. During the victim statement, the experience of the suspect is one-sided. The hostility, confrontation, combined with his shame, and the judgement of other actors cause the suspect to shrink in his chair. This has been observed in cases where a disadvantaged party is present.
4 During the first round of the holistic battle, the metaphor of the boxing ring is strong, described as a battle between the suspect, together with his lawyer, and the other actors. This phase takes longer than the following phase, the second round of the holistic battle. The trust in the lawyer balances out the intimidation of the prosecution.

5. The second round of the holistic battle does not particularly change the experience. On the one hand, the threats posed by the disadvantaged party and the prosecution are repeated and challenge the need for identity. The suspect is portrayed as an enemy. On the other hand, the end of the courtroom is near, since this phase takes less time, and he can then finally be safe, outside of the vulnerable position he is in.

6 The hearing ends with the final word. It is here that the suspect can make a final statement based on the hearing, but from observations, it is often noticed to be rehearsed. Simultaneously, the suspect is not anymore subject to confrontation or interrogation and often relieved to be exiting soon. At this moment, the suspect is often not actively participating, which causes him to experience less pressure, as can be seen in the curve.

4.2.4 Partial conclusion

The results of the analysis have allowed the first research question to be answered: How does the suspect experience the courtroom process? To answer this question, two factors are identified to primarily influence the suspect: the amount with which his needs are met in the courtroom, and the interactions with other actors. Other factors that are not included in the results in the previous section also affect the experience but have found to be of minor impact, and similar quality as the factors mentioned above.

The main needs of the suspect that are threatened to not be met in the courtroom are his needs for ease, recognition, acknowledgement, and security. These needs are threatened by his position in the courtroom, and his role during the process. This causes the experience of the suspect to be overall negative. Additionally, the interaction with other courtroom actors strongly influences the experience of the suspect. When interacting with the disadvantaged party, the suspect’s experience is the worst, followed by his interaction with the prosecution, and then the judge. In these moments the suspect is confronted, vulnerable, anxious, and insecure. Any interactions with the lawyer make him feel more confident, though they are few.

The resulting emotion curve is used to identify moments of suffering and is the starting point for formulating the problem definition. In the following section, the moments of suffering are identified. Opportunities are identified for designing compassionate interactions.
4.2.5 Suffering in the courtroom

It is found that the experience of the suspect is negative during the entire courtroom. Having had identified the experience, the moments of suffering were defined. Due to the nature of the courtroom process, the suspect is submissive in all of these moments, which indicates that he cannot do anything to meet his needs himself. The basic and psychological needs that are lacking in the experience of the suspect are defined according to Maslow’s hierarchy of needs (1943). In figure 29, the moments and reasons for suffering are shown. These moments of suffering are identified by looking at the steepest curves and the most extreme low points.

1. The suspect suffers when entering

The suspect is averse to entering the courtroom, it is a reminder and confrontation, and a threat to his need for security because the process could potentially change his entire life. Additionally, the suspect is uncomfortable to enter an unfamiliar room. Especially during the first moments of the hearing, the suspect is not at ease.

2. The suspect suffers when sitting down in the courtroom

The feeling of shame and fear is perceived stronger by the suspect the more people enter the courtroom. In the user interviews, this was repeatedly one of the determining factors that created a negative experience. At this moment, the unmet need for ease is combined with the unmet need for recognition: the suspect is intimidated and feels judged by everyone as the criminal when seated in the middle of the courtroom.

3. The suspect suffers during the interrogation with the judge

When being interrogated, the suspect is submissive under the authority of the judge, and not in control over the conversation. The suspect is not at ease, because of the repeated inquisitive questions. Furthermore, the one-sided nature of the interrogation does not allow the suspect’s side of the story to be acknowledged; he does not have the freedom to give more explanation than what is asked of him.

4. The suspect suffers when hearing the disadvantaged party

During the statement, the victim has been seen to personally attack the suspect, expecting to make an impact and get through to him with their emotions and questions. It is experienced very negatively, as a one-sided image of the suspect. It is also seen that the suspect is often moved by this statement, but unable to resolve the suffering of the disadvantaged party, he suffers because his need for acknowledgement and recognition are not met.
5. The suspect suffers when hearing the demands of the prosecution

When the prosecution speaks, it is aimed at the judge, and heard by the suspect. It was often observed that the tone of voice is aggressive, and meant to confront and intimidate the suspect. Furthermore, suspects themselves portrayed the public prosecutor as their enemy, feeling personally attacked when showing little understanding of their point of view. The suspect suffers because his need for acknowledgement and the need for security are not met. He is isolated by the prosecutor as an enemy of society, portrayed as a criminal.

![Figure 29: The moments and reasons of suffering visualized on the suspect emotion curve.](image-url)
6. The suspect suffers during the holistic battle

The holistic battle aims to abstract the crime and the situation of the suspect to a level where the decision making of the judge is possible. However, as a consequence, the suspect does not feel part of the process anymore. The conversation goes over his head, which threatens his need for acknowledgement. Second, the need for recognition is also unmet, since lawyer and public prosecutor describe two extremes of the suspect: black and white, the wolf and the sheep. They do not recognise his true identity. Lastly, this part is not in the control of the suspect, but is perceived to have major implications for the punishment and therefore, the suspect does not feel secure.
4.2.6 Moments of deserved suffering

Earlier it is mentioned that, while suffering is generally considered undesirable in everyday life, suffering is functional in the courtroom. This is reinforced by the results of the data analysis, and from three actors it can be learned that suffering is intended.

Firstly, most suffering stems from the confrontation of the public prosecutor, who aims to make the suspect uncomfortable by facing him with the accusation, and consequences of his crime. The public prosecutor does this because she sees it as her responsibility to ensure the suspect does not repeat his offence. Suffering caused by this confrontation is therefore seen as functional because it prevents further crime.

Secondly, the disadvantaged party has a hostile attitude towards the suspect and the process and is very vocal about the experienced consequences of the crime. This brings confrontation and threat for the suspect, who feels less safe, and less at ease. Having spoken with disadvantaged parties and other actors, this is seen as functional, because the shock and confrontation that is imposed on the suspect will prevent him from repeating the offence. This is similar to the confrontation of the public prosecutor’s accusation.

Lastly, the authority of the judge is reported to cause suffering. The authority, also reflected in the architecture and the toga of the judge, makes it so that the suspect is more likely to cooperate. Repeatedly it is stated in user interviews that the judge cannot appear soft since he owns the process. It is concluded that the process goes first, and it is more important that the suspect is cooperative than at ease. Therefore, the needs of the suspect will not be met, if this means the process has to yield to it.

4.2.7 Undeserved suffering

With this knowledge, it is concluded that some needs of the suspect are not met undeservedly at moments during the courtroom. This is when the suffering is not intentional and does not serve the process or prevention. It is these moments that lend themselves for compassionate interactions to improve the quality of the courtroom and the experience of the suspect. These moments are and the reasons for suffering are:

1. The lack of ease when entering the courtroom. When the suspect comes into the courtroom, the threat and anticipation set the tone for his overall experience. From both interviews and observations, it was learned that the suspect is often uncomfortable with the unfamiliarity. The effect is that the suspect freezes, and is less likely to cooperate. Acting to make the suspect feel at ease reduced this effect and encourages the suspect to be more tolerable of the process.

2. The lack of acknowledgement when the suspect is being interrogated. This need extends to other moments of the courtroom, for example during the victim statement or the holistic battle. The suffering comes from different interactions, based on the moment in the process. The suspect feels that during the process there is no attention to his problems which does not seem fair. Tyler & Blader (2003) argue that if a participant perceives a
process as just, his cooperation and engagement increase. Therefore, making the suspect feel acknowledged is a desirable outcome to increase the quality of the process.

3. The lack of recognition when the suspect is listening to the victim statement. The third undeserved cause of suffering is not being recognised when the victim speaks about the consequences of the crime. It is argued that the lack of ease by confrontation is functional. However, the lack of recognition is not deserved and is not functional. The problems of the suspect and the answers to questions the victim might have, do not have a place at this moment. Neither party can gain anything from the statement, and are there only to serve the process. By making the suspect feel he is being recognised, his cooperation and engagement will increase, and result in a more fair process for both him and the disadvantaged party.

4.2.8 Partial conclusion

With the knowledge of the difference between undeserved and deserved suffering, the second research question of this chapter can be answered: why is the suspect suffering undeservedly?

Three moments are identified that fit the criteria of an undeserved moment of suffering. First, the lack of ease when the suspect enters the courtroom, caused by the unfamiliarity and tension the suspect experiences. Second, the lack of acknowledgement when the suspect is being interrogated due to his submissiveness and unfair perception of the procedure. Lastly, the lack of recognition for the suspect when hearing the victim statement, caused by the extreme and hostile statement that contrasts with who the suspect is. These three moments are used to formulate the problem statement, which is the starting point for designing.
4.3 Discussion

In the Charter for Compassion, it is written that everyone, without exception, should be treated with absolute justice, equity and respect (Armstrong, 2009). It is this statement that is used as a personal motivation to initiate this project. Throughout the project, it has been considered if designing compassionate interactions for the suspect is ethically acceptable. The question of if a suspect deserves compassion has been posed often. Therefore, during the analysis, differentiation has been made between deserved and undeserved suffering. While every person should be treated with respect, suffering is functional in the context of this project. At this stage, it is said that compassionate interactions are deserved if they don’t cause suffering to someone else (the disadvantaged party), disrupt the process, or if the goals of the courtroom (retribution and prevention of crimes) have to yield.

It is written that for the user interviews, opportunistic sampling has been used as the main method to reach participants, because of the available resources of this project. While the resulting sample is balanced in the number of participants per actor, it is not large enough to claim that all qualitative information is analysed about the experience of the suspect. However, the exploration served as a starting point for design. The results of the exploration have been looked at, and it has been decided that the current level of analysis is sufficient. Regardless, it has to be acknowledged that due to the sampling method and the sample size, more research is needed to validate the insights.

The process of data analysis is performed by one person, which opens the results up to researcher bias. Data is analysed when gathered, and meaning is attributed on the information level. During these activities, it is possible that the decision making is based on the assumptions of the researcher. This is acknowledged and to avoid excessive bias, peers were involved to validate the quality of the analysis. Moreover, the results are compared with an overview of assumptions that is defined at the start of the project. The possible threat of researcher bias is reduced significantly by these two measures.
In the courtroom, the suspect is suffering because he does not feel at ease, recognised, acknowledged, or secure. The lack of these fundamental needs originates from the intimidating courtroom architecture, as well as the interactions with other courtroom participants. The public prosecutor and the disadvantaged party are intimidating, confrontational and even hostile, and the judge, while fair, is authoritative and inquisitive. Lastly, the suspect is not playing a part in the largest part of the process, the conversation is about him, but not with him.

This results in a courtroom process that is not meaningful for the suspect, who is not engaged and uncooperative. By introducing a moment of compassionate interactions for the suspect, it is hypothesised that the courtroom process will not only alleviate the suffering of the suspect but also make the courtroom more meaningful. By meeting his fundamental need for acknowledgement, the suspect should feel part of the courtroom. Furthermore, alleviating the suspect of his suffering through compassionate interactions improves the quality of the courtroom process, by increasing cooperation and engagement of the suspect.

The problem definition that concludes from the exploration of the courtroom has been defined as follows:

*During the courtroom process, the suspect does not feel acknowledged, recognised or at ease, which lowers his engagement, and thereby the quality and effectiveness of the court.*

Three opportunities have been identified to design compassionate interactions in the courtroom for the suspect. These are based on suffering that is perceived as undeserved, and not inherently functional.

- When entering the courtroom, because the suspect is not at ease in an unfamiliar environment
- While being interrogated, because the suspect does not feel his own problems and worries are being acknowledged.
- While listening to the disadvantaged party statement, since in contrast to the overwhelming emotions, the suspect does not feel he is recognised as a person, not a criminal

These moments cause the highest effect on the experience of the suspect, and are therefore worth investigating (see image). In the next chapter of the thesis, ideas are formulated to narrow down the solution area, and relevant insights for the role of design in the courtroom.
“Universal compassion is the only guarantee of morality.”

- Arthur Schopenhauer (philosopher)

figure 30: Ideation new set pieces, or a different way to play the game

(Photo by Dan hogman on flickr)
The three opportunities that have been found in the exploration of the courtroom are the starting point for ideation. The goal of the ideation is to explore the design space of designing compassionate interactions in the courtroom. This activity is presented in this chapter, illustrating the approach and the ideas that were used to define design criteria that a concept should adhere to when facilitating a compassionate interaction in the courtroom. These criteria are then used in the following chapter to formulate the design brief.


## 5.1 Method

### 5.1.1 Research question

Having determined opportunities for moments and situations in the courtroom process that allow for compassionate interaction because the suspect is undeservedly suffering, the focus is now put on the role of design. Specifically, how design for compassion can play a role to make the suspect feel being treated with compassion to relieve his suffering. The ideation is therefore aimed at answering the following leading question:

*How can compassionate interactions play a role in the courtroom to relieve the undeserved suffering of the suspect in the courtroom?*

### 5.1.1 Research question

The design cycles are performed, each aiming to refine design principles and narrow down the scope of design so that the result is a clear design goal that reflects the design principles obtained from this phase. Every cycle consists of a design exercise followed by discussions with practitioners to obtain research contributions. During the design phase, the DfCI framework is used to help focus the process towards the desired outcome. The general set-up for both ideation and evaluation is presented in this section, while specific alterations to either are made explicit in their respective sub-section.

The ideation is performed in three phases: diverging, synthesising, and converging. Diverging made use of creative techniques, for example, Brain Writing, How-To’s, Analogies (Tassoul, 2009. Van Boeijen et al., 2013). The goal is to obtain a large number of ideas that fulfil the stated design goal, no matter their feasibility. By disregarding feasibility and making use of the aforementioned creative techniques, ‘out-of-the-box’ ideas present themselves. Following diverging, the ideas need to be synthesised, meaning that ideas have been discarded based on their lack of credibility, according to the knowledge of the designer. This activity leaves ideas that are used in the final stage, converging, to be combined into several ideas which fulfil the design goals respective to each cycle.

The evaluation of the ideas has been done by discussing the ideas is done with several experts from the context, to gain insights about the design space and the next steps of the project. The evaluation interviews had a semi-structured nature with open-ended questions (Wilson, 2013). Since the evaluation relied on interactive introspection, several criteria are defined to ensure valuable insights.

During the evaluation of ideas, interactive artefacts have not been used, since the goal is not to evaluate the interaction itself, but the credibility and desirability of the ideas. Furthermore, due to the accessibility of the context, most time would be spent mimicking the environment, rather than iterating on designs. Producing interactive artefacts is unnecessary, and resources can be spent to diversify during the ideation cycles, rather than make one artefact tangible. Therefore, interactive introspection is used during the evaluation of designs (Desmet & Xue, 2019) as a viable means to gain an understanding of the impact in the context.
5.1.3 Participants

To discuss the ideas, a total of eight participants has been selected who are familiar with the context to gain relevant insights about the solution space. Three different categories of participants are defined.

1. Category 1: Suspects

The first category is self-explanatory and consists of people who are or have been a suspect in a criminal court case. Preferably, all participants are within the first category. Due to the rapid iterations in this phase of the project, solely relying on the first category of participants is not viable. Therefore, categories two and three have been established, and interactive introspection is relied on to deliver results in addition to semi-structured interviews with participants from this category.

2. Category 2: Envisioners

These participants have to be able to empathise with suspects in a criminal court case. This is judged, based on their professional experience working with suspects. Participants in this category include, but are not limited to probation officers, employees of ex-detainees, or lawyers.

3. Category 3: Experts

The last category describes participants with an understanding of the context, but with little to no empathic understanding of the suspect. Since these participants are not as knowledgeable as participants from the other two categories to determine the impact of the design on the current experience of the suspect, their expertise is mainly used to address the feasibility of the design in the context. This category includes judges, prosecutors, and press administrators in the courtroom.

Additionally, all ideas have been discussed with the members of Lawyers as Changemakers. In cooperation, the goal of the iterations in the design process has been decided.
5.2 Seven ideas

5.2.1 The DfCI model

During the ideation, the DfCI framework is used as inspiration for the design process and validation of the ideas. Using the framework was done in the order it was intended. To first describe the design goal, then describe the interaction qualities and lastly embody the compassionate interaction in the context. Additionally, by going back and forth between steps, the designs are iterated upon to more successfully create compassionate interactions in the courtroom.

The model was used for two purposes:

First, the framework guided the design to acknowledge the different components of a compassionate interaction, noticing and acting. Within the context, various solutions to designing the components were tested. Second, the interaction qualities needed to be rephrased to be suitable for the context. The interaction qualities of a compassionate interaction were rephrased to fit the courtroom.

Aside from structuring the design process, the components of the framework also aided in communicating the ideas to others. It proved to be useful to discuss the different components of the design in the framework, the goal, the interaction, and the design, to structure the discussion and validation of the designs. This led to valuable insights throughout the ideation that could be used in later stages of the project.

In chapter 5.4, the use of the DfCI model during ideation is discussed.

5.2.2 Ideas

Six ideas that introduce compassionate interactions at the identified moments in the courtroom are discussed during this phase of the project (see figure 31-37). It is important to articulate that the ideas are not viable and feasible proposals for compassionate interactions in the courtroom. Rather, they are meant to trigger participants to think about the role of design and compassionate interactions in the courtroom. The goal of the ideas is to explore how design can contribute to the context of the courtroom. In the thesis, they are presented using the design for compassionate interactions framework that has been designed in chapter 02.
During the interrogation, the judge is not free to act compassionately because of the distance created by the role he has to be in. To clarify the role of the judge to the suspect, a mask for the judges is introduced, which allows them to communicate to the suspect when they are taking the role of judge, and, therefore, is distant. When taking the mask off, this allows for a more intimate conversation between the two of them, to create an encouraging atmosphere.
Current interactions between the suspect and the disadvantaged party are not restorative because of the position they are placed in. To allow interaction between these parties, the suspect and the disadvantaged party are placed next to each other on the same level during the hearing, but separated by a wall, which starts opaque. However, when both suspect and disadvantaged party press a button on their tables, the wall becomes transparent, allowing them to face each other.

figure 32: Idea 2: The wall
The chair and desk that the suspect uses are very neutral, and when entering and sitting down, it could provide a place in which the suspect feels safe. Therefore, furniture is designed to either provide an indestructible (desk) or an untouchable (chair). This should make the suspect feel less attacked, and more valued during the courtroom process.
The courtroom as a room is isolated from the rest of the world, which might make the suspect feel intimidated and unwelcome. To reduce the impact of an unknown space, the walls of the courtroom are made transparent, so that people can look through it when they enter. Additionally, the process wouldn’t feel as secret as it currently is.

**figure 34: Idea 4: The open box**
5. The stage

1. The goal is to **Make the newcomers feel acknowledged by creating an environment where everyone is equal during the entire process.**

2a. The qualities of the interaction are:
   1. In control
   2. Direct
   3. Equal

2b. The interaction should feel like

> Having a brainstorm between different people in a company

3. The intervention

How is suffering seen?

When suspect and disadvantaged party want to interact, but can’t

Everyone sits together on the same platform

Eye contact

How is the need met?

During the process, the interactions between the judges and the prosecutor, and the suspect and the disadvantaged party, are unequal. There are a clear authority and respect which affects the suspect negatively. To create an atmosphere in which the values of the suspect are equally important as the values of the other courtroom actors, they are placed in a triangular setup, on an equal level.
The suspect does not feel that he is being treated humanely during the process. To make the suspect feel like he is part of the process, his physical place in the courtroom is marked, to create a sense of belonging. To make sure that the suspect is feeling part of the process, not just the object of the court case, even when he is not being addressed.

**figure 36: Idea 6: The VIP area**
7. The Buddy

1. The goal is to **guide the suspect throughout the process to make him more comfortable during the process without affecting the actors or the process.**

2a. The qualities of the interaction are:

1. Personal
2. Instant
3. In control

2b. The interaction should feel like...

*Having a audio guided museum tour that gives more information about what you are seeing.*

3. The intervention

- **How is suffering seen?**
  - When the suspect is visibly suffering or asks for help

- **Low barrier help:**
  - The buddy guides the suspect and fulfills his needs

The suspect problems of the suspect are not acknowledged within the current courtroom setting, no other actor is able to do this. Therefore, a buddy is introduced who supports the suspect in his personal needs, similar to how the lawyer supports the juridical needs of the suspect. He is there for personal questions, but has no legal value.

figure 37: Idea 6: The buddy
5.3 Insights

The results of the discussions about the ideas with the participants have been documented as insights. These have led the ideation process and guided the immersion in the experience and suffering of the suspect. The insights are presented in the table on the right. The ideas that led to insights are connected with a line. It can be seen that some insights have more ideas connected to them. It is those insights which are considered the most valuable since, on multiple occasions, similar conclusions were drawn (see: figure 38). The main insights of the ideation are formulated as follows:

- Actors should not be separated from each other
- Compassionate interactions should be facilitated, not forced
- Compassionate interactions should be supported, not triggered
- The turbulent situation should be acknowledged and respected
- The suspect should feel that his problems are seen and heard
- Being acknowledged increases the suspect’s comfort and engagement
- Design should not obstruct the courtroom procedure

From the ideation, it is found that the unmet need for acknowledgement is experienced strongly during the concrete interrogation. Therefore, it is decided that the design goal aims to alleviate this suffering (chapter 06).
<table>
<thead>
<tr>
<th>Insight</th>
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<tbody>
<tr>
<td>If actors are seperated, it reinforces the difference and hierarchy,</td>
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<tr>
<td>and prevents interaction, rather than encouraging it.</td>
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<tr>
<td>If suspect and disadvantaged party are physically separated, they are</td>
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<tr>
<td>less likely to show compassion, because negative emotions are</td>
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<td>exaggerated without confrontation.</td>
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<tr>
<td>If the suspect and the disadvantaged party are allowed to interact, it</td>
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<tr>
<td>is more likely to lay the groundwork for an acknowledgement and</td>
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<tr>
<td>recognition than if they don’t interact.</td>
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<tr>
<td>If actors are supported to show compassion towards the suspect, they</td>
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<tr>
<td>are more likely to do so, than when they are triggered to reflect on</td>
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<tr>
<td>the lack of compassion.</td>
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<tr>
<td>If a disadvantaged party is in charge of initiating a confrontation</td>
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<tr>
<td>between the suspect and themselves, it is less likely to happen than</td>
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<tr>
<td>when a suspect is in charge, because of the emotional and psychological</td>
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<td>threshold they have to get over.</td>
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<tr>
<td>If the suspect feels welcome in the courtroom, he is more likely to</td>
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<tr>
<td>feel comfortable.</td>
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<tr>
<td>If the turbulent dynamic of emotions in the courtroom is acknowledged,</td>
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<td>it is more likely to stimulate compassionate interactions.</td>
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<tr>
<td>If the suspect feels at ease,</td>
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<tr>
<td>they are more likely to be encourage to share.</td>
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<tr>
<td>If a suspect feels acknowledged in the courtroom, they are more</td>
</tr>
<tr>
<td>likely to be encouraged to share.</td>
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<tr>
<td>If an idea is integrated in the courtroom,</td>
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<tr>
<td>it is more likely to be used than if it has to create a new moment.</td>
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<tr>
<td>If a suspect feels he is heard, respected and seen, they are more</td>
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<tr>
<td>likely to take responsibility</td>
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<tr>
<td>If a disadvantaged party feels he is heard, respected and seen, they</td>
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<tr>
<td>are more likely to find closure</td>
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<tr>
<td>If another person is introduced to the courtroom, it will be a</td>
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<tr>
<td>more overwhelming experience for the suspect and the disadvantaged</td>
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<td>party</td>
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<td>If the implementation of the design is easy, it is more likely to be</td>
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<tr>
<td>used</td>
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<tr>
<td>If the design makes compassion explicit, it is more likely to</td>
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<tr>
<td>facilitate compassion</td>
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<tr>
<td>If a design is unobtrusive, the more feasible it is to be implemented</td>
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<tr>
<td>in the courtroom procedure</td>
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<tr>
<td>If the suspect feels recognised in the courtroom, he is more likely to</td>
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<td>participate</td>
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**Figure 38:** The insights that were gathered from the ideation phase connected to the ideas that they are derived from
5.4 Discussion

5.4.1 The DfCI framework

During the design, the DfCI framework is used to generate and present ideas. It was meant to iteratively use the framework to generate and detail ideas for compassionate interactions. The use of the framework during ideation is discussed here.

The framework has been useful to structure the design process. The design process was performed in several iteration cycles, each providing insights for the next cycle. These cycles were guided by knowledge about compassionate interactions. It allowed the designer to successfully reflect on the shortcomings of the design and reference back to the framework. This was possible with the knowledge of compassion from the emotion blueprint that is presented earlier. Additionally, understanding the framework provided made it possible to decompose the design challenge into problems that could be solved and integrated into designs. For this, the aforementioned ideation techniques such as brainwriting, how-to’s and analogies were used.

Optionally, the structure of the framework provides an opportunity for the designer to communicate the ideas. This was mentioned during the initial discussion about the DfCI framework in chapter 02. Since the ideas were discussed with different stakeholders with different levels of knowledge about the design practice, the framework was not used to discuss the ideas during this project. Rather, it was preferred to use more conventional means, such as drawings and slides to convey the ideas. This was done to prevent an overload of information, or fixation on irrelevant information that was useful for the design, but not for communication. However, the structure of the framework proved useful to present the information, mainly the combination of design goal and the interactions of the design.

5.4.2 Other

The insights that are presented in this chapter are a meaningful outcome of the ideation. During the ideation, eight participants participated in the discussions. The participants from category 1 all reacted differently to the designs, based on their own courtroom experience. Additionally, participants from categories 2 and 3 were able to share information regarding different elements of the courtroom, which led to insights about the viability and feasibility of design in the courtroom. The variety and richness of the data ensured that the insights are a meaningful starting point to base the design brief on.
5.5 Conclusion

In the ideation, seven ideas have been evaluated. The goal of these ideas was to explore the solution space of compassionate interactions. Additionally, the insights from this exploration serve to further refine the project and to make a statement about the problem definition in the following chapter, the design brief. To guarantee relevant insights, the ideas have been discussed with suspects, envisioners, and experts.

In chapter 04, it was found that the suspect is not at ease, does not feel acknowledged and is not recognised, however, a direction was not chosen. During the ideation, different opportunities for design have been explored. It has been decided that the need for acknowledgement is the most promising opportunity for design. First of all, the need for acknowledgement has been mentioned many times more during the ideation by participants, which can be seen in the insights of the ideation. Secondly, ideas that met this need were received better by both the suspect and other courtroom actors, pointing at the possibility to design a seamless intervention. Thirdly, it was found that meeting the other needs, ease and recognition, during the moments of suffering (see conclusion chapter 04), is undesirable. Making the suspect feel at ease increases the suffering of the disadvantaged party, and making the suspect feel recognised conflicts with the holistic battle. Therefore, the design brief and conceptualisation aim to create an intervention that alleviates the suffering of the suspect by meeting his need for acknowledgement.

The most relevant insights from the ideation are formulated as design guidelines which the final design should adhere to. The design should:

- Make the suspect feel acknowledged
- Allow the mess of the courtroom to exist
- Abstain from using barriers to isolate the suspect
- Allow the suspect to seek compassionate interactions voluntarily
- Encourage the suspect to share their problems to be acknowledged
- Be integrated into the courtroom as much as possible
- Be as seamless as possible

The following chapter defines the design goal and interaction vision. They are based on the knowledge of chapter 04, and the insights and design guidelines of chapter 05.
“More smiling, less worrying. More compassion, less judgment. More blessed, less stressed. More love, less hate.”

- Roy T. Benett

(politician)
The design brief answers the questions: “what should the design do?” and “how should the design do that?” based on the insights gathered from the ideation. The design goal is reiterated in this chapter, followed by the definition of the interaction vision, which defines the desired experience of the suspect when interacting with the design.
6.1 Design goal

6.1.1 Statement

In the ideation, it is found that the suspect suffers when he does not feel acknowledged in the courtroom. Alleviating this suffering is fundamental to treating everyone in the courtroom equally. Additionally, meeting the needs of the suspect in the courtroom encourages him to engage in the process. This is beneficial for the process itself, since more information will be known about the circumstances of the crime, and the judge will be able to reach a better decision. Secondly, it increases the perceived procedural fairness of the suspect, which makes the outcome of the process more agreeable to him, and motivates him to take responsibility.

I want to support suspects to confront other actors in sharing their point of view in the courtroom by facilitating to make them feel acknowledged in the courtroom and alleviate their suffering.

6.1.2 Guidelines

The concept that facilitates compassionate interactions should follow design guidelines that have been found as a conclusion from the ideation phase. Therefore, the guidelines are reiterated in the design brief as follows. The design should:

- Facilitate an interaction that is patient, dignified and without judgement
- Allow the suspect to feel acknowledged
- Allow the suffering of the suspect to be noticed
- Respect the current situation in the courtroom
- Be as integrated into the courtroom as possible
- Be as seamless in the procedure as possible
- Allow the suspect to be in control when expressing their suffering
- Allow the suspect to seek compassionate interactions out of his own decision
- Allow the judge to remain the owner of the process
- Refrain from using barriers to isolate the suspect
- Refrain from using barriers to separate courtroom actors
- Refrain from fundamentally changing the roles of actors
6.2 Design vision

6.2.1 Analogy

Following the DfCI framework, a vision is defined. This vision is a metaphorical scenario that illustrates a relatable experience. The scenario is projected on the situation of the suspect in the courtroom. When dissecting an interaction vision into interaction qualities and product qualities, it serves as inspiration for the concept detailing and evaluates the perceived experience of the concept. Lastly, the interaction vision is used to communicate the experience of the concept. When formulating the interaction vision, two essential components of the suspects’ current experience are acknowledged:

Sharing your point of view in the courtroom is not only prohibited in the process when not asked for. It is also a confrontation for the suspect who, in the courtroom, is tense, nervous, afraid and ashamed. In defining an interaction vision, situations were looked at in which looking for confrontation includes a similar mix of emotions, while being supported at the same time.

Additionally, it was found in the ideation that the suspect can not be forced to confront the other parties. The confrontation and willingness to share their point of view should originate from the motivations of the suspect himself. It is therefore important that the analogy also takes this into account.

The desired interaction respects both the emotional tension and the desire to confront the situation from personal motivations. The analogy has therefore been described as follows (see: figure 40):

*The interaction should feel like having to ring the doorbell of your neighbour after you’ve kicked your ball through his window, while being supported by a friend.*

figure 40: A visualisation of the interaction vision that is stated (in red).
6.2.2 Interaction qualities

The interaction qualities are the dissected elements of the interaction vision that are not tied to the interaction vision anymore and can be translated into the context of the courtroom. They describe the interaction of the suspect with the concept.

1. Vulnerable

Walking up to the door, you are not only in a submissive position, but you are also visible to the rest of the street and the people looking out from their house. There is no cover to be provided and despite your visibility, you have to endure the walk up to the front door and wait there until it is opened after you’ve rung the bell. Emotions that you might feel are shame and fear, yet despite that, you persist. You feel vulnerable, if not for your friend coming with you.

2. Supported

Your friend stands behind you and empathises with you. When you feel nervous, he feels nervous too. He too wants the ball back. He is there for you and while he is not responsible or solving your problem, he is in the same boat as you, and you feel support from his presence. At this moment, you are not alone or abandoned, but comforted by a familiar presence.

3. Determined

Your intention to apologise is summarised in one action: a clear signal that you send to the owner of the house by ringing the bell. It is a clear, determined action that is audible and irreversible. After pressing the doorbell, there is no way back, you have to wait until the owner of the house opens the door.

4. Mediated

You can’t assume the owner of the house didn’t already spot you and is not already aware of what you did. However, communicating with him to apologise and ask for the ball back is not yet possible, not until the door is opened. Ringing the doorbell signals your intention, but it is not until the barrier is removed by the owner, that you can engage in conversation.
6.2.3 Product qualities

A concept that conveys the interaction qualities needs to have certain product qualities. These are translated into the look and feel of the concept. These product qualities are used to start the detailing of the concept.

1. **Open**
   The product cannot be hidden or obscured. To make the interaction vulnerable, it should not be safe and acknowledge the fragility of the moment.

2. **Comfortable**
   Not being alone, but supported in your action is triggered by the comfort of the situation that contrasts the vulnerability caused by the openness.

3. **Familiar**
   While the suspect is vulnerable, he should also feel supported, and encouraged to interact with the concept when he desires in a determined fashion. Therefore, the design has to be familiar, and need little instruction.

4. **Notable**
   The aim of the intervention is that a signal is given to the other parties. This signal has to be notable in order to facilitate the interaction, but not intrusive, as was determined during the earlier stages in the design principles.
“Compassion is not a relationship between the healer and the wounded. It’s a relationship between equals.”

- Pema Chödrön  
(nun)

figure 41: The concept: A new interaction in the courtroom  
[Photo by rawpixel on Pexels]
The design goal and the vision are used to create the concept. Using the insights, the concept is detailed into version that is presented in this chapter: “The Voice of the Suspect”. Then, the concept is evaluated through user interviews and recommendations are set for further research.
7.1 The Voice of the Suspect

7.1.1 Goal

The result of this graduation project is “The voice of the suspect”. It describes a procedural change in the courtroom of criminal law supported by a physical design (see: figure 42). The goal is to enable the suspect to initiate a compassionate moment in the courtroom. While currently, the objective of the courtroom is to provide the judge with the necessary information, it does not allow the suspect to express themselves and be heard. By creating a moment of compassion, the suffering that the suspect experiences as a result of the current process is alleviated by making him feel acknowledged. This is done by making the suspect feel that his problems and emotions he brings into the courtroom, his human side, can be expressed.

Therefore, the first part of the hearing, the concrete interrogation, is redesigned. During this part, the suspect can respectfully signal other actors he does not feel acknowledged. The suspect is given the tools that allow him to let the actors know, and speak up. By speaking up, it makes him feel heard, and part of the process, which alleviates his suffering. Additionally, it increases his engaged and cooperation during the hearing.

The aim of the concept is supported by four elements. These elements are described in this part of the thesis. To start with, the intended effect of the concept in the courtroom is described. Then a scenario is presented that explains how the concept fits in the current procedure. The user and other key stakeholders determine the impact of the procedural change and are therefore discussed as well. Furthermore, the physical components of the concept are presented. This subchapter ends with the description of the designed compassionate interaction, and how it affects the meaning of the courtroom for the suspect.
The Concept

Figure 42: The Voice of the Suspect, a concept that introduces compassionate interactions for the suspect in the courtroom.
7.1.2 The intended effect

The intended effect of The Voice of the Suspect is visualised in figure 43. As can be seen, his engagement level of the suspect is increased during parts where he has a role. During the interrogation, the personal circumestances and the last word, the suspect can actively participate by commenting on the procedure, or what is being shared by other actors. It is expected that the ability to participate engages the suspect, since he has been given more control. Additionally, during the victim statement, the suspect is engaged when previously he was not. The intended effect of the concept is to make the suspect feel he is part of the process by enabling him to participate, also during the victim statement. Of course, the fragile situation has to be acknowledged and the judge will own the process in order to prevent an escalating situation. The increased engagement level results in less suffering since the suspect feels acknowledged.
figure 43: The desired effect visualised: to increase engagement, and reduce the suffering of the suspect
7.1.3 Scenario

How the procedural change is envisioned is best described by a scenario. The scenario describes the effect of the concept during the concrete interrogation. It is assumed that there is a disadvantaged party present, which is not always the case. The scenario starts when the suspect enters the courtroom and ends when a compassionate moment is initiated (see: figure 44 and 45).

The suspect enters the courtroom (1). He will have discussed the process beforehand with the lawyer, during which a strategy has been decided. The strategy dictates how and when the concept is going to be used. Suspects and lawyers are a team. Alternatively, when the suspect has been in custody, he and his lawyer will enter through a different door, and meet each other at their seats. If a disadvantaged party is present, she will enter as well, but after the suspect.

The suspect sits down with his lawyer on the right side of the room (2). The desk which they sit at shows that they belong together since it is slightly curved outward. It shows the lawyer is in the same boat as the suspect. The disadvantaged party sits down on the opposite side of the room with her lawyer, in a similar desk. When everyone is seated, the case will be opened by the judge. The prosecution will then read the charges against the suspect. The mood is set.
During the concrete interrogation, the case is first discussed with the suspect. Then the disadvantaged party is allowed to speak, and, finally, the personal circumstances of the suspect are discussed. During any of these moments, the suspect has the option to engage in the process (3). Whenever the suspect feels that what has just been said is not representative of the situation, or of who they are, they can participate (4). They can ask a question, or comment about what occurred. Optionally, the suspect can confer with their lawyer about the appropriate.

When the suspect wants to create a moment where he and his problems are acknowledged, he can press the button on the desk that is located between him and his lawyer (5).
The button needs to be pressed for two seconds, a slow and respectful gesture, inspired by the design vision. Pressing the button is a vulnerable motion; it is clear for other actors to see which makes the suspect aware of the fragility of the situation.

When the button is pressed, the light on his microphone will switch on to orange (6). This is a signal to the judge that they want to participate and add something that is not mentioned before.

The judge has two options (7):

1. First, he has the option to ignore the signal of the suspect. This can be done when the moment is not deemed suitable for the suspect to say anything, for example when the atmosphere in the room is tense due to the victim statement, or the prosecution is in the middle of the charges. The judge can remember the moment, and come back to it later.
2. Second, the judge can allow the participant to say anything. This he can let know verbally to the suspect and his lawyer. Simultaneously, the light in the microphone will turn green, showing that it is the turn of the suspect to speak (8).

3. Third, he has the option to dismiss the signal altogether, and turn off the microphone of the suspect.

When the suspect is allowed to speak, he becomes in control of the moment (9). When the suspect would like to start a dialogue with the disadvantaged party, for example, the judge can facilitate it, but the control is given to the suspect and the disadvantaged party. The judge is still able to intervene when necessary but can take a backseat if he so desires.
7.1.4 Stakeholders

The procedural change is designed for suspects who suffer because they don’t feel they are acknowledged in the courtroom. Regarding the suspects that participated during the exploration and ideation, it can be said that this need is present for those who confessed or are willing to confess. These suspects act because they want to take responsibility and need to be acknowledged. This is, in contrast, to suspects who aim to reduce their sentence, and value their need for security over their need of acknowledgement. Suspects who confess, suffer because of the interactions with other courtroom participants and the procedure. The other suspects suffer as a result of their punishment. Since the design is based on the exploration and the ideation, the concept focuses on the needs of the former target group, which is described in the results of the exploration.

The other stakeholders are the judge and the lawyer. The judge has an active role in the scenario. It was decided to allow him to decide at what moments the suspect can speak, and when the concept would be used inappropriately by the suspect. The reason being, he is unbiased and already owns the process. The lawyer does not have an active role, but as the ally of the suspect, he is included in the procedure. With the knowledge that “The Voice of the Suspect” is an option, communicating the strategy and instructions for this procedure to the suspect is his responsibility. Additionally, the suspect must feel that the lawyer agrees with using the concept.

7.1.5 Physical elements

The concept includes three physical elements, which are either a redesign of a current attribute in the courtroom, or a newly added component. These elements are the desk, the button, and the microphone (see: figure 46).

The desk is the first of three objects and conveys the product qualities comfort and openness. As a starting point for making the suspect feel supported, it should be clear to him who has his back, which is the lawyer. Therefore, the lawyer and the suspect should always be sitting at the same table. To support this, the table is curved outwards, to create a space that the suspect and the lawyer share. Secondly, the desk is rounded at the front end. This is done to subtly trigger the open quality that evokes vulnerability. On this desk, without barriers or corners, engaging in conversation through means of the intervention can’t be hidden.
The second object is a button, located on the far end in the middle of the desk, close to the microphone. Its function is to signal the judge that the suspect wants to react, comment, ask a question, or initiate a conversation regarding something that has been shared by the disadvantaged party in the victim statement. It could also be used during the interrogation or personal circumstances when interacting with the judge, or the public prosecutor. Pressing the bell takes two seconds, it is slow and respectful, fitting the vulnerable context. Lastly, the button should be familiar, and therefore, the button is modelled to be similar to a doorbell, which also signals that interaction with another actor wants to be initiated, similar to when a door is opened.

The last element of the concept is the microphone, which contains a light at the bottom of the product. The light turns either orange or green or could be turned off. The signal signifies who is talking, and who else is partaking in the conversation. The light on the microphone needs to be both notable and non-intrusive, as to not interrupt or harm the other parties in the fragile context. This is similar to the interaction of the button, which is also non-intrusive.
7.1.6 A compassionate interaction

“The voice of the suspect” makes the suspect feel he is being treated with compassion. The compassionate interaction, as defined in chapter 02, consists of two parts: noticing, and acting. These actions are embodied in the physical elements, and the procedure itself. Additionally, compassionate interactions are typified by three interaction qualities. It should be patient, dignified and without judgement. The concept aims to introduce an interaction to the courtroom that fits these qualities.

Noticing happens when the suspect presses the button. The suspect is given the tool to speak up and make his suffering known to the other actors. The button is integrated into the courtroom. It tells the suspect the compassionate moment between him and another actor belongs in the courtroom. The judge then acts to alleviate the suffering of the suspect by allowing him to speak. Acting happens when the judge allows the suspect to speak up and initiate a dialogue. When the microphone turns green, the suspect can express himself.

This interaction creates a compassionate moment, that is defined as patient, dignified, and without judgement. To achieve this, “The Voice of the Suspect” gives the suspect the feeling he is the owner of the moment, which contrasts the rest of the hearing in which he is submissive to the interrogation.

The moment is patient because the suspect initiates the process. This is in contrast with the rest of the courtroom, where other actors demand answers from the suspect. Additionally, the atmosphere in the room is meant to make the suspect feel comfortable to engage with the judge during the interrogation. This also gives the feeling the moment is for the suspect to share.

The moment is dignified because the suspect can speak about matters that are important to him. During the interaction, the comments of the suspect are not guided or limited by their value for the outcome of the process. As long as his comments do not cause suffering to other actors, his dignity at that moment is guaranteed.

The moment is without judgement, because the suspect can speak, without interruptions, about his problems. He has the feeling that this is a moment where people are listening to him. In the design, the victim statement was looked at, since during this moment, the respect for the disadvantaged party is evident. Allowing the suspect to speak should bring out the same reaction, which makes the suspect feel his words matter.
7.1.7 The meaning of the courtroom

It was found during the exploration that the current courtroom procedure has no meaning for the suspect. In the current courtroom, he submissively participates to inform the judge and the other courtroom actors. He does not receive anything meaningful for it in return that allows him to move on. He is unable to benefit from the courtroom experience because he is not acknowledged. A suspect that wants to take responsibility is limited by the procedure that is meant to fulfil the goal of the courtroom: to decide a fair punishment for guilty suspects. The suspect sees the courtroom as a mandatory process that he would rather be finished with.

“The Voice of the Suspect” aims to make the courtroom more meaningful for the suspect. The concept changes the perception of the courtroom for the suspect by changing his role during the hearing. This change is described here.

Currently, the suspect does not look forward to the hearing. He expects to be judged in an environment that is not created to demand retribution. It is hostile, intimidating and hierarchical. He is in the middle of the courtroom, being judged by the other actors, the audience, and others. The courtroom is about the case, and the violation, not the suspect; as was eloquently put by one of the participants during the exploration: the suspect has the feeling the conversation is about him, not with him. Therefore, a suspect suffers, and gains nothing that supports him in moving on from his violation, be it restoration or taking responsibility.

With the concept implemented in the courtroom, the meaning of the courtroom changes. Whereas before, it is a moment that frustrates the suspect, now it acknowledged the suspect, which allows him to move on. A suspect that seeks forgiveness, restoration, or responsibility is now supported by the compassionate moment in the courtroom. Being treated as a person, the suspect sees the process as fair and deserving. Increasing the perceived procedural justice, the suspect is more likely to agree with the outcome of the procedure as well. By making the suspect feel acknowledged, he is more willing to participate and is supported to take responsibility.
The aim of the concept evaluation is twofold. First, the evaluation verifies the success of the concept by measuring if the design goal and the defined interaction qualities of a compassionate interaction are met. Second, it gives insights about the concept's perceived use and effect from the perspective of the end-user, the suspect. The knowledge that is gathered from the evaluation of the concept is used to formulate recommendations to improve it for future research. The research questions are based on the design brief.

Research question 1: What is the perceived effect of the concept?

Research question 2: What are the perceived qualities of the interaction?

The scope of the evaluation is based on the use and effect of the concept, and to validate the research findings and the DfCI framework. This is due to time restraints, and the assumption that sufficient information about the predicted effect of the concept is gathered during the exploration and documented in the results of chapter 04. Therefore, the evaluation limits itself to the experience of the suspect.

7.2.2 Activities

To be able to evaluate the concept and formulate recommendations about the concept, three user interviews have been conducted. The interviews were semi-structured, the questions were formulated to investigate the perceived use and effect of the concept. The focus of the interview is to be able to answer the research questions, and allow for new topics to emerge to be included in the recommendations of the concept. To obtain information about the perceived effect and interaction qualities of the concept, drawings of the concept and the scenario have been used as boundary objects (Star, 1988). A shared understanding of the context allowed for discussion surrounding the desired effect with participants.

Two tools have been used during the interviews to allow participants to express themselves and gather insights about the use of the concept. The first is the pick-a-mood tool, used to allow participants to express their moods (Desmet, et al., 2016). The second are Likert scales designed for this activity and include the desired interaction qualities. Additionally, these tools are used to gather data and answer research questions, and can be seen in Appendix D.

1. Pick-a-mood

The pick-a-mood is a cartoon based pictorial instrument that has been used to allow participants to express their mood during the interview in an intuitive manner (Desmet). It allows the mood to be discussed between the participant and the researcher if necessary. The tool aids participants to express the perceived qualities of their experience based on two dimensions: active vs. passive and positive vs. negative. Participants were given the tool when asked about their experience, and they did not feel capable of expressing themselves.
2. Likert scale

During the interview, seven Likert scales have been used to evaluate the interaction qualities of the compassionate interaction. To avoid focus on the desired outcome of the test, several other interaction qualities have been added. Participants were asked to rate the perceived interaction with the concept on a scale between two opposite qualities. They were asked to elaborate on their answers, to gain richer insights about the perceived use.

7.2.3 Setup

The setup of the evaluation is designed to successfully execute the interviews. Additionally, it was important to make the participants comfortable, to engage them in a discussion about sensitive topics. Participants had to be comfortable to share their opinion and stories with dignity and without feeling judged. Therefore it was decided to choose the location of the interviews based on the preference and availability of the participants.

When possible, the researcher and participant sat next to each other. No other people that participating in the evaluation were present to avoid the participant being uncomfortable. During the tests, a voice recorder was used to capture data. Drawings of the prototype were placed in between the researcher and the participant. Other materials, such as the ‘pick-a-mood’ tool and the Likert scales, were kept aside during the evaluation as to not overwhelm the participant and used when necessary.

7.2.4 Participants

The user interviews are conducted with two participants. The participants were selected based on their ability to imagine the perspective of the suspect in the courtroom.

One participant has been the suspect in the courtroom of criminal law recently, and is interviewed based on his most recent experience. One participant is not a suspect, but is closely working together with ex-suspects. Since he has the ability to reliably empathise with the user, a third interview is performed to gather additional data.

Due to the chosen focus of the evaluation, it was not necessary to include other courtroom actors such as lawyers, prosecutors, judges, or the disadvantaged party.
7.2.5 Results

Qualities of the Interaction

The use of the concept is typified by four interaction qualities in the design brief: vulnerable, supported, determined, mediated. The results of the evaluation of these qualities can be seen below (see: figure 47).

While intended to be vulnerable, due to the discomfort of the suspect and the openness of the desk, the interaction is perceived as protected. This is because the request to speak is formal, with the knowledge that it is not undesired because it is an intended interaction. In this manner, the vulnerability does not come from the shame or unease they experience. Rather, the suspect is comforted by the knowledge that the procedure protects him.

Secondly, the participants indicate that they would feel supported by the intervention. Two participants claim the procedural change engages them in the process and makes them feel more involved. Because they feel supported, they don’t have to submissively accept what is happening but can influence the process by participating.

Thirdly, the interaction is meant to be determined. While participants said that pressing the button would feel determined, the unrest that is caused by not being able to predict the effect would make the participants feel insecure. It is mentioned that, since they are unfamiliar with the context, they would appreciate being advised on when to use the button. That would reduce the insecurity that the suspect feels.

Finally, pressing the button is initially a mediated communication tool with other actors. However, the interaction with the other actors is perceived as direct, which is predicted to be a positive change. The directness of the interaction, mainly with the judge, circumvents the prosecutor exaggerating and the lawyer playing down the seriousness of the incident. It allows the suspect to speak up fairly, and be seen and heard as they are.

figure 47: The qualities of the interaction as defined by the participants
Effect of the concept

The reason for using the concept is also discussed during the interviews and can be defined in three topics. First, suspects would use it to understand the procedure or the reasoning of other actors. As an example, the interaction with the public prosecutor is mentioned, in which they didn’t show much acknowledgement for the circumstances of the suspect at the moment of the crime. Second, the button would be pressed by suspects to express themselves and to share how something that is said makes them feel if they don’t perceive it is observed by other actors. Lastly, the suspect would call attention by using the concept to explain themselves or give more information about their circumstances. In particular, when they feel the judge has skipped over important information. The motivation for using the concept is to understand, to express or to explain.

“I would like to know why the prosecutor didn’t take my circumstances into account”

Additionally, it is found that the use of the concept depends heavily on the atmosphere in the courtroom. It is mentioned that the first ten minutes, entering and sitting down is defining for the mood and presence of the suspect. For the concept to be used, the suspect needs to experience that other courtroom actors have attention for him. For one suspect, simply being asked “how are you doing?” by the judge at the beginning of the hearing was enough to set a relatively positive atmosphere.

The suspect must feel that he matters. This is reflected in the use of the button. Using the button makes the suspect feel acknowledged, equal, and taken seriously. It is even pointed out that the possibility of participating already makes the suspect feel acknowledged, as he has a potential role and influence over the process, even if the button is unused. However, if it is perceived that judges are not interested in the person, or if they are not supportive of the concept, it will most likely remain unused.
7.2.6 Discussion

Acceptance of other actors
It was found that not all courtroom actors are in favour of emphasising the emotions and acknowledging the suspect. The acceptance of other courtroom actors has not been tested during the evaluation. A case could be made that the success of the concept is dependent on the attitude of the other courtroom actors. Specifically the judge, who owns the process, and the lawyer, who strategises the defence. For this reason, the positive impact of compassion for the process is also emphasised during this project: being acknowledged will make the suspect more cooperative and engaged in the process, which improves the imagination and judgment of the judge. The results of the evaluation validate this assumption and can be used in the future to convince other courtroom actors.

Risks
During the design and the evaluation of the concept, the use of the concept has been kept open-ended. During the evaluation, several uses of the concept are identified: understanding the procedure, expressing themselves, and explaining their situation. In discussion with the other stakeholder of the project, Lawyers as Changemakers, it was found that the compassionate moment could also be abused by the suspect. The main example is to contradict the disadvantaged party and causing more emotional suffering. This risk is mainly perceived when the suspect in the courtroom is not suffering because he is not acknowledged. These particular suspects might use a compassionate moment to interrupt and deny the evidence or seek discussion with the disadvantaged party. The effect of the atmosphere in the courtroom and the authoritative judge should discourage this use. However, from the performed evaluation, this cannot be claimed.

Participant selection
The selection of participants limits the outcome of the evaluation. The evaluation of the concept was done by performing user interviews with participants who have been in the position of the suspect recently. Secondly, a participant was chosen who was able to empathise with the role of the suspect in the courtroom, because he has strong connections with those who have through his profession. However, the choice of this form of evaluation limits the outcome of the evaluation to the experience of the suspect. Since three participants have been included in the evaluation, it cannot be argued that the results are either representative or give a complete overview of the use and qualities of the concept. For this, additional research is needed. However, the insights gathered from these interviews proved sufficient to be able to answer the research questions and formulate recommendations for further studies.

Location
The concept could not be tested in the courtroom, because the context is too sensitive for the concept to fit in without proper procedures in place. Interfering in the context for the sake of experimentation is considered unethical since the outcome of the process affects the lives of both the suspect and the disadvantaged party. Additionally, a proposal to test in the courtroom would not fit the remaining time of the project. Therefore, the conclusions of the test are based on the imaginative experience of the suspect. Furthermore, the effect of the
compassionate moment on the atmosphere in the courtroom and the reverse effect could not be tested. The results of the evaluation and the recommendations take this into account.

Another exercise: role-play

Another test setup has been proposed, using role-play and perspectival imagination to gather insights. The role-play exercise would mimic the courtroom process as well as possible. By basing the process on a script of a fictive case. To create a realistic experience, courtroom actors would act out their role, while participants such as students would be the ‘suspect’ and the ‘disadvantaged party’. Their experience would be used as a benchmark to validate the concept and formulate recommendations.

However, this setup was ultimately executed for two reasons: First, the perspectival imagination of the participants is questioned. It is found that the experience of the suspect in the courtroom is influenced by his problems, reflected by the need for security and the need for acknowledgement. These needs have their origins in the process leading up to the courtroom and are difficult to imagine by participants without a shared understanding of the situation of the suspect. Second, the available time of the project challenged the logistics of this proposal. The time that was necessary to select courtroom actors and receive the necessary script was longer than expected. Since the validity of the outcome could not be ensured, and it was not feasible within the remaining time of the project, roleplaying as an evaluation tool was not elaborated upon.

Imagining vs prototyping

The activities and materials that were used in the test have been designed to evaluate the design goal and interaction vision within the available time of the project. This choice, however, carries other limitations. While the concept consists of integrated design in the current context, the absence of a physical prototype made it impossible to evaluate its physical properties. For the actual implementation of the concept in the courtroom, guidelines such as seamless integration, and durability have to be taken into account, which was not done during the conceptualisation. The physical properties and use of the button and the microphone are easy to imagine, and the focus of the design is on the effect of using the concept. Therefore, disregarding the attributes is justified since it will have little effect on the results.

The design of the desk is specified to have a nuanced impact on the experience of the suspect. It is meant to subtly reinforce his vulnerability without making him uncomfortable. This is expected to make him conscious about the fragility of the situation and the effect he has. Testing the effect of the desk on the experience of the suspect outside the context is unreliable since the situation of the courtroom is not easily mimicked. Therefore, it is chosen abstain from evaluating all physical components, and rely on the imagination of the participants.
7.3 Recommendations

This project aimed to explore the value of compassion for the suspect in the courtroom. Therefore, the exploration and evaluation are primarily aimed at the suspect, while obtaining additional knowledge from other courtroom actors. Secondly, the evaluation of the concept validated the goal set in the design brief, and explore additional direction for the project to take. However, the actual use and the perspective of other courtroom actors regarding the concept was of the secondary order. Further design iterations to improve the concept are formulated based on the limitations of this graduation project. These are presented in this section of the thesis.

Firstly, the accuracy of the evaluation is discussed and further steps are proposed. The concept has not been tested in the ideal environment and context of the design: courtroom of criminal law itself. The quality of the results in the evaluation was dependant on the imagination of the participants. To more accurately describe the use and effect of the procedural change, it should be tested in the environment it is designed for. The goal of these tests is to investigate how the suspect would use it, with the knowledge he has at that moment. Additionally, the discussed risks of the concept can be examined by testing the concept in the context itself.

Throughout the project, it was learned that researching the courtroom is a process that requires time and approval of the courtroom to succeed. Because of these limitations, it is recommended that the concept is developed further before evaluation it in the courtroom itself. Recommendations for further development are formulated based on the insights of the concept evaluation.

It is found that the use of the concept depends on the experience of the suspect, and more specifically, the atmosphere in the courtroom that the suspect perceives. An environment should be set wherein the suspect feels that other actors are curious about him, and his situation. It is mentioned that the judge, as an unexpected ally, can set the atmosphere. Therefore, it is proposed that research should be conducted specifically regarding the first ten to fifteen minutes of the courtroom, and what judges can do to set an atmosphere in which the concept will be used.

The evaluation also revealed that suspects are insecure about whether or not they are permitted to press the button. Part of it stems from the atmosphere, which is already discussed, and part of it is based on the strategy and the relation of the suspect with his lawyer. While the concept is designed to support the suspect in his acknowledgement, the things that are shared, are said in a context where the choice of words matters. For example, being vocal about an incriminating fact conflicts with the role of the lawyer, who aims to be the legal shield of the suspect. The concept, therefore, has to be part of the strategy that the suspect and lawyer have. It would be interesting to analyse the effect of the concept on the role of the lawyer and the judge, and in which ways it creates a compassionate moment in their experience.

The physical properties have not been detailed in this project, but guidelines have been formulated according to the design goal and design vision that guide the design of artefacts in the courtroom. These guidelines could be used to define a design brief to further develop the three physical components of the concept: the desk, the button, and the microphone.
Lastly, while not the main focus of the project, the presence of the disadvantaged party has been relevant throughout the exploration and ideation. The idea has come up to also introduce the concept on the desk of the disadvantaged party. They enter the courtroom for restoration (chapter 03), and as seen during the exploration, they want to make an impact (chapter 04). The button could help in making them feel part of the process as well, just as the suspect, and improve their experience of the courtroom. This direction is more interesting when examining the role of the disadvantaged party and their impact on the courtroom concerning their own needs. Within the scope of this graduation project, there was not enough time to explore this direction. The concept could be used to initiate a new project that aims to reduce the suffering of the disadvantaged party in the courtroom, based on the assumptions made in this project.
“Compassion is a verb.”
- Thich Nhat Hanh
(monk)
Project evaluation

The evaluation of the concept was the final step in the design process and the result of a challenging and fascinating graduation project. What is left is to evaluate the DfCI framework. Additionally, the challenges and learnings are formulated as takeaways for other designers. Lastly, this chapter describes the personal learning goals of the project.
8.1 Evaluating the DfCI framework

In chapter 02, the DfCI framework is designed with two goals in mind: to serve as a guideline when designing and support when evaluating. After having used it during the project, the framework is discussed here, and recommendations are made for further improvement.

By using the framework in this project, it is found that the structure was supported by the exercise of designing, and communicating those designs. With the knowledge of compassion, the framework allowed the designer to iterate on the design to trigger, enable, or facilitate compassionate interactions. Using the framework does require background knowledge of the user. First, the user should be familiar with terminologies such as design goal, problem statement, analogy, and interaction qualities. Since the framework is designed to be used by interaction designers, this is not identified as a risk but should be taken into account. Second, the user needs to be familiar with the definition of compassion. This is currently not included in the framework.

However, defining interaction qualities could be omitted by using other design methods. When brainstorming, for example, a solution to the given problem statement could be found without having used the interaction qualities at all. However, the interaction qualities of a compassionate interaction remain valid, and when evaluating the design, being aware of these qualities improves a design before evaluating it with a certain user. That this should be done is not evident in the current framework.

During the project, the framework is used to iteratively evaluate the ideas. When looking at the design, it was possible to evaluate the interaction qualities of compassionate interactions. Additionally, when evaluating ideas with people unfamiliar with the process, the framework makes it possible to present the idea comprehensively. It supported the designer during the design iterations, without limiting the design space.
The DfCI framework can be used in other projects that aim to design for compassionate interactions. However, the framework has not been tested in a case study wherein the designer did not have the background knowledge of compassion. It is recommended that the framework is improved by evaluating it with other designers to identify knowledge gaps that were overlooked and assumptions that were made. Additionally, if necessary, the compassion blueprint should be presented with the framework as additional instruction for the designer to correctly convey the framework.

Concluding the evaluation of the framework, it is seen that during this process, compassion is successfully abstracted. Components of the emotion have been identified and translated into three steps interaction designers can take when designing for compassionate interactions. It gave the necessary information and freedom that was needed during the design process. However, the framework does not emphasise the iterative use, other than through the instructions. Furthermore, the use of the framework without knowledge about compassion blueprint or the meaning of compassion is unknown. Therefore, it cannot be claimed that the framework is ready to be used by other designers for other projects.

Based on the conclusions, several recommendations are made based on the evaluation of the framework.

First of all, it is suggested to redesign the framework as a circular process that can be followed iteratively. It should emphasise the interaction qualities of a compassionate interaction when evaluating the design heuristically. Additionally, a circular framework is assumed to be interpreted more intuitively as an iterative process.

Secondly, the success of the framework should be evaluated with interaction designers without background knowledge of the compassion blueprint that was defined in chapter 02. Based on this evaluation, additional information about compassion might need to be included in the framework, possibly on the instructions sheet.
While exploring the topics of this thesis, compassion, and the courtroom, it was found that much of the knowledge had to be generated by the designer. Therefore, eight insights that were gathered are presented here, for other designers or graduate students to learn from when designing for compassion or designing in the courtroom.

1. **Knowledge gaps**

When designing for any new context, it is important to be aware of knowledge gaps. In this project, an assumption map was made to identify the unknown (see: Appendix E). Additionally, select research methods that fit the knowledge you need to find. Be conscious about the different information you get from observations, interviews, generative sessions or booklets. Also, it is important to know which knowledge gaps should be filled, and which don’t matter. It is easy to lose yourself in the information that can be found, through literature or field research, so keep the overview of the project goal.

2. **Timing is everything**

Plan ahead. On several occasions, it was found that the planning benefitted from knowing when appointments and interviews were made. As a graduate student, you are rarely a priority for professionals, and ensuring that you speak the right people, give them the freedom to find a moment that fits them. Don’t worry if you don’t have the information needed for the next step, and trust you will have it by the time you get there if you go through the activities you have planned. Be flexible as well, because it happens that an appointment gets cancelled, so make sure to have a backup plan for when that happens.

3. **Participants**

In this project, a target group was chosen that was not easily accessible to the designer. Therefore, for much information, other people had to rely on that could empathise well with the actual user, for example, an employer of ex-detainees. The information received from those interactions is not firsthand experience, but they can predict the reaction of suspects very well. Be aware of what kind of information you can get from those participants, and when in trouble, always contact participants from this ‘secondary’ participant pool. Additionally, you can judge their empathic ability by simply asking them. In this project, the ‘secondary’ participants were aware of what knowledge they had from the user.

When you do have the opportunity to interact with your user, make the most of your time. It may sound obvious, but prepare the interview and the materials well, write an interview guide and prepare models if necessary. Make sure that you get the information you are missing, or validate your assumption you made.

Lastly, when presented with the opportunity to use resources to gather more data through observations or interviews, make sure to be aware of the time that is needed to analyse the data. Be mindful of the limits of the project, and realise when the data that has been gathered is sufficient to proceed in the project.

4. **Take initiative**

It has been said before, but don’t expect to have priority on the agenda of the people you are meeting with. Be aware of this, and reach out to the people you want to speak to. An excellent way to do this is networking. Use existing participants to find new participants, and create a snowball
effect. Before meeting with participants, do your research. Know who they are, and how they contribute to the project. It will be appreciated by your participants as well.

5. **Design, don’t research**

In this project, the goal is set in the project scope: to explore compassion and to design in the courtroom. Naturally, a new context presents many interesting things to discover, and elements that needed to be clear before design could be started. However, design in this graduation project had the priority, and therefore, research always served the design. During the project, be aware of how it contributes to the design process. Also, it is advised to start designing as soon as possible. First, it helps to uncover any additional knowledge gaps. Second, it improves the depth of the data gathered from interviews. Having quick sketches of designs during interviews brought up new topics that could not have been anticipated beforehand.

6. **Keep reflecting**

The ethical implications of this project came up multiple times throughout the project and threatened the process. At different moments, they were harming the progress of the project as well. It is important to not discard these threats but to acknowledge and rationalise them. Find a way to reflect or externalise struggles you have with your topic. In this project, the ethical implications of designing for the suspect was not always met with support. This caused internal struggles as well, which Tools that were used during this project are brain-dumps and diaries, but talking to colleagues or fellow students helps as well.

7. **Know who is listening**

When presenting or interviewing people who are not designers, be aware of different expectations and terminology. In this project, it was found that compassion evoked negative responses by professionals, since emotions are ‘not desirable’ and especially compassion hints at biases that are not tolerated. Therefore, other terminology had to be found to converse with judges, prosecutors, and lawyers. Explain words such as ‘iteration’ and ‘analogy’, because of another profession, they might mean something else.

8. **You are interesting**

Be proud of the project you are doing, and sell your project as such. During the project, people that were contacted were very interested and wanted to hear more about design and the project. This can be used to approach new stakeholders in the project or find new participants for research and evaluation. You are likely the expert on the topic, so convey the information as such. It was rarely encountered that participants were not interested in my story as much as I was in theirs.
8.3 Personal reflection

Four personal goals have been formulated before the start of the project in the project brief (appendix v). Here, these are reflected upon.

First, the personal aim was to explore compassion and transform it into a framework that could be used by designers to design for compassion in other projects as well. This has been done successfully in this project. As was reflected on before, the framework is designed with knowledge of compassion and is therefore not directly transferable. However, compassion could be formulated so that compassionate interactions could be designed in the context. The available resources of this project

Second, the research aimed to investigate the interactions between courtroom actors in this complex context, to be able to use the skills from the master Design for Interaction, and apply them here. The courtroom has indeed been a rich context, in which a fundamental understanding of the procedure was needed to contextualise the interactions. Being able to analyse the data on different abstraction levels (Sanders & Stappers, 2012). By using tools such as user journeys and personas, communicating the knowledge proved to be, complex, but successful.

However, the rich context also introduced some struggles to the project. Especially during interviews with the disadvantaged party and observations, it was emotionally intense, and doubts about the validity of the project came easily. These emotionally taxing moments made it arduous to continue. By keeping an open mind, and using the coping mechanisms described in chapter 8.2, it was possible to use the doubts and formulate arguments to strengthen the design, and increasing its relevance.

Third, the project aimed to explore the role of design in a new context, that was hesitant at first to innovation. To begin with, analysing this context has been fascinating until the very last day. It was told that in the courtroom, no case is the same. It can now be said that this is indeed true. While this challenged the design process, it has been an enriching experience to be immersed in this context of which almost nothing was known beforehand. However, it was also critically stated that the role of design was to be tested. “What can design do, and what are it’s limits?” It was found that in the context of criminal law, experts were interested to hear about design and the design process. These experts were also protective of the courtroom, and not easily convinced of the perceived problem. Unfortunately, throughout the project, little time is invested in answering this question satisfyingly, and the answer cannot be presented yet.
Fourth, and last, through this project, it was imagined to be able to project the insights into a vision for the future of the courtroom. Throughout the thesis, it has been hinted at, especially looking at the contrasting values that the courtroom has always had, versus the concept. During the project it is found that the courtroom has always been hierarchical, seeking retribution, and placing the process above all else. However, it can also be seen that the courtroom is becoming more horizontal. While the disadvantaged party asks for retribution, it can also be concluded that affected members of society are allowed to be vocal. In other words: the needs of the individual are also acknowledged. Additionally, it was found that other juridical areas such as restorative justice, are growing in popularity, although limited to available resources such as funding and available professionals. This has all been omitted in this thesis, since, it was found that the addition of “the courtroom of the future” was outside of the current scope. Therefore, it has not been included in the main body of this thesis.

Overall, this project has been very insightful and has allowed me to grow as an interaction designer. I sincerely hope this thesis has been enjoyable and informative to read to whoever has reached the end.
References


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The appendices that belong to this thesis can be found in a separate document. This is an overview of the appendices that can be found:

Appendix A: Project brief
Appendix B: Exploration materials
Appendix C: Exploration data
Appendix D: Evaluation materials
Appendix E: Assumptions at the beginning of the project