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What Use is a Critical Moment?

David Laws

This article takes a pragmatic approach to understanding critical moments and explores their use in three forms of practice: research, conflict diagnosis, and a form of intervention called a reconstruction clinic. Reviewing what makes critical moments useful in these practices provides insights into their character, and into how they function in the work of adept practitioners, and into the way stakeholders experience, make sense of, and act in a conflict. This review opens insights into the relationship between stories, memory, and action and into the layered and relational quality of experience that the use of critical moments helps to evoke. It also highlights a plasticity that distinguishes critical moments and helps to foster interaction and development in research, in conflict diagnosis, and in efforts to intervene in the contested history of a conflict.

Keywords: negotiation, critical moments, conflict diagnosis, conflict resolution

Introduction

The concept of critical moments can be difficult to get away from. Even as they resist specification, they lead to insights that are useful to practitioners and inspiring to researchers. Critical moments can help us to clarify the significance of a particular stage, such as an opening, in a broader interaction (Wheeler 2004). They can help us to see how turning points develop in complex negotiations through the interaction between

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external “precipitants,” internal “departures,” and the “consequences” that flow from both (Druckman 2004). A focus on critical moments can help us to appreciate the role and influence of humor and irony (Forester 2004; Cobb 2006). They can help us to describe the relational character of effective practice in negotiation and conflict resolution (Leary 2004). Looking at critical moments can lead us to frame useful questions like, “Can we recognize a critical moment when we’re in one?”

In this article, I explore the meaning of critical moments in my own work as a researcher. This relates to efforts to describe the conflicts that are central in front-line practices like urban governance and in practitioners’ efforts to cope with the demands that they present (Laws and Forester 2015). It also draws on a program of action research organized with colleagues in the Public Mediation Programme at the Amsterdam Institute for Social Science Research. This exploration will not focus directly on questions about critical moments’ internal coherence or their correspondence with the world. Instead, I follow a pragmatic approach suggested some time ago by William James and Charles Sanders Peirce. According to James, Peirce said:

[T]o develop a thought’s meaning, we need only determine what conduct it is fitted to produce: that conduct is, for us, its sole significance ... To obtain perfect clearness in our thoughts of an object, then, we need only consider what conceivable effects of a practical kind the object may involve ... Our conception of these effects ... is then for us the whole of our conception of the object. (James 1907 [1995]: 18)

I pursue this approach by looking at the practical activities that make critical moments useful in research on conflict, negotiation, and governance. I try to make sense of critical moments by looking at what practical consequences their use leads to. I review the consequences in three forms of work that involve the reconstruction of experience in conflict resolution and in research on frontline practice in governance. One takes place in research that uses the reconstruction of cases to explore the work of practitioners like mediators, planners, policy advisors, and community development workers who become involved in the give-and-take between the government and the public over the implementation of policy. In such interviews, the goal is to derive insights into the nature of the practice and the intelligence at work in their “theories in use” (Argyris and Schön 1996). This focus, using interviews to develop detailed accounts of experience, overlaps with a second form of interviewing in conflict diagnosis. Here the goal is to help stakeholders reconstruct their experience of a conflict

as input to a diagnosis and a precursor to intervention. In both cases, critical moments play a practical role in the interaction between the interviewer and the respondents and in the development of the stories that inform the work of the researcher and the diagnostician. Finally, I explore the role that critical moments play in a form of practice called a reconstruction clinic. Here critical moments are used to link stakeholders' diverse experiences to each other in the effort to foster a kind of non-evaluative reflection that can help them, as a group, reach a new assessment of their shared experience. By describing and reflecting on the role that critical moments play in these forms of practice—by making sense of their usefulness in the work of research and conflict resolution—I hope to provide some insight into the notion of a critical moment itself.

For the sake of clarity, critical moments are used in two ways in the discussion that follows. First, in the work of research, diagnosis, and intervention, critical moments are, quite literally, something to be asked about. They function in the interaction between researchers or diagnosticians and case agents or stakeholders. The use of critical moments, of course, expresses the intuition that asking about them will be revealing, that it will help to identify and describe the specific moments through which a conflict or a negotiation developed in the eyes of those who were involved. These efforts organize a kind of practical test that critical moments will be recognizable and that they will help to explain the developments that characterize a case. Such moments might include the “turning points” in which the broader trajectory of an interaction changed (Druckman 2004). They might include the small efforts at care that (re)molded relationships and commitments (Leary 2004). They might include moments of humor or irony that triggered developments in narratives and opened new views of relationships (Forester 2004; Cobb 2006).

For the individuals who are involved in these cases, either as stakeholders or as practitioners, and whose experience is inquired into, critical moments are the moments that grounded their subjective experience of a conflict, their evaluation of behavior, their sense of what was possible, and the experiences of surprise in which the above changed, often unexpectedly. In short, the expectation is that stakeholders will be able to identify moments in which framing coalesced, in which the character of interaction changed, or in which prior beliefs and commitments became open to reflection, discussion, and development. Finally, the hope is that stories of critical moments will also provide insight into the relationship between the micro-structure of experience and the meso-level at which conflicts and negotiations play out. I return to these issues in

the conclusion to discuss the insights this pragmatic exploration of critical moments has yielded.

Using Critical Moments in Research on Practice

I turn now to examine the usefulness of critical moments in two forms of research on practice. The first involves efforts in fields like meditation, public administration, planning, and organizational development to learn—not from plans or intentions—but from the work of accomplished practitioners. Researchers try to gain insight into the tacit knowledge that gets expressed in the work of adept practitioners by reconstructing this work as these practitioners encounter and make sense of conflicts and problems, and endeavor to transform them through their actions. By taking these practitioners as guides and following them along the main avenues, across the squares, and through the alleys and backstreets, we learn not only about the neighborhoods they inhabit, but also about the nuanced way in which they navigate their environment and, even, what it means to lose and then to find one’s way.¹ By adopting practitioners as guides and helping them describe their movements, researchers work to get away from rehearsed espousals of good intentions and move closer to the theories that guide, and are revealed in, action—to what Argyris and Schön (1996) called “theories in use.” Forester captures the logic behind this effort to move from intentions to actions:

Asking what someone thinks about the political pressure from the mayor will result in their views of local politics, their theories or speculations about the party in power, and so on—which for other purposes might be fine—but we will not find out about their practice. Asking about what someone has done about the pressure from the mayor, how they handled it, how they responded to it, how they dealt with it, will result in a story about what they tried to do, perhaps anticipating the mayor’s pressure, perhaps only responding to it, but in any case, we will be far more likely to get an insider’s story of practice, not a more detached set of observations about local politics. (Forester 2006a: 578)

The goal in developing these stories is to open a window onto the way that an individual practitioner experienced an episode in their daily work and, thereby, to access critical features of practice. Good stories can help us appreciate the “imperfect and often ambiguous process” that practice involves and the “deeply personal nature” and “complicated psychology of the expert ... [practitioner] at work” (Leary 2004: 312). Through these stories, we can start to appreciate the fear and grief,

the resistance and uncertainty, and the insights and improvisations that are part and parcel of sponsoring change. These stories about “particular people in particular circumstances” are developed because they help us appreciate the capacities that practitioners draw on “on-line” and to learn from their efforts to act intentionally “in the midst of deep uncertainty and strong emotions” and to “respond flexibly to the intentional and symbolic qualities of other people’s behavior” (Leary 2004: 313).

The second arena in which such stories play a role is conflict diagnosis. Much of what has been said about the work of practitioners can also be said about the experience of stakeholders in a conflict.² These stakeholders may not have the same level of experience to draw on. They may not share the goal of—or the responsibility for—negotiating change and managing the impacts that flow from this. Their acts may not reflect the “deeper knowing” that marks the work of an expert practitioner. But if one wants to understand a conflict and to be able to diagnose the problems and challenges that confront the group of protagonists who are linked to each other through conflict, then there is something about the emotional complexity and practical engagement that marks stakeholders’ experience that is comparable to the tacit knowing that expert practitioners express in their work. In diagnosis, as in research on practice, there is a need to get access to the inner workings of memory and the way it enters into interpretation and action. There is a need to understand the way that individuals and groups encounter and frame problems, to grasp the intentions and expectations that they bring to interaction, and to develop a working sense of the feelings of loss, the grief, the uncertainty and feelings of threat, and the anger and ambitions that ground their actions. Diagnosis needs to be able to link these states to stakeholders’ actions and interpretations and to the patterns they are caught in and that their actions are helping to create and sustain.

These insights each make an argument for the usefulness of stories. Invoking stories here engages a long history of the discussion of narrative and stories for which there is not space to review in breadth or depth. Practically speaking, story is used here in a manner consonant with MacIntyre’s characterization of “man in his actions and practice, as well as in his fictions, [as] essentially a story-telling animal” (MacIntyre 1981: 201). For him, this meant that stories—“enacted dramatic narrative[s]” (MacIntyre 1981: 201) can provide insight into how people make sense of the world and act (and interact) in it. Stories have a practical value as “the basic and essential genre for the characterization of human action” (MacIntyre 1981: 194). This revelatory quality is the character of stories that is emphasized here.

Here, then, stories refer to the accounts that individuals offer, spontaneously or in response to questions, to describe how they experienced

and made sense of a conflict or a problem and how it was that they acted in the way that they did. This reflection on narrative reveals little, however, about where the kind of stories come from that can provide insight into conflicts and into practices like negotiation and governance. How can we get stories whose significance and insights are not reduced to pithy lesson-drawing, but capture the depth of feeling and the complexity of judgment that characterize practitioners' work and stakeholders' experiences and initiatives?

Some practitioners may be as adept at telling stories as they are in their day-to-day work. Their stories fall upon us as gifts of chance. In most cases, however, the stories we need must be sought out and drawn out. The practice for generating these stories is the interview. But even the interview is fraught with problems. "Robert Coles warns young doctors that patients may often only tell them what they think the doctors wish to hear. So too in social research can interviewers miss important insights if they fail to appreciate the preconceptions that their interviewees have of the interview process and the interviewer's purposes ... Our own ideas and even our very interest and eagerness, combined with time pressure, can drive a 'rush to interpretation'" (Forester 2006b: 142).³

The practice of interviewing is, thus, not straightforward when what is sought is the kind of story that can be revealing about a practitioner's work or about the frustrations, ambitions, doubts, and feelings that characterize a stakeholder's experience of a conflict. It certainly involves the process of asking respondents to tell us about what they have done and how they have experienced a particular case. The process of asking questions of a kind, and in a way, that will help respondents to access and describe their experience at the right level and in the right kind of detail is neither simple nor passive, however. To get a story that is revealing of the experience of an accomplished practitioner or a stakeholder in the midst of a conflict, one must be able to enter with them into the story and, also, to stand sufficiently outside it to push for the details, examples, and connections that will help respondents render the kind of story that will push them, and others, to new insights into the nature of their work.

What kind of talk with another person can produce such insights is a practice that itself needs description. It is certainly not, and needs to assiduously avoid becoming, a process of evaluation that produces verdicts about what has been done well and what has been done not so well. Instead, it involves helping respondents situate themselves in a case, pushing for concreteness, and asking for the additional details that will make the account revealing of the nature of the work as the practitioners (or stakeholders) experience and enact it. It means focusing

on details like tense (see Weiss 1995) that can help track the difference between statements that generalize experience and statements that render concrete events at a level of detail and in a sequence that can “characterize human action” (MacIntyre 1981: 194). If we ask what the problem is, we risk ending up with either a partisan account or a weak generalization of the events. So we learn that asking “What’s the story” is the way to get access to the level of detail that is needed for an account to be revealing about the capacities for feeling, observing, and judgment that were in play as a practitioner (or stakeholder) struggled to cope with an unruly conflict or problem (Forester 2006b).

This is where critical moments enter. They are not only useful, but indispensable in the process of developing such stories. It is almost impossible to imagine getting stories of this kind without critical moments as a working concept. They come into play in a variety of ways in the practice of evoking stories. At a basic level, they help to open experience to the kind of reflection that can evoke memories and render them in the form of a story. This connection is not self-evident, as I learned with colleagues in our work with practitioners engaged in the complex task of redeveloping diverse neighborhoods in Amsterdam. As we engaged these practitioners about their work and tried to evoke, test, and develop their intuitions and working theories, we became aware that these practitioners did not see or treat their experience in the kind of sequence that characterizes a story or a case. The practitioners we worked with engaged their experience like a fire hose from which they struggled to drink. They did their best to cope with the rush of experience until, at some point, they moved on to the next project. Before we could even think about working with stories, we needed to help them see their work in the kind of sequence of action and response that characterizes a story.

An episode from this work illustrates the practical value that sequencing experience as a story can have. The practitioners from the city were laboring under frustrations that had begun to sour their work with residents. They felt betrayed by the response they had received in a meeting held to review plans for developing playgrounds in the neighborhood. They had worked hard to prepare the evening. Despite their best efforts to be engaging and open, all they got in return were frustration, disappointment, and cynical rejoinders that left a bad taste. It was only when this meeting was placed in sequence with events connected to a prior effort to develop a playground on a boat that a story emerged in which the residents’ response made sense and the practitioners’ own errors became clear. The first trick in moving forward was getting an initial rendering of this sequence that could then be elaborated and developed.

Critical moments proved essential in this process of making the past imageable and thus open to elaboration and reflection. The request to “tell me about some critical moments in your work in neighborhood X or conflict Y” made sense to practitioners. They could identify moments that were critical to them and, as they identified these moments, they would start to map the sequence of events that would later become the organizing spine of their story. Simple, but useful, questions helped in this process: Where would you start the story of this project (or this conflict)? What was the next moment that was critical in the evolution of the case? Where would you end the story? These questions evoked the initial rendering of moments that were critical from the practitioner’s perspective and that set the basis for developing the story. The same can be said for engaging stakeholders in a conflict diagnosis.

Here, already, a key feature that makes critical moments useful is in play. Critical moments are plastic. They fit, they work, in the framework of a researcher trying to make sense of a practitioner’s work or of a diagnostician trying to make sense of a conflict. Yet, they also work in the framework of a practitioner or a stakeholder looking back over their experience. In doing so, critical moments establish a basis for interaction that is useful in the effort to develop thick narratives about practice. This plays out in a number of ways.

First, the sequencing of critical moments in a rudimentary story tends to snowball. Identifying and describing, even in cursory terms, Moment A and Moment Z, a respondent will remember moments J, Q, and W and be able to interpolate them into the emerging sequence. Adding J, Q, and W to the sequence can have a similar effect and through this interpolation, moments, and details accumulate making the reconstruction more tangible and more revealing.

Second, arraying a sequence of critical moments seems to help memory to be articulate. Moreover, this is facilitated by the discreet character of critical moments. Through the use of critical moments, time and experience are arrayed like beads on a string—or scenes in a movie—rather than as a continuous flow. This kind of punctuated stream is easier for respondents to engage and describe than the uninterrupted flow of experience. Continuity comes later as the relationship between the beads on the string develops.

Third, the reconstruction of experience is facilitated because the sequence of critical moments, however rudimentary, gives the interviewer and the respondent something to talk about. Through this interaction interviewers and respondents can partner to “thicken” the description of these moments and, in doing so, to elicit additional moments to elaborate. This interaction creates a context in which the interviewer can push for the concrete details that fill out the story and ground the

insights it provides. Where did this take place? How big was the crowd? What was the mood when the meeting started? How did the neighbors make their discontent known? Who ran the meeting? How did he or she bring it to an end?

As these details accumulate and become increasingly concrete, they often help respondents to situate themselves in the past and evoke the relevant details that are important for grasping the inner workings of framing, emotion, reason, and judgment that were at play in the episode. In short, the sequencing of critical moments seems to facilitate a connection with memory. An example from teaching interviewing illustrates the point. A student serving as the respondent in an interview training had been asked to describe an encounter with violence in a trial interview. He had little trouble selecting the encounter that he wanted to talk about, but found it difficult to describe the events that made up the encounter. This changed when the interviewer, searching for a way forward, posed an almost incidental question: "What time of year was it?" This seemed to trigger the memory of a key detail that made the moment critical. "Yes, yes. It was cold. They had puffy jackets on. We were worried because we couldn't tell if they were carrying guns underneath." Once this memory was triggered, the respondent was situated in the moment and able to narrate the encounter in detail.

Simple practical steps can help to facilitate the process of identifying and elaborating critical moments. Drawing a timeline can make the process of sequencing and interpolating critical moments more tangible and accessible. Seeing events laid out in a tangible sequence will often lead to the identification of additional moments; thickening the relationships between the moments in this sequence can foster the addition of key details. Sharing and talking about photographs of relevant places and events can help in a similar manner. They give interviewers and respondents something to talk about and the detail they provide can generate memories of new details. Looking at a neighborhood map can make individuals aware of where events took place and details of the setting can, again, facilitate the working of memory. A "walk and talk" visit to sites that factored in a story can, again, contribute to the ability to recall critical moments and to render them in the kind of detail that is revealing for research and for conflict assessment (Verloo 2015).

Critical moments are plastic in another way that can play a role in the elaboration of a story that is revealing. Experience—and it seems memory—has a layered quality that critical moments can help respondents articulate. A critical moment in one "layer" may be shaped and explained by a critical moment in another. Critical moments allow respondents to zoom in and zoom out across layers as they narrate their experience. In a revealing example, Martien Kuitenbrouwer, a borough president

in Amsterdam, described her effort to figure out how to respond to a community building event that went wrong. She and her colleagues had set up a large screen for residents to watch the European football championships together on a summer evening. The evening did not turn out as planned, however. Cheering along ethnic lines at the home side's misfortune led to harsh words and harsh words led to broken bottles and broken noses as a fight broke out on the square (Laws and Forester 2015). In her effort to assess whether a response was needed—in short whether the moment was critical—Kuitenbrouwer first *zoomed out* to “think ... back on ... [a] previous conflict” (Laws and Forester 2015: 245). Placing the current event in this historical sequence helped her to “feel the tension,” which, in turn, led her to “realize ... how important it was to deal with it immediately,” despite her staff’s urging to just let the tensions die down over the summer break (Laws and Forester 2015: 245). Kuitenbrouwer’s practical response was to organize a discussion between the man whose nose had been broken and a friend and the young perpetrator and his friend. In order to explain what happened in this meeting, and the effect it had on subsequent events and relationships, she *zoomed in* to two specific moments. In the first, one of the older men explained to the young perpetrator that what he had experienced as an aggressive move had actually been an effort to defend the young man. “[The] boy said: ‘I thought you were trying to kill me,’ and the ... father said ‘I was only trying to protect you.’” (Laws and Forester 2015: 253). In the second moment, the older man surprised everyone and apologized to the perpetrator for the feeling of threat that his gesture had caused. The recognition expressed in his apology spilled over, changing the tenor of the conversation and, in Kuitenbrouwer’s story, fostering a commitment to organize a subsequent event to try to repair the damage that had been done to relationships in the neighborhood.

What it is important to note here is how the sequence itself, and Kuitenbrouwer’s ability to relate it in a story, hinged on her ability to zoom out to situate the current event in a layer of historical experience and then to zoom in to the micro layer of a subsequent meeting. The focus on critical moments brings out this layered quality of experience. Interaction across layers shaped the way that events unfolded in Kuitenbrouwer’s account. This suggests that resonance across such layers may be a recognizable feature of critical moments.

The case in Amsterdam is by no means unique. Anecdotal evidence of this kind of relationship across layers is readily available, and careful observers will readily find exemplars. A negotiator may, for example, remember the moment her counterpart grabbed the last orange from the bowl on the table without even feigning to check if anyone else was interested. The skepticism that such a move might generate could then

shape her response to a subsequent offer or proposal, and, thereby, the way the negotiation unfolds (Jenai Wu, personal communication). Or think of how the effort to convene a citizens advisory group in the midst of a standing controversy might be influenced by the move a mediator makes in an early meeting. Faced with an inarticulate question that seems to lack sense, does he rule it out of bounds and move on with the agenda? Or does he pause to engage the question, treat it as sensible—as understandable—and help the stakeholder express what is on his mind and how it relates to the common project? The recognition that is either denied or conferred in this moment will influence how other citizens view the invitation to participate and, through this, the broader trajectory of development.

Leary (2004) captures the layered quality of experience that critical moments create in her reconstruction of a workshop between representatives of the Indonesian government and members of the Free Aceh Movement (also known as the GAM). Here again, the effort to secure participation in a workshop—and through this to influence broader relationships—hinged, in part, on a detail of an interpersonal interaction that unfolded late one night. Louisa Chan-Boegli, a member of the organizing team from the Henri Dunant Centre (later the Centre for Humanitarian Dialogue) was trying to find a date for an initial meeting. Her success turned, in her reconstruction, on a moment of interaction with one of the representatives of the Free Aceh Movement.

Finally at three A.M. [I discovered] one of the things that was important and one that seemed a very small thing [but] was a big thing for [GAM Minister of Health] Zaini Abdullah. He had a full-time job as a doctor in a hospital and he had just taken a new clinic post, and for him to set aside working days [for] a week to come to a meeting in Geneva was a big deal. He had to negotiate with his bosses. So here it was again that the government was dictating the dates: “Wirajuda could to Geneva or on this date, but not that date.” And I said to Zaini, “Okay, we’ll take into consideration that logistic problem for you.” And that was a sign that we acknowledged the importance of his work. It was a key thing. I said to Dr. Zaini, “You know, I understand. I’ve been a doctor myself and I understand. We’ll try to accommodate as much as possible.” And he said, “Okay, I’ll try on my side too.” And he did. He did keep his word. (Leary 2004: 318) (brackets in original)

This sort of interplay between micro-details of interaction and the broader trajectory of development continued throughout the workshop. It was at the heart of what participants referred to as the “sore-throat syndrome.” Chan-Boegli was, among many other things, attentive to the

physical comfort of the participants in the workshop. If one had a sore back, she made sure that a muscle relaxant was available. If another was coming down with a cold, there would be medication available that would help them be comfortable and “at ease” (Leary 2004: 335 note 19). Each of these small moments of “invisible relational work”—of “respond[ing] to something that was immediately responsive to influence—... did not objectively change the frame for the dialogue or materially affect proceedings, [but] ... nevertheless functioned as a critical relational moment [that] responded to the symbolic qualities of the parties’ behavior” (Leary 2004: 329).

This suggests, as Leary argues, another feature of critical moments. They may be inherently relational. This may be most clear at the micro-level of interaction. But relationality is not one thing. It certainly exists in the details of recognition and care that the examples above point to. It also exists in longitudinal relationships between a government and an independence movement, between groups in a neighborhood, or between a mediator and members of an advisory committee. Critical moments seem to be distinguished, at least in part, by the resonance that they have across such layers of experience. This resonance is revealed in the stories that practitioners and stakeholders focus on and that they develop as they tell their stories. This resonance, in turn, suggests something about critical moments’ plasticity and the way that this quality can facilitate links between the details of a conversation and the broader trajectory of a workshop, a negotiation, or a conflict.

Critical Moments in a Clinical Setting

I turn now to briefly discuss the role that critical moments play in a form of practice called a “reconstruction clinic.” The design for a reconstruction clinic developed through the efforts of my colleagues and I at the Public Mediation Programme at the University of Amsterdam. It was rooted in a desire to help stakeholders who found themselves stuck in conflicts.⁴ In some instances, the conflict was still active. In others it lay in the past, but still cast a shadow over relationships and the capacity to cooperate. By calling it a clinic, we signaled our intention to develop insights into conflict behavior and practices through our efforts to help those who found themselves stuck.

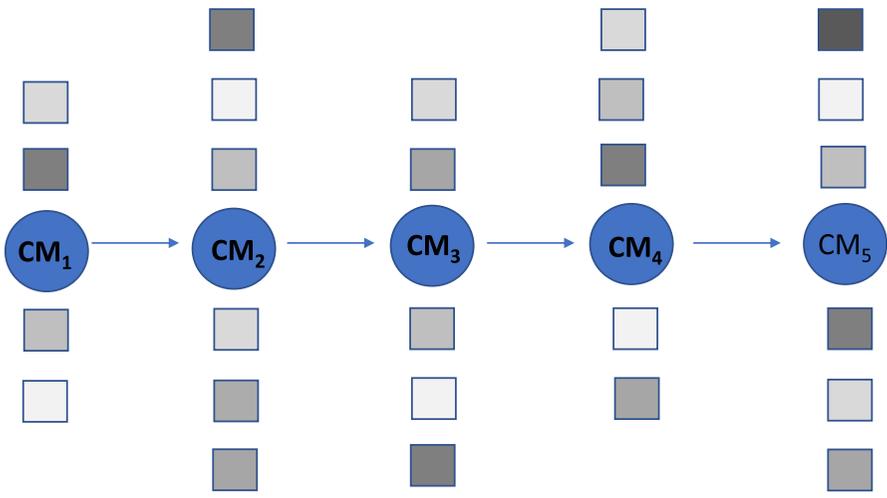
A concrete example of such a clinic involves a controversy over the planning for the development of public space in a neighborhood in Amsterdam.⁵ The frontline practitioner in charge of the case came to us because the local council, the city’s central administration, and residents had been in conflict for some time over a mix of issues ranging from the quality of the public space to traffic safety and access to playgrounds. The fact that many of the specific conflicts that had developed around

this nest of issues remained unresolved raised a red flag. What would happen if these disputes remained unresolved as new developments were put into place? The civil servant in charge was overwhelmed by the scope of what had accumulated—*“there are [so] many [conflicts]... [and] so many ... interests [that] I do not see how we can make them meet”*—but also recognized the need for action—*“something has to be done.”*

The first step in preparing the clinic followed the process of conflict diagnosis discussed above. Stakeholders were interviewed individually and an effort was made to help them provide “thick descriptions” of their experience. These interviews started with framing the series of moments that each stakeholder saw as critical in the case at hand. Then the interviewer probed to help stakeholders describe how they experienced each of these moments. What made it critical? How did you experience the behavior of others and the interaction that emerged? How did what others said and did make you feel? What doubts, fears, or ambitions did their words and actions evoke?

The critical moments referenced across these interviews were used to frame a shared timeline that provided the starting point for the clinic itself.⁶ Figure One shows the depiction of the conflict that the stakeholders confronted as they sat together. The horizontal axis is the timeline, punctuated by critical moments that a majority of the

Figure One
A Map of Critical Moments (Horizontal Axis) and Stakeholders’
Comments on their Experience of these Moments (Vertical Axis)
 [Color figure can be viewed at wileyonlinelibrary.com]



stakeholders identified, even if they described them quite differently. The stakeholders' comments from the interviews were displayed—in first person voice—above and below each critical moment. The resulting map looked something like the following.

The first step in the clinic was to review this timeline together. This gave the stakeholders the opportunity to add events and to modify their comments. The review was done when there were no further additions or annotations. Here, again, the plastic character of critical moments was in play. Many of the critical moments, particularly the most important ones, appeared across the stakeholders' accounts. At the same time, the significance they had in each stakeholder's experience varied, sometimes substantially. The critical moments' plasticity allowed the stakeholders to find themselves—in their own words—in the map before them. It also confronted them with how others' experiences diverged from their own. The critical moments were described in their own language—facilitating identification—but were also shared. In facilitating identification, the map also seemed to foster recognition of diversity and of interdependence in a manner that, in turn, prompted reflection and discussion.

From here the discussion proceeded. The clinic was emotionally charged and participants were unsure of how to respond to each other and to the diffuse and contested history that was displayed before them. The first to speak was a team of “reflectants” whose role was to provide a kind of commentary on the case that might move the discussion in a constructive direction.⁷

The reflectants came from outside the conflict, but had relevant knowledge and experience. Their role was to help initiate a discussion by providing a concrete commentary on the case that was observant, but not evaluative. They tried to set the stage for development by suggesting new metaphors and themes that captured what they observed in the case and by offering the stakeholders a concrete but nonpartisan language that would help them engage each other, develop the themes that had been offered to them, and move toward a shared evaluation of the case. Comments that helped the group move forward included statements like these:

- How can so many well intentioned people end up in such a mess? ... The case seems like a bowl of spaghetti, yet all of the stakeholders [in the spaghetti] seem to be reasonable people.
- It seems as if when pulling one strand [of the spaghetti], everything moves, so that no step is undertaken.
- Why does so much knowledge get lost?
- New events seem to have been taken hostage by the past.

In giving voice to the case, the reflectants helped it talk back to the stakeholders. Their efforts named features (such as dynamics, behaviors, and structures) and gave the protagonists an alternative language that avoided attribution, evaluation, and assigning blame. This seemed to help to make these features discussable. Because the language of observation was concrete and related to particular events in the case, it seemed to help those involved take responsibility (together and individually) for what they had created and, in so doing, opened marginal, but not negligible, avenues for (re)constructive action.

The puzzle is why or how this helped. This puzzle is based on the observation that it did (and often does) seem to help. In the case at hand, stakeholders who participated commented that the reflectants had captured something central to the case as they experienced it—“a good summary”; “it is a bowl of spaghetti indeed.” The reflectants highlighted differences that seemed to matter. They contrasted the planners’ future orientation—“it is not finished”—with the residents’ focus on the “here and now”—“this is where we live.” They helped bring out the difference between the desire for creativity and short-term improvements that residents emphasized and the “perfect plans” that the practitioners from the city were pursuing. The evening ended with a bit of backcasting about the future via an imaginary timeline: “What will this timeline look like, if we were to look back one year from now?” The discussion focused, not on solutions, but on practical steps that might contribute to the creation of an actual timeline through a process of working together on details like the design and location of a playground.

The process was not perfect. Emotions surfaced and threatened the discussion. People vented. They assigned blame and attributed responsibility to others—just the sorts of behavior associated with escalation. But the capture was incomplete. Individuals also acknowledged responsibility. Apologies were offered alongside the blaming and over fifty people engaged their shared history and common future at a level of concrete detail that opened options for reframing their relationship through joint action.

The stakeholders who were present offered comments like these:

- It was revealing, looking back like this made things a lot more clear.
- Everybody’s perspective was added to the timeline, this way the puzzle became complete.
- It was good that we could all tell our story and were being heard.
- It feels like a fresh start, we can leave the past behind.

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- We regained some of the trust we lost and it felt as if we could let the past be the past.
 - I have better sense of what is important now and why people were so angry.

Here again, critical moments seem to play a pivotal role. As in the interactions between researchers and respondents, critical moments appear to have mediated an interaction that prompted reflection and deepened insight by linking the interaction to concrete details of experience. Once again, the plastic character of critical moments came into play. They were consistent enough to be recognized across the experience of different stakeholders and plastic enough to be picked up and elaborated in terms that reflected each stakeholder's experience. This seemed to contribute to recognition—each stakeholder could find themselves on the map—and to a responsibility to recognize and grant some legitimacy to the experience of others. This, in turn, spilled over onto a way of talking, and a language for talking, about the conflict that was concretely observant, but not accusatory. The clinic was far from perfect, but presented some intriguing possibilities. Critical moments appear to have played a pivotal role in its development—in what made it useful and in what makes it interesting.

Conclusion

I have tried to provide insight into critical moments by examining their usefulness in conducting research on frontline practice, in conflict diagnosis, and in a form of intervention called a reconstruction clinic. This review has shown the role that critical moments play in key interactions in these forms of practice. They help researchers help practitioners access and describe their experiences in sufficient detail to open them to reflection and analysis. Critical moments seem to help stakeholders give voice to memory and so to reveal subtleties in their experience of a conflict. In the reconstruction clinic, the use of critical moments appears to have helped stakeholders stuck in a conflict to relate to each other across their distinct experiences of the history that defined their stakes and bound them to each other.

The review identified different roles that critical moments play in developing insights into practitioners' work and stakeholders' experience of a conflict. These roles each suggest a feature that may characterize critical moments more generally and that may contribute to our ability to recognize and analyze them—in real time and in reflecting on experience. They highlight the features that seem to make critical moments useful. I summarize them here to suggest some lines that may

be worth pursuing in subsequent research and in working with actors caught in conflict.

First, the review highlighted what seems to be a fairly deep relationship between critical moments and stories. Critical moments help practitioners and stakeholders move from a stream of experience to a rudimentary story. Critical moments' capacity to move between the distinct worlds of a researcher and a practitioner or a stakeholder facilitates interaction across the boundaries between these worlds. The give-and-take that they anchor can, in turn, facilitate the elaboration of stories and the thickening that makes these stories useful. In this way, the use of critical moments in research and practice appears to be consistent with prior discussions that have emphasized the narrative character of experience and action (MacIntyre 1981; Fisher 1984; Cobb 2013b). This resonance draws attention, in turn, to the relationship between critical moments and memory. The way in which critical moments help to evoke details and to facilitate the narration of stories itself merits further exploration. Critical moments also seem to contribute to the evaluation of experience that distinguishes stories and narratives. They help practitioners and stakeholders tell stories that have a point (Benhabib 1990).

Next, the use of critical moments also seems to facilitate a kind of narrative mapping between what I have referred to as "layers" of experience. Critical moments helped individuals "zoom" into the details of interaction in a meeting or a conversation and "zoom" out to the broader trajectory of a case. This resonance across layers of experience may be another feature that distinguishes critical moments and merits further exploration. This is consistent with Leary's (2004) analysis, which emphasized the interplay between relational moments and turning points in a negotiation. Relationality is most apparent at the micro-level of experience, but, upon reflection, can also be seen in other layers. As such, relationality may be what informs actors' intuitions about critical moments' significance and anchors the links they make across layers of experience.

The example of the reconstruction clinic suggests how these features of critical moments might interact to facilitate negotiation. Critical moments provided the entry point to the case. They helped the organizers draw out the framework of the timeline and helped the stakeholders articulate their subjective experiences of the moments that made it up. The organizers could then map a framework that the stakeholders could enter to observe what was shared and what was different in the way that they had experienced the conflict. The map helped the stakeholders engage one another without threatening their own accounts of the shared history. It gave the reflectants something to comment on and so contributed to their ability to offer a new language with which

to discuss the conflict. The stakeholders' subsequent interactions were uneven. They attributed intent and accused each other of neglect. But in the shared framework, these moves were counterbalanced by moments of recognition, reflection, and repair. In the end, they drew on the timeline to project their experience and relationship forward in time and explore what a shared future might look like and how they might each contribute to it.

In commenting on the different roles that critical moments play, I have emphasized their plasticity. They function in the world of researchers, in the work of practitioners, and in the experience of stakeholders. They seem to be able to move across the boundaries of experience and so facilitate exchange. They give people something to talk about and promote talk that is productive.

This plasticity is of a specific kind. It enables critical moments to move across boundaries and function in the “distinct social worlds” of the groups that inhabit a conflict or a case. Yet critical moments are also “robust” enough to remain recognizable as they move. They are “both plastic enough to adapt to local needs and the constraints of the several parties employing them, yet robust enough to maintain a common identity across sites” (Star and Griesemer 1989: 393). They appear to be of a family with the boundary objects that Star and Griesemer (1989) describe in their analysis of the coordination of science in the development of a natural history museum. As in the work of science, in which “each translator must maintain the integrity of the interests of the other audiences in order to retain them as allies,” critical moments appear to facilitate a kind of exchange that coordinates action and deepens insight by allowing the partners who inhabit these distinct social worlds to each maintain the integrity of their experience and ambitions, even as they seek to find shared meaning and scope for sustained cooperation (Star and Griesemer 1989: 389).⁸

NOTES

1. Gasking and Jackson suggested this metaphor of the learning about a city in their reconstruction of Wittgenstein's description of how he taught philosophy. In their account, he described himself as “like a guide showing you how to find your way round London. I have to take you through the city from north to south, from east to west, from Euston to the Embankment and from Piccadilly to the Marble Arch. After I have taken you on many journeys through the city, in all sorts of directions, we shall have passed through any given street a number of times—each time traversing the street as part of a different journey. At the end of this you will know London; you will be able to find your way about like a born Londoner” (Gasking and Jackson 1967: 51). See Flyvberg (2004) for a thoughtful discussion.

2. The term stakeholders is used to capture the heterogeneous mix of individuals, groups, and organizations that become involved in conflicts and in efforts to resolve conflicts. Stakeholders can range from ad hoc groups of residents to NGOs, private firms, and

governmental organizations. The term captures the common thread in their experience. They have a stake in the conflict and want to influence the way it is interpreted, prosecuted, and resolved. Mediators, experts, and others who are involved in the context of their professional practice would not be stakeholders in this view.

3. Forester is quoting Coles.

4. One frontline practitioner from Amsterdam described this feeling of being stuck: "People are afraid to make another move." Another group member described it in the following terms: "The options are limited, and all of them seem problematic."

5. Thanks to Martien Kuitenbrouwer for sharing data on this case. Additional details on the case and her analysis of it can be found in Kuitenbrouwer (2018).

6. Differences in the critical moments that stakeholders identify are also a source of insight. This is not discussed here.

7. The reflectants are non-partisan actors from outside the case who comment on it, almost like a Greek chorus. Their goal is to help parties who are stuck get "unstuck." They try to accomplish this by modeling a particular way of talking about the case and providing new ways to look at it. This invention was inspired by the use of reflecting teams in family therapy.

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REFERENCES

- Argyris, C., and D. A. Schön. 1996. *Organizational learning II*. Reading, MA: Addison-Wesley.
- Benhabib, S. 1990. Hannah Arendt and the redemptive power of narrative. *Social Research* 57(1): 167–196.
- Cobb, S. 2006. A developmental approach to turning points: "Irony" as an ethics for negotiation pragmatics. *Harvard Negotiation Law Review* 11: 147–198.
- Cobb, S. 2013a. Narrative "braiding" and the role of public officials in transforming the public's conflicts. *Narrative and Conflict: Explorations of Theory and Practice* 1(1): 4–30.
- _____. 2013b. *Speaking of violence: The politics and poetics of narrative in conflict resolution*. Oxford: Oxford University Press.
- Druckman, D. 2004. Departures in negotiation: Extensions and new directions. *Negotiation Journal* 20(2): 185–204.
- Fisher, W. R. 1984. Narration as a human communication paradigm: The case of public moral argument. *Communication Monographs* 51(1): 1–22.
- Flyvberg, B. 2004. Five misunderstandings about case-study research. In *Qualitative research practice*, edited by C. Seale, G. Gobo, J. F. Gubrium, and D. Silverman, 420–434. Thousand Oaks, CA: Sage.
- Forester, J. 2004. Responding to critical moments with humor, recognition, and hope. *Negotiation Journal* 20(2): 221–237.
- Forester, J. 2006a. Exploring urban practice in a democratising society: Opportunities, techniques and challenges. *Development Southern Africa* 23(5): 569–586.
- _____. 2006b. Policy analysis as critical listening. In *The Oxford handbook of public policy*, edited by M. Moran, M. Rein, and R. E. Goodin, 124–151. Oxford: Oxford University Press.
- Gasking, D. A. T., and A. C. Jackson. 1967. Wittgenstein as a teacher. In *Ludwig Wittgenstein: The man and his philosophy*, edited by K. T. Fann, 49–55. Sussex: Harvester Press.
- James, W. 1907 [1995]. *Pragmatism*. New York: Dover.
- Kuitenbrouwer, M. 2018. Getting unstuck: The reconstruction clinic as pragmatic intervention in controversial policy disputes. In *Action research in policy analysis: Critical and relational approaches to sustainability transitions*, edited by K. Bartels and J. Wittmayer, 177–199. London: Routledge.
- Laws, D. and J. Forester. 2015. *Conflict, improvisation, governance: Street level practices for urban democracy*. New York: Routledge.

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- Leary, K. 2004. Critical moments as relational moments: The Centre for Humanitarian Dialogue and the conflict in Aceh, Indonesia. *Negotiation Journal* 20(2): 311–338.
- MacIntyre, A. 1981. *After virtue: A study in moral theory*. South Bend, IN: Notre Dame University Press.
- Star, S. L., and J. R. Griesemer. 1989. Institutional ecology, “translations” and boundary objects: Amateurs and professionals in Berkeley’s Museum of Vertebrate Zoology. *Social Studies of Science* 19(3): 387–420.
- Verloo, N. 2015. Develop stories, develop communities: Narrative practice to analyze and engage in urban conflict. In *Planning and conflict: Critical perspectives on contentious urban developments*, edited by E. Gualini, 279–296. London: Routledge.
- Weiss, R. 1995. *Learning from strangers: The art and method of qualitative interview studies*. New York: Simon and Schuster.
- Wheeler, M. 2004. Anxious moments: Openings in negotiation. *Negotiation Journal* 20(2): 153–169.