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The ethics of deliberative activism: in search of reasonableness and dialogic responsiveness in provocative art exhibitions

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ABSTRACT

“Deliberative activism” refers to the integration of two ideals of citizen participation: deliberation and activism. While there are strong arguments for bridging the gap between the two ideals, it is equally important to keep what is distinct about deliberative activism because all activism is not (and presumably should not aspire to be) deliberative. In this article, we claim that there are certain ethical and epistemic norms of deliberation that can inform our understanding of “deliberative activism”, thereby help to draw the boundary between activism and deliberative activism. By looking at a particular form of activism — provocative art — that is intuitively antithetical to the deliberative ideal, we argue that simple activism can be differentiated from deliberative activism by considering to what extent activists’ adhere to principles of reasonableness and dialogic responsiveness. Using four cases of controversial, provocative art exhibitions in Sweden that challenges the boundaries of public deliberation, we conclude that it is important to distinguish acts that initiate deliberation from those that are acts of deliberation in themselves. The distinguishing factor must be at the heart of deliberation namely an ethical commitment to dialogue. To the very least, actors must explain their claim as if they were in dialogue.

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Introduction

Deliberation and activism represent two contrasting ideals of citizen participation in politics. Activists confront, provoke, obstruct, demonstrate and protest to force the other to listen, while deliberators engage in a mutual exchange of reasons (Young 2001; Talisse 2005). The tension between the ideals arise from the assumption that activism should not be needed under ideal deliberative circumstances (Smith 2013; Polletta 2015). In practice however, there is always a risk that some interests end up outside deliberation (Young 2001). Therefore, activism is sometimes a means to force the other to listen (Mendonca and Ercan 2015). Activists may even be committed to deliberative ideals, but due to unfavorable circumstances, they may be forced to adopt non-deliberative means (Smith 2013), which is what Fung (2005) labels “deliberative activism”. Hence, the relationship between
Deliberation and activism in real-life politics is more problematic than the ideal-types indicate and more complicated than is often assumed in the literature (Young 2001; Levine and Nierras 2007; Öberg and Uba 2014; Uba 2016). This fact has spurred a growing interest not only in conditions for when and how activists may engage in public deliberation (Hendriks 2006), but also about the limits when activism, such as protests and civil disobedience is also justifiable within deliberative democracy (Talisse 2005; Smith 2013; Mendonca and Ercan 2015).

In this paper, the purpose is to further our understanding of deliberative activism by drawing on four cases of provocative art exhibitions. Provocative art is a form of activism often aimed at conveying a political message while being intuitively antithetical to the deliberative ideal; both its epistemic demand of reasoning and its ethical dimension of respect and reflexivity (Black et al. 2010). Thus, provocations can be argued to be a tough case for deliberative principles, which means that this form of activism is particularly unlikely to be deliberative in form.

The cases are situated in an established democratic system—Sweden—claimed to be relatively deliberative, in which citizens have the right to participate in different ways in opinion formation in public sphere. Therefore, provocative art in this relatively well-functioning democratic setting may be less acceptable from a deliberative point of view because there are other more reasonable ways to make claims (Fung 2005). We include four art exhibitions that have sparked widespread public attention, including Mohammed cartoons picturing the prophet as a dog, photo exhibition with manipulated images picturing Jesus as a homosexual, a graffiti painting of a subway car, and an artist faking a psychosis. These examples are drawn from different sites in the system, addressing various audiences (both concrete and abstract audiences) and with different political objectives in mind. Our purpose is to identify the circumstances when this form of activism is anchored in deliberative principles.

We start by defining key concepts: deliberation, activism and deliberative activism. Next, we argue, in contrast to others (Smith 2013; Mendonca and Ercan 2015), that degrees of reasonableness and deliberative ethics are important factors to take into account in a discussion on the limits of deliberative activism (cf. Talisse 2005). Thereafter, we apply these concepts in a deepened discussion based on our four cases.

**Deliberation, activism and deliberative activism**

Deliberation and activism are vital elements in political systems to ensure that a diversity of voices and claims are heard in public debate. Both ideals emphasize citizens’ rights and opportunities to make public claims, which are assumed to strengthen the equality and fairness of political systems, yet they have opposing understandings of the means for its achievement.

Deliberative democracy is supposed to be, at its core, inclusive, consequential, and deliberative (Dryzek 2009). While inclusiveness and consequentiality rely on institutional features and procedures, deliberativeness refers to the conversational ideal and is contingent on actors’ actual adherence to deliberative norms in political exchanges (Rosenberg 2014). Here it is the conversational ideal that stands in focus because this is the dimension specifically focused on actors’ conduct and the doing of politics.

Even though the specifics of the nature of deliberative conversations are still the subject of debate in the field (Bächtiger et al. 2010), there is general agreement on the significance
of epistemic and ethical dimensions in deliberation (Black et al. 2010; Morrell 2010; Parkinson and Mansbridge 2012).

The epistemic dimension refers to aspects of learning (Luskin, Fishkin, and Jowell 2002), “laundering of preferences” (Goodin 1986) and informed judgments as valued outcomes of deliberation (Steenbergen et al. 2003). When citizens engage in deliberation, they encounter novel information and facts about the topic of debate, including fellow citizens’ standpoints and beliefs. By engaging with novel information, they improve their understanding of the issue and get new insights into competing opinions and perspectives. Consequently, deliberation stimulates a “laundering” and update of previously held attitudes and beliefs to be more in tune with the surrounding milieu, thereby supporting the development of more informed reasons and judgments. At the core of the epistemic dimension are argumentative norms like the provision of explanations and justifications of claims to engage in careful weighing and consideration of information and to adopt a balanced and nuanced reasoning (cf. Steenbergen et al. 2003; Black et al. 2010).

The ethical dimension refers to norms of interpersonal conduct. In deliberation, citizens – and politicians alike – are encouraged to attend to others and to engage in an open, reflective conversation about politics, performed in a respectful manner characterized by listening, perspective taking, empathy (Goodin 2003; Morrell 2010) and embracing the ideals of respect of others, reciprocity and dialogic responsiveness (Dryzek 2016). Citizens should engage in discussions with an open mind ready to be influenced by what they hear and to be responsive to the dialogic exchange (Dryzek 2016). The ethical dimension is realized through acts of political listening and dialogic responsiveness, ensuring the political equality and fairness of proceedings.

Black et al. (2010) have summarized the ethical and epistemic demands in deliberation succinctly in the following paragraph:

Analytic rigor concerning the problem and potential solutions under discussion, careful and respectful consideration of information and diverse points of view on the issue, provision of sufficient opportunities for participants to speak, and recognition of—though not necessarily agreement with—participants’ different approaches to speaking and understanding.

Even though the conversational ideal as outlined above is generally agreed on it has given rise to different empirical understandings of the kind of behaviour that should be deemed acceptable. There is a restrictive interpretation where only a certain type of formal dispassionate, reasoning is accepted (Bächtiger et al. 2010), but most scholars have come to acknowledge a more inclusive definition (Parkinson and Mansbridge 2012; Sass and Dryzek 2014). The inclusive approach was initially a response to the criticism from, e.g. diversity theory and feminists against the exclusionary and elitist tendencies in early deliberative thinking. They argued that reasons are context-bound and what are considered impartial reasons in one context may be partial in other cultures or in relation to “marginalized groups” (Young 2001; Chambers 2003). Due to cultural, social and other contextual variables, there are important differences among people in terms of how they expect an acceptable reason to be formulated and stated in public settings (Chambers 2012, 59).

Advocates of a more accepting stance toward the ideal of reason-giving argue that, for instance, self-interest (Mansbridge et al. 2010), interest advocacy (Hendriks 2011), storytelling, personal experiences, affected appeals (Bächtiger et al. 2010), and even certain kind of rhetoric can, and should, be accepted as reason-giving as part of deliberation (Dryzek...
While some deliberative scholars argue that the public sphere can never be deliberative because rhetoric is essentially monological and more appealing to passions over reason, others claim that rhetoric can be deliberative (Chambers 2009). As long as rhetoric does not cause harm to other people or is plain manipulation or coercion, it should be acknowledged as a deliberative claim (Chambers 2012, 59). Following the rhetorical approach to deliberation, the actor, the orator, who acts within a distinct setting, becomes critical and the challenge is to find a yardstick for when rhetoric is part of a deliberative act.

The acknowledgement of a variety of acts and arguments that might serve a deliberative function in political systems (Parkinson and Mansbridge 2012; Neblo 2015) modified the meaning of deliberative conversations, which is here claimed to bring the two ideals closer in two regards. First, the inclusive approach not only relaxes the conversational rules but it also opens up for deliberation to be informal, discursive and take place in a variety of locations, including the public sphere (Hendriks 2006). As Talisse (2005, 434) has explained, proponents of deliberative democracy promote an ideal of democratic politics where deliberation occurs at all levels of social associations, and hence that it is a common misunderstanding among critics of deliberative democracy that deliberation only should flourish within existing institutional boundaries. Neither does a public claim have to be directed to a certain audience/listener, but multiple potential listeners. Deliberative acts may take place in a public arena where claims, reasons and responses are given to multiple and even anonymous actors with “overlapping forms of political talk over time and place” (Chambers 2012, 54). This means that deliberators are given the same range of alternatives as activists when it comes to choosing when, where and how to voice claims.

Second, when institutions and procedures are more flexible, a more prominent role is given to single actors to function as instigators – but also have the power to thwart the emergence – of deliberative processes. When actors behave deliberatively in the public sphere, they can trigger moments ripe for deliberative exchanges, not least by the use of deliberative rhetoric (Chambers 2009; Dryzek 2010). Some claim an act qualifies as deliberative if it “later stirs reflection and discourse” and therefore it is of great significance “within larger discursive systems” (Sass and Dryzek 2014, 6). The broadening of acceptable acts means that deliberative acts are assessed similarly to those acts performed by activists since the conduct (a protest) is for both the deliberator and the activist just a means to an end that can sparks changes on societal level. Thus, the relaxation of conversational rules and a permissive stance to what is deemed justifiable acts in deliberation lead the way for a reconciliation and even integration of the two participatory ideals (Talisse 2005; Hendriks 2006).

Although the broadening of deliberative theory improves its applicability and builds a bridge to activism, it runs the risk of blurring the distinction between deliberation and other types of democratic political activism, which eventually may undermine deliberative theory and make it futile (cf. Thompson 2008). To not lose sight of the merits with deliberation – why it is desirable – it is pivotal to identify what are non-negotiable principles of deliberation, what makes an act qualify as deliberative to not blur the distinction between simple activism and deliberative activism.

Hence, there is a need to identify the distinguishing feature between what is ordinary activism in liberal democracy and “deliberative activism” (Fung 2005; Talisse 2005). We agree with the proponents of inclusiveness in so far that we should be open to differences
in deliberative style among people and groups when it comes to how claims are formulated and expressed. Although the principle is that “any reason goes”, what we are interested in is drawing attention to the boundary of deliberation, i.e. which acts have less deliberative, or non-deliberative elements (Talisse 2005).

In general, most forms of activism can be expected to have few if any deliberative features because the motivation is not dialogue but impact. Activists often feel constrained by democratic procedures (Levine and Nierras 2007) and are usually critical outsiders that view traditional democratic institutions, as well as experiments with deliberative democracy, as biased toward agents that are powerful. Although activists try to advance political goals and exercise power, they may very well be highly altruistic (Uba 2016). To unravel dominant power hierarchies and to force the establishment to listen, they use tactics such as, street marches, boycotts, sit-ins and other kinds of protests to communicate their message (Young 2001; Smith 2013; Uba 2016). The conventional understanding of activists is that they “jeopardize deliberation because their mind is already made up” (Polletta 2015). By definition, an activist is driven by a strong commitment to a certain cause – as for instance is the case with the artists discussed above –, equipped with a set of stable preferences, which is the opposite of the deliberative demand of open-mindedness and reflexivity.

As will be argued below, with the permissive view, deliberative actors get access to a wider repertoire of acceptable conduct when making a claim but, in contrast to activists, they cannot already have made up their mind. For an activist to be labeled “deliberative”, she must adhere to ethical and epistemic conversational norms when it is possible, which means that she can’t refuse to talk to others, she is expected to be available for interactions and questions, etc. Below, we examine in greater detail what it means for an actor to be ready to turn to deliberative means when an opportunity arises by continuing Fung’s (2005) argument about “reasonableness”.

**The ethics of deliberative activism**

On the most general level, the inclusion of “non-deliberative acts blur the boundaries of a deliberative systems” (Smith 2016) but what is more and of greater concern to the authors of this article is that it “also appears to dilute the commitment to dialogue that is – for many – the major attraction of deliberative democracy” (Smith 2016). This means that, in contrast to others that have provided interesting contributions to this discussion, we argue that the distinguishing factors must be at the heart of deliberation. For example Smith (2013, 9), argues that civil disobedience is compatible with deliberation if actions are preceded by attempts to pursue the objectives “through lawful participation”, is coordinated with similarly situated activists, and aimed at serious injustices. This means that his criteria are more related to liberal representational democracy then to deliberative democracy.

Mendonca and Ercan (2015) have argued that protest movements in Brazil and Turkey displayed deliberative dimensions, based on the organizational structure of the protests, how the protests were carried out, and what the protesters achieved. However, these factors are all very much related to participatory, emancipatory and empowering aspects of participation and only to a small part to the deliberativeness of the protests.

Here, we take the intersection between the epistemic and ethical dimensions to pinpoint a minimal common denominator of what real-life deliberation should entail (Black et al. 2010). In Chambers’ words, it refers to the creation of “a dynamic relationship
between speaker and hearer”, which induces listening, reasoning and readiness to transform (Chambers 2009, 13). This means that an activist that presumes to know what is “right” or “fair”, and is unwilling to put the arguments to the test of public criticism, does not engage in deliberation. A deliberative activist does not only offer justifications for one’s views and action and bring attention to an issue, but it is essential for them to engage in dialogue with those with whom they disagree (Talisse 2005). Thus, suboptimal circumstances can force deliberative democrats to justify the use of non-deliberative strategies, but what should be non-negotiable is the ethical commitment to dialogue. Once dialogue is established, what is distinctive about deliberative activists is the steadfast commitment to engage in dialogue characterized by responsiveness and reflexivity.

The idea that an ethical ideal should guide deliberative activists is not a novel idea. Fung draws attention to principles of charity and fidelity in the literature on civil disobedience and how these are of relevance in deliberative democracy. Fidelity to the method of deliberation is deemed vital for deliberative activists and charity requires the deliberative activist to act as if his would-be interlocutors are willing to engage in good faith deliberation, until they prove themselves unwilling to comply with the norm of reciprocity (Fung 2005).

Fung states that there are many instances when non-deliberative acts are needed and “the extent of permissible deviation from deliberative norms increases according to the adversity of political circumstances” (Fung 2005, 397). In unfavourable circumstances, activism is a method to question injustices and inequalities (Fung 2005). Thus, determining the reasonableness and justifiability of deliberative activism must be done in light of the surrounding political, economic and social realities “widespread inequality and hostility to deliberative norms can justify non-persuasive, even coercive, methods for the sake of deliberative goals”(Fung 2005).

Sometimes, forces more compelling than the better argument are necessary to establish fair and inclusive deliberation, or the conditions that support such deliberation. When circumstances justify the use of such force for deliberative democrats, they become deliberative activists. (Fung 2005)

Fung claims that in the non-ideal circumstances that characterize contemporary politics, deliberative democrats might be forced to accept non-deliberative means to change existing political hierarchies and inequalities. In line with Fung (2005), we claim that all forms of activism – being it deliberative or not – should be reasonable in light of the surrounding political context. That all kinds of civil disobedience must be reasonable means that it must be proportionate and that other less extreme acts have been exhausted before turning to civil disobedience (Fung 2005; Smith 2013). Still, the requirement of acts to be reasonable in light of the surroundings is not sufficient criteria of deliberation.

Does the theory of deliberative democracy hold that political actors have any special obligations under circumstances that are characterized by extreme economic inequality, political hierarchy, cultural exclusion, and widespread disdain for the norms of deliberation in politics? In other words, does deliberative democracy have anything to say about how political actors should behave here and now? (Fung 2005)

Activism should always to some extent be reasonable given the wider political setting. For instance, the justifiability of civil disobedience hinges on whether alternative (democratic) acts have been exhausted and that the disobedience is proportionate to the oppression (Smith 2013). Thus, there is a need to further specify – beyond reasonableness – what
should qualify as deliberative activism. The question that looms in the background is what becomes of the deliberative democrat once he opens the door to non-deliberative means to manage political disagreements? Can he still claim to be a deliberative proponent?

The objective in the remaining part of this article is to argue for, yes, it is possible to be a deliberative proponent while engaging in non-deliberative activities but, as will be further illuminated below, it requires a steadfast commitment to the conversational dimension of deliberation.

In the next section, we discuss the reasonableness of four cases of provocative art exhibitions and to what extent the exhibitions – and the artists – can be said to make serious efforts to engage in dialogue with those whom they disagreed with, i.e. provoked with the exhibition.

### Deliberative ethics in four cases of provocative art

It has been suggested that the function of art in democracy is to open up a space for new, alternative, and silenced voices (Mouffe 2013). Art is an example of non-verbal narratives and John Dewey argued that art express meanings that are not accessible through words, and it does this through the creation of a new experience (Mattern 1999, 57). The difference between speech and artistic acts is that while speech attempts to convey experiences, "art is a form of direct experience" (Mattern 1999, 57).

To use art as a way to make a claim generally implies that the claim is not verbalized but experiential, therefore it does not involve typical acts of reasoning and are not intended to be intellectually understood, justified or explained. Instead, provocations aim to be felt and experienced by the listener. Although democratically acceptable, the use of non-verbal narratives to make a claim is a considerable challenge to the deliberative epistemic ideal of reasoning. And when the focus is on provocative art, it seems even harder to reconcile because to provoke means to distress the listener, which is contrary to the ethics of deliberation, emphasizing interpersonal respect and emphatic listening. For these reasons, provocative art can be deemed a tough case for deliberation and therefore might provide valuable insights into the boundaries of acceptable deliberative conduct.

We use four cases of provocative art exhibitions in Sweden, which we claim exhibit relevant differences among activists. Two were religious provocations and two relied on dubious criminal conduct, but all four exhibitions were very controversial and debated in Swedish mass media, and many Swedish citizens would most likely find it provocative in itself to suggest that any of the art had deliberative elements (Tännsjö 2009).

Based on the discussion on reasonableness and ethics of deliberation, we argue that one of the religious provocations should be considered a more deliberative act (Elisabeth Ohlson Wallin's Ecce Homo show), while the second (Lars Vilks’s Mohammed caricatures) was only a provocation or an outcry. The two performance artists, who committed criminal acts in their final exam from Art College in Stockholm, also differ in relation to deliberation. One explained a claim as part of a (at least imagined) dialogue with an audience (Anna Odell’s Unknown Woman) and should be considered an act with deliberative elements, while this was not the case with the other (Magnus Gustavson’s Territorial Pissing).

Below the objective is to identify relevant differences and similarities in the four cases of provocative art in relation to the reasonableness and ethical (dialogue) requirement.
The Mohammed caricatures

The artist Lars Vilks produced two drawings for an art exhibition picturing the prophet Mohammed as a dog. The Mohammed caricatures that eventually was published in Nerikes Allehanda (a Swedish daily newspaper) in June 2007, was a grave religious provocation, which stirred up many emotions and almost created a diplomatic crisis between several Scandinavian countries and Muslim countries. Accompanying the sketches was an article with the title “Rätten att kränka en religion” (The right to humiliate a religion). Vilks’s objective was to draw attention to the limitations in freedom of speech in art (Vilks 2007). However, Vilks’s intentions are unclear since he also argues that artists should stay out of politics and he has, for example, refused to distance himself from the many racist groups that have supported the dissemination of his work (Orrenius 2016). The publication of the caricatures spurred intensive debate on the moral right of humiliating religions versus the importance of the principle of freedom of speech, sometimes connected to discussions on the influence of Islam in the Scandinavian countries. Although Vilks’s act falls within the realm of liberal democracy, i.e. to raise the question of freedom of speech by the means of provocative art (see Gustavsson 2014), there are reasons to doubt the deliberativeness of the act.

First, the publication of the caricatures was not necessary or needed to state his claim although he had his full artistic freedom to do so if he wished (Neuding and Lundberg 2010). The caricatures were a blasphemy of Islamic laws; and Vilks’s objective with the publication of them was to reach a higher end, i.e. to demonstrate the limitations of our fundamental right of speech. We argue this to be an instance of unreasonable claim-stating. If we consider the fact that the blasphemy was undertaken in order to demonstrate the limitations of the principle of freedom of speech, yet it was this same principle that made the blasphemy an acceptable democratic act to begin with (the fact that the art was performed in a secular country has also been commented on in media, see for instance DN 2012).

Vilks’s caricatures triggered an internal debate in Western media on the limitations and threats to the fundamental principle of freedom of speech, a debate he engaged in. The question then is whether this debate within the elite (journalists, artists, academics, politicians; see Gustavsson 2014) could have occurred even without the rather severe blasphemy. We would argue that within this elite, discursive context, it is likely that the article Vilks published in connection with the art exhibition would have been enough to activate a slumbering discourse on the principle of freedom of speech, which Vilks also notes himself (see Vilks 2014).

Second and more importantly, although Vilks did engage in dialogue afterward, explaining and justifying the importance of freedom of speech at least to some extent, he did not engage in a dialogue with Muslims on why it was important for him to publish degrading drawings of Mohammed (Orrenius 2016). Vilks’s provocation was aimed at Muslims in general, not only Islamic terrorists, and to demonstrate how they could not tolerate free speech (Vilks 2014). Even so, Muslims have contributed to the public debate by stating that they do accept his provocation as democratically legitimate, although they feel deeply humiliated and that they cannot understand his actual claim. For instance, a Swedish politician and Muslim, Nalin Pekgul, has questioned the lack of reasons for drawing Mohammed (Pekgul 2010). Vilks chose an act he knew would provoke Muslims, but at the same time he was not willing or interested to explain,
defend or justify this particular claim. Vilks stated a claim about Muslims (that they are intolerant and do not accept secular values such as freedom of speech) but the publication of the caricatures was meant to provoke rather than claim that something was justified by his pictures. In this sense, the caricatures were only a means to an end, while Vilks’s intention was to trigger a meta-discussion on the right of free speech.

In sum, the publication of the caricatures was Vilks’s attempt to make two public claims: the limitations on freedom of speech in Western media and the right to make drawings of the Prophet Mohammed. In relation to the first claim, the publication did give rise to a deliberative moment in which Vilks engaged in a public debate on the limits of freedom of speech within Western media. When it comes to the second claim, there is much less evidence that Vilks followed up his initial claim-stating (the blasphemy) with clarifications and justifications for the publication by addressing Muslim society; hence there was no deliberative moment within this discourse.

**Ecce homo**

The second case of religious provocation is Elisabeth Ohlson Wallin’s art exhibition *Ecce Homo*. The pictures in the exhibition portrayed Jesus among homosexuals and transvestites in modern versions of stories of the New Testament. This art show was as provocative as Vilks’s, and she too has been abused and threatened by people, primarily Swedish Christians who dislike her work. The exhibition was an attempt to give voice to a neglected group within Christianity and as such the exhibition is a political claim.

Ohlson Wallin stated that the purpose was to open up a dialogue about homosexuality among Christians (Gustavson 1998). In contrast to Vilks’s provocation that was deemed unreasonable, mainly because Vilks did not follow up the claim directed against Muslims and Islamic laws, Ohlson Wallin proved willing to explain and defend the exhibition publicly and engaged in a dialogue with people and groups who identify as Christians but with different interpretations of what Christianity entails.

This means that Ohlson Wallin not only instigated, but also helped to sustain a dialogue in mass space about an important collective matter, namely a certain community’s attitudes toward homosexuality. If we compare Ohlson Wallin’s *Ecce Homo* to Vilks’s Mohammed caricatures, the difference is that while she engages in a dialogue with those people that she has offended with her art, Vilks provokes Muslims but is not willing to engage in a dialogue with Muslims about Islamic laws.

It is truly uncertain whether Ohlson Wallins’s work has inspired deliberation or not. The tone inside the Church is, by some (primarily her opponents) described as worsened by the display and the resulting discussions. However, given the obvious effort she put into explaining the logic (by being available for public debates, media and interviews) of how her pictures illustrated and justified her claims in terms that can reasonably be considered to make sense in this specific context, this act should be considered to have deliberative qualities.

**Territorial pissing**

The two additional art exhibitions do not have a religious content but are provocations of public policy and involve civil disobedience from the artists. Magnus Gustavson, with the signature NUG, ended his five years of study at art college with a film that he named
Territorial Pissing. It shows a man, presumably NUG, who totally destroys a commuting train car by spraying it with black colour, and eventually smashes a window and disappears. The video was first shown at Gustavson’s graduation from college in 2008, but at this stage it did not trigger any debate. Not until the video was shown at an art exhibition in Stockholm and seen by Cultural Minister Lena Adelsohn Liljeroth, who deemed it a provocation and stated that it was not art but an illegal act, did it receive attention from outside the art world (Eriksson 2010). Once the cultural minister made the claim that this was not art, a wide public debate took place in which two sides developed, one arguing for artistic freedom and the recognition of graffiti as an artistic expression – hence it should be legalized – and the other side arguing that graffiti was an abuse of public space and punishable. Territorial Pissing evoked many emotions and brought about intense debates in society about the role, responsibility and freedom of artists and how to draw the line between art and other activities (such as in this case criminality).

We argue that Gustavson’s Territorial Pissing has insignificant deliberative elements and can scarcely be deemed a deliberative act. The video does not make a claim, and Gustavson was more interested in keeping his anonymity than to defend, justify or explain his act. In one of the few interviews he gave, the reason he stated for making Territorial Pissing was that it was an attempt to develop graffiti as an art form and to capture the “energy” of graffiti (Björklund 2012). The video is therefore not considered a political claim at all but art or, if one prefers, criminal conduct.

At the same time, a deliberative moment can still be argued to have developed about a year after the initial showing of the video. But it was not a reaction to a claim made by the artist (since there were none), and if we are to identify the deliberative act that triggered this debate, it was not the video itself but the cultural minister’s claim that graffiti is not art. What this example illustrates is the importance of identifying the moment in political and social processes that serves a deliberative function, (which over time might develop into a deliberative system), and not simply accentuate the most noticeable act.

Unknown woman 2009–349701

When the artist Anna Odell presented her final exam work from Art College, Unknown woman 2009–349701, it too gained a lot of attention in media and political debates. The film was to some extent based on a personal experience. Odell pretended to be a mentally ill and suicidal woman who was about to jump from a bridge in central Stockholm. She was taken by the police and treated by the psychiatric clinic at a hospital in Stockholm. She has explained many times later in open interviews that her intention was to visualize power structures within health care, law and journalism and to show how widespread prejudices against psychological disorders are in society (Treijis 2013). She was charged in court, but was acquitted because she did not have any criminal intent. The exhibition gave rise to a heated public debate about acceptable conduct.

During the first few months after Odell’s art performance, she did not comment on, explain or answer questions about why she had performed and documented the pretended breakdown on the bridge that late evening in Stockholm. She has explicitly said that she did not want the risk of the artist (i.e. herself) to be the focus of attention, but wanted the art to speak for itself (Curman 2009). This is the reason why art is different from more traditional forms of claim-stating. Artists have other, more diverse and creative means
at their disposal of claim-making. For our purposes, this means that we cannot simply draw the line between those artists who choose to verbalize their claims and those refraining from it. We must use a sharper tool to distinguish between those who welcome the debate and those who are willing to explain their claim as if they were in a dialogue, and those who are not willing to engage in a claim-making process at all.

The police who brought her to hospital and the doctors who treated her did not understand her act as a claim that they could give a reasoned reply to. However, they were not the audience, and she explained her claim much later and without explicitly addressing them (which of course can be questioned from an ethical standpoint). The audience was instead the participants in public space, where she opened up and followed up on a discussion on a major collective matter on how the community she belongs to should treat and approach psychologically disordered persons. The pictures in her film clearly illustrate her claims that there are ambiguities in laws and biases in media, which have severely negative effects, especially on mentally ill people. Hence, her claim was publicly explicated with obvious understandable justifications that even the most upset parts of the audience she addressed could understand (although not be persuaded by). Hence, this was a much more deliberative act than NUG’s *Territorial Pissing*.

**Concluding discussion**

In this article, attention has been drawn to the boundaries of public deliberation by accentuating features of reasonableness and dialogic responsiveness in provocative art exhibitions, which was said to be a particularly tough challenge for deliberative ideals. Looking at four cases of provocative art exhibitions in Sweden, we claim that two of them had elements of deliberation – Ecce Homo and Unknown Woman – and could be labeled deliberative activism, while the remaining two – Mohammed Caricatures and NUG – were defined as “simple” activism.

Our focus on deliberative activism has several important theoretical implications. In particular, deliberative activism must be separated from requirements of deliberative processes and deliberative systems. If activists are responded to by violent or oppressive means – or plain silence – it halts the development of a deliberative moment. There must be recipients that do not reject claims by others as nonsense or gabbling, but engage in a dialogue with the speaker. A single actor can create deliberative moments, but an actor on her own cannot make up a deliberative process or a deliberative system. What this means is that deliberative acts/activism by themselves are not sufficient to create a deliberative system, but they can give rise to deliberative moments which, when responded to by deliberative means, carry with them a potential for deliberative systems to take off.

It is important to separate acts that initiate deliberation from those that can reasonably be considered acts of deliberation in themselves. An impulsive act of violence by a person under the influence of drugs may well spur an advanced deliberation on violence and drugs, but is not a serious attempt to engage in dialogue and not a part of deliberation itself.

It is important to emphasize that this does not mean that these cases display deliberation or, even less so, democratic deliberation. We have not investigated other participants in the dialogue and what sorts of reasons were explained and potentially exchanged. Although we have reasons to believe that it was a free and open debate with equal opportunities to participate, we do not know. We have argued that two of the artists participated
with explained and justified reasons in an important issue for the communities that were addressed. We have also argued that the arguments from different sides were publicly available in public space, but we do not know whether it had any impact on opinion formation, whether it led to more informed, deliberated opinions, or “prepared the agenda for political institutions” (cf. Chambers 2012, 416). On a theoretical level, we argue that we have illustrated that identifying deliberative acts and deliberative moments, and separating them from non-deliberative acts is an important theoretical stepping stone needed in order to understand how deliberative systems (may) emerge and develop.

As often admitted by the proponents of deliberative systems theory, the systems idea is not yet particularly developed, especially when it comes to how the different parts can sum up to a deliberative system (cf. Parkinson and Mansbridge 2012). Therefore, while our focus is not on the quality of deliberative processes in general or deliberative systems, but specifically trying to identify the distinguishing elements of a deliberative act, we also believe that this can contribute to the discussion on deliberative and non-deliberative systems and mass democracy (cf. Chambers 2012).

If we accept that from a deliberative system perspective, the aim is to make deliberative acts the socially accepted and most established way that actors approach politics and engage in political debates, regardless of their location in the system, the challenge now is to further our understanding on how to make actors “[adopt and cultivate] the deliberative stance within the ‘unruly politics of social life’” (Owen and Smith 2015, 15).

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