On deliberation in mass public space:

When are provocations deliberative acts?

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Abstract

There are fundamental controversies over the defining elements of deliberation in the public sphere. Our aim is to contribute to this discussion by tackling the topical issue if provocations can function as legitimate deliberative acts. By examining provocative artworks including Mohammed cartoons, picturing Jesus as a homosexual, graffiti painting a subway car, and faking a psychosis, we argue that seemingly anti-deliberative provocations may be deliberative, if they contain elements of serious efforts to engage in dialogues. It illustrates how provocations can be deliberative by assessing it as part of a social exchange in which – in addition to reason-giving – openness and respectful conduct are given a more prominent position than hitherto.
Introduction

Starting with the empirical turn, different understandings of deliberative theory has led to two main routes in order to explore the possibilities of real life deliberation (Hendricks 2006; Chambers 2009). One is focused on micro deliberation, which primarily means some sort of face-to-face deliberation in small structured forums such as mini-publics (Goodin and Dryzek 2006; Grönlund et al. 2014). The other route is focusing on macro deliberation in the unstructured and informal mass public space, where deliberation must be understood and evaluated differently, since it aims at opinion formation rather than binding decision-making or problem solution (Chambers 2012). Consequently, there is a wide gap opening up between how various scholars and traditions, understands, defines and measures deliberation. Our aim here is to draw attention to, what we consider, the minimal common denominator in micro and macro approaches to deliberation, namely the deliberative act as such performed by an actor, anywhere in the system.

We have witnessed a steady expansion of the concept of deliberation from being mainly concerned with the systematic exchange of reasons, to acknowledge that there are a variety of acts and arguments that might serve a deliberative function in political systems (Parkinson and Mansbridge 2012). Arguably, Sass and Dryzek (2014) have taken the inclusive ambition to its logical endpoint by proposing that even “acts which are not deliberative in intention can be deliberative in its effect. Certain types of protest, for example, may initially operate at the level of affect but later stir reflection and discourse” (emphasis in italics added, Sass and Dryzek 2014, 6).

On the one hand we welcome this development, which should also be understood as a response to the appropriate critique against the exclusionary and elitist tendencies in early deliberative thinking and practices (Sanders 1997; Young 2000). We agree that this expansion
of the understanding of deliberation has made it more inclusive and broadened the applicability of the theory. However, we argue that there is also a risk of severe concept stretching, and it runs the risk of blurring the distinction between a deliberative act and other types of democratic political activism. To attend a political meeting, to discuss politics with your neighbour, or to participate in a demonstration can be a democratic, deliberative or democratic deliberative act – and we need the instrument to be able to tell when it is what. Unless we can distinguish between these activities, in the long run the expansion of the concept may even undermine deliberative theory and eventually make it futile. Hence, we agree with Chambers (2012, 58) that: “not all talk is deliberation”.

In this paper, we address the problem of concept stretching by focusing on the question of what distinguishes a deliberative act in public space from mere outcries (Öberg and Uba 2014). We argue that it is possible to have an accepting stance towards different ways of formulating a reason (story-telling, rhetoric, etc.) if we instead give more attention to the requirement of engaging in dialogue – to develop a “deliberative stance” – to separate deliberative from non-deliberative acts. Moreover, if we are interested in furthering our understanding of what constitutes a deliberative act, we cannot use aggregated measures. Instead we need to properly assess the performing actor and what is required of an actor for an act to qualify as deliberative. Hence, while previous as well as current research is dominated by a focus on discourses, our approach is explicitly actor-oriented.

To demonstrate our argument we draw on four examples of controversial art exhibitions in Sweden that have sparked widespread public attention. By examining provocative artworks including Mohammed cartoons, picturing Jesus as a homosexual, graffiti painting a subway car, and faking a psychosis, we argue that seemingly anti-deliberative provocations may be deliberative, if they contain elements that can be interpreted as serious efforts to participate in dialogues. We show how sometimes the artist proves ready to back up their stated ‘art’ claim
with reasons and justifications, which qualifies it as a more deliberative act. At others times, the artist makes a provocative claim but is unwilling to engage in a dialogue and therefore it is deemed less of a deliberative act.

Layers of Deliberation: Cultures, systems, settings and the deliberative act

There are many layers of deliberation and to evaluate deliberative systems we must understand each sites specific deliberative advantages and weaknesses and also how different sites can be complementary and together add deliberative quality to the system. In this paper, we focus on deliberation in mass public sphere and attempt to identity the essential characteristics of a deliberative act by single actors (institutions, individuals, etc.). However, although our empirical focus is on mass public, the aim is to further our understanding of what a deliberative act entails regardless of the setting and we attempt to identify a minimal common denominator of a deliberative act that is of relevance at all layers and sites in the system. Below we outline how the question of deliberative acts been dealt with in prior research, especially in cultural, systemic and mass public approaches.

As noted, deliberative democratic theory is currently undergoing an expansionist development, in which both its scope and defining features are becoming more inclusive. In terms of scope, more attention is given to deliberative systems and deliberative cultures and how to “map and measure” deliberative capacity (Parkinson and Mansbridge 2012; Sass and Dryzek 2014). From a deliberative system perspective the idea is that there is a variety of sites and actors, which perform certain deliberative functions in the system. As opposed to a ‘unitary actor model’, a systemic view implies that the deliberative virtues can be distributed within the system. For instance, reason-giving could be argued to be the main deliberative
virtue in parliamentary debates and an open-minded, reflective atmosphere to be the deliberative ideal of committees and working-groups (Goodin 2005). By distributing the deliberative virtues in the system a deliberative act implies different things depending on the context, i.e. what constitutes a deliberative act in a parliament do and should differ from deliberative expressions in mini-publics.

Exploring the idea of deliberative cultures, Sass and Dryzek (2014, 2) make the claim that basic political deliberation is a universal feature that is variously expressed across contexts and that “the political significance and practical consequences of collective deliberation can only be understood in local terms, with reference to culture” (Sass and Dryzek 2014, 18). They conceive of deliberation as a practice that can pervade everyday life and that can be instigated by “different rhetorical forms”. Again, the argument is made that there is not a single definition of what constitutes a deliberative act but it depends on the context. Sass and Dryzek (2013, 6) have taken the inclusive approach to its extreme by accepting most acts to be potentially deliberative, which means that they leave aside individuals’ intentions or the strength and the kind of arguments they state. An act is deliberative if, for instance, it “later stirs reflection and discourse” and it is dependent on its “significance within larger discursive systems”.

We are sympathetic to Sass and Dryzek’s argument in terms of the need of being open to cultural differences when it comes to understand and assess deliberative acts and expressions. But even if we agree with the need of adopting a cultural lens, we still must make an effort to identify what is essential to deliberation and what cannot be negotiated away in cultural practices. A similar objection also applies to those who argue for the distribution of the deliberative virtues to different sites within the system (Parkinson and Mansbridge 2012). In the process of separating the deliberative virtues and viewing it as distinct “sequential” moments (Goodin 2005), there is a risk that what is deliberative about these virtues gets lost.
Another research field, highly relevant to our main argument, is more concerned with the proper place of rhetoric in deliberation (Polletta and Lee 2006; Chambers 2009; Dryzek 2010). Although rhetoric is admittedly a specific type of act, it is omnipresent in the public sphere, which makes it vital to understand how it relates to the deliberative ideals and it serves as an important relief to the non-rhetorical provocative art exhibitions we use as illustrations. A rhetorical approach to deliberation emphasizes the actor, the orator, who acts within a distinct setting, and the challenge is to find a yardstick for when rhetoric has a deliberative function. 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).

One route to reconcile the deliberative values with the use of rhetoric is to reconsider the role passionate speech acts play in a system. Instead of being recognized as an obstacle to reasoning, passionate and emotional speeches can also be argued to be an essential ingredient when it comes to motivating citizens to engage with an issue and to invoke public discussion. Simone Chambers defines deliberative rhetoric as a speech act that “creates a dynamic relationship between speaker and hearer” and thereby induce active reasoning and reflection on the issue at hand among the listeners (Chambers 2009, 13). Chambers argues that rhetoric can be more or less deliberative depending on if the speaker pay respect to the audience by not only being driven by “numbers and winning” but rather “attempt to engage, persuade, or trigger reflection” (Chambers 2009, 17). While Chambers’ contribution is to argue for rhetoric to be potentially dialogical, she does not sort out the defining elements of the deliberative act as such. Just as was the case with the study by Sass and Dryzek, the structure and content of the type of rhetoric that actually does create a dynamic relationship with the audience can only be assessed over time. No observable indicators are presented on how to go about analysing the quality – the deliberativeness – of rhetorical acts as such.
Furthering our understanding of rhetorical acts in the public sphere, a more empirically useful concept is the distinction between bridging and bonding rhetoric (Dryzek 2010). As a rule with many exceptions, Dryzek clams bridging rhetoric to serve a deliberative function in political systems because it is speech acts aimed at reconciling different audiences by emphasizing similarities across groups. The bridging-bonding distinction shows how a speech act can either further or hamper the development of a deliberative system depending on its content. Bridging-bonding distinctions are relevant to our purposes although we need a more elaborated definition that is not limited to the effects of a speech act but also considers what demands are reasonable on the act as such. As Dryzek notes: “if we accept rhetoric as a democratic practice it is urgent to develop tests that distinguish between desirable and undesirable rhetorical invocation and suppression of particular discourses” (2010, 2). Our ambition is to suggest a way to evaluate the deliberativeness of acts in mass public on a scale between deliberative and non-deliberative. In contrast to Chambers and Dryzek who both assess rhetoric in relation to its systemic implications, our intent here is to dig deeper into the constitutive elements of a deliberative act, and leave the possible long-term implications aside.

**Deliberative acts: reason-giving within a deliberative stance**

The question of what constitutes a deliberative act is of relevance to informal public sphere deliberation as well as designed minipublics. Even though there are severe disagreements over the definition of deliberation, most researchers agree that deliberation is a problem-solving process based on competing validity claims, where actors justify their positions, listen to each other with mutual respect, and are willing to re-evaluate their initial preferences (cf. Steenbergen et al. 2003, 3, Bächtiger et. al. 2010). As this quote shows, there are two main
components of deliberation – *reason-giving* and a dialogic dimension involving *preparedness to change (openness)* and listening with *respect*. These are crucial to the deliberativeness of an event yet, the tendency is to treat them independently of each other, as distinct virtues, which we argue to be deeply problematic. This extreme way of separating deliberative virtues actualizes the problem of concept stretching (Thompson 2008).

Unless we have a developed understanding of what counts as deliberation in practice it is impossible to assess the quality, the deliberativeness, be it a minipublic discussion, parliamentary debates or the public sphere. The most established and used measurement of deliberation is the Discourse Quality Index (DQI) (Steenbergen et al. 2003), which consists of 7 coding categories, assessing both reason giving and dialogic aspects. The DQI instrument is used to evaluate speech acts as contributions in specific contexts, often debates in parliaments.

Another suggestion on how to evaluate, primarily, minipublic deliberation is Curato’s sequential analysis of a deliberative encounter. By “disaggregating the deliberative process into stages” she is able to map out “the indispensable deliberative virtues per phase that facilitate the successful completion of a deliberative encounter” (Curato 2012, 437).

Although there are important overlaps between the sequential analysis and our approach – especially the ‘richer’ understanding of deliberation, beyond simple reason giving exchanges – both the DQI and the sequential analysis are concerned with the constitutive elements of successful deliberative *encounters*. Our aim is to map out the defining features of a deliberative *act*. In our approach we focus on single actors and to identify the overt observable behaviour required for an act to qualify as deliberative.

In the following sections we will go through each one of the two components and show how they have been dealt with in prior research. We intend to show how reason-giving been prioritized on the expense of the dialogic dimension in empirically oriented discussions.
Similar to Rosenberg (2007), we argue for the importance to recognize the inherent social and dialogic dimension of a deliberative act.

**Reason-giving: the core element of deliberation**

All citizens, public servants and politicians are *expected to give reasons* for their political claims as well as respond to others’ reasons in return (Thompson 2008, 498). Hence, reason-giving is undisputedly at the core of deliberation. In spite of this, many—or even most—controversies within the field have focused on the understanding of reason-giving.

For a long time the most common understanding of reason-giving rested on an ideal of undistorted communication free from politics and strategy, very much like an ideal research seminar. The need for reasons to be sincere or truthful was often emphasized (Bächtiger and Steiner 2005). Once the deliberative empirical turn took off this understanding of reason-giving was challenged by many who stressed that it is the arguments and their function that matters, not the motives and intentions (Thompson 2008, 504), and that too demanding definitions would make deliberation possible only in very limited and controlled forums (e.g. Fung 2003). Advocates of a more accepting stance towards reason-giving argue that, for instance, self-interest (Mansbridge et. al 2010), interest advocacy (Hendricks 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 2010).

This development was initially a response to criticism from e.g. diversity theory and feminists that argued that reasons are context bound and that what is considered impartial reasons in one context may be partial in other cultures or in relation to “marginalized groups” (Chambers 2003; Young 2000). 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). Disagreement between the advocates of a more inclusive versus a more restrictive approach is serious since it obscures deliberation among deliberative theorists themselves. Hence, there is a need to discuss the limits of deliberation and what a justified claim looks like.

To distinguish between different types of reasons, based on its content and structure (i.e. rhetoric, storytelling, etcetera) and to say that some type of claims are more valid or better suited for deliberation than others is problematic because it equals deliberative acts with speech acts. Given that we perceive of deliberation as something more than purely a speech act (which is why we use provocative art as illustrating examples), we agree with the proponents of inclusiveness in so far that we should be open to differences in deliberative style between people and groups when it comes to how reasons are expressed. We advance an inclusive approach by examining provocative art and although the principle is that ‘any reason goes’ we do have a basic requirement for an act to qualify as a justified reason in deliberation, which we refer to as a reasonableness criteria.

A reasonableness criteria is needed to evaluate the deliberativeness of an act. Although some argue that even non-deliberative acts might have deliberative systemic effects (Sass and Dryzek 2014), unless we have at least a minimal criteria for what counts as a deliberative reason, even the horrendous rape in India could qualify as an act of deliberation because it led to widespread mobilization and public debate about the oppression against women. From our perspective the crucial question is if, as in this case, a brutal rape is the only way to get the issue on the agenda and to have a sense of when and “why non-deliberative processes are to be favoured over potentially deliberative ones” (Owen and Smith 2015). Assessing the value of non-deliberative practices must involve a consideration of alternative acts that can be assumed to have similar effects as well as to differentiate between short affective mobilization
and long term discursive changes. Although non-deliberative acts might trigger deliberative processes the relevant question for us is to pinpoint the deliberative act, which triggers a deliberative system while leaving outright non-deliberative acts outside deliberation.

A useful analogy to illustrate what we mean by reasonableness is to think of self-defence and what is to be considered acceptable use of force to fend off a perpetrator. The appropriate use of force is dependent on the type of threat or force that one is facing. If someone threatens me with a gun more violence can be accepted on my behalf compared to if a person accidently bumps into me in a waiting line. This echoes Fung’s argument that: “the extent of permissible deviation from deliberative norms increases according to the adversity of political circumstances” (Fung 2005, 397). The reasonableness criteria implies that an act must be considered in light of surrounding political, economic and social contexts to determine its justifiability.

Finally, we think that the debate so far between advocates of restrictive versus inclusive definitions of reason-giving misses an important point. We argue that the value of deliberation, what makes it distinct as a decision-making process, is not the act of stating a reason but the process of making a claim. Hence, to deal with the challenge of concept stretching and to keep what is unique with deliberation we need to go beyond the simple focus on claim stating and consider the dialogic requirement i.e. to what extent a speaker is ready to follow up on their stated claims by providing the listener with explanations, justifications and to be willing to respond to questions. Only by considering the two deliberative demands – reason-giving and dialogue – in parallel is it possible to evaluate and measure the deliberative quality of acts in public sphere, which brings us over to the next dimension.
The additional requirement: a deliberative stance

It is often stated that deliberation is a cognitively demanding enterprise but even more so we argue deliberation is a socially and emotionally extremely demanding exercise. Deliberation is commonly defined as a problem-solving process in which actors state their claims, justify their positions, listen to each other and are open to reconsider their stated claims if convincing arguments are put forth (Steenbergen, Bächtiger et al. 2003; Bächtiger, Niemeyer et al. 2010). Thus, reason-giving in terms of justifications of assertions and validity claims can be deemed a necessary but not in itself sufficient criteria for deliberation. Albeit terminological variations, integral to most conceptions of deliberation is also a demand on citizens to engage in dialogue with an empathetic and respectful attitude towards contenders (see for instance, Goodin 2005). Here we refer to this side of deliberation as the dialogic (socio-emotional) dimension of deliberation and argue that it is often neglected in empirical research mainly due to the problems involved in identifying more specifically what it is and the considerable challenges in turning it into observable indicators.

The dialogic dimension encircles both emotional and social aspects of what it means to deliberate. The need for emotional recognition is not only possible in deliberative contexts; it is increasingly seen as important. This is particularly in light of empirical observations of actual deliberation (Mansbridge et al. 2006). Empirically oriented studies have identified compassion/solidarity (Ryfe 2005) and empathy (Morrell 2010) as critical in deliberative practices. For instance, in research on intergenerational equity and environmental governance, deliberation is supposed to provide a mechanism for developing empathy for “voiceless” interests by making them salient during the dialogical interchange (Goodin 1996) and induce reflection of the “other” such as future generations (Arias-Maldonado 2007).
Mansbridge et al. (2006, 5) have noted the importance of emotions when it comes to motivating people to engage in deliberation. To be able to engage in this kind of social conduct it requires of the individual a “certain degree of positive emotional engagement” (Rosenberg 2007, 348-349). Ryfe argues for instance for the crucial importance of storytelling because it “plays a variety of roles to lower the structural, psychological, and social barriers to deliberation. Storytelling’s capacity to develop and sustain situated identities plays an important role in determining whether individuals feel compelled to engage in deliberate reflection at all” (Ryfe 2006, 80). However, most research on emotions and deliberation have been undertaken by scholars doing research on deliberation in small groups but our aim is to transfer their arguments to deliberative acts in a wider political setting.

In this context our aim is to transfer what the socio-emotional dimension of deliberation requires of individuals in a system framework, for political talk in general and not only restricted to face-to-face interaction as in minipublic settings. To account for the political talk that can be considered to have a deliberative function, Owen and Smith suggest that it is when individuals take a “deliberative stance” which means to view others ”as equals engaged in the mutual exchange of reasons oriented as if to reaching a shared practical judgment” (Owen and Smith 2015, 228). Ryfe has used similar terms such as “deliberative mindset” and “deliberative posture” to assess how to make people to become “motivated to engage in intentional reflection” (Mansbridge et al. 2006, 17). The stance is assumed to create a conductive atmosphere for deliberative reflection (Mansbridge et al. 2006). Once a deliberative stance has been activated it provides the motivation to consider others interest and to enter into dialogue with an open, empathetic and respectful attitude.

There are especially two merits by thinking of deliberation as a particular stance. First, focusing on a deliberative stance is a way to correct the simplification of much prior research that has been concerned with individuals potential to deliberate who has tended to think of it
in terms of various cognitive skills. Second, a deliberative stance is possible to apply in any setting, formal or informal and all forms of political talk, which makes it relevant in a systemic approach to deliberation.

Once an actor acts within a deliberative stance the assumption is that she is more likely to relate to others as if they were deliberating, for instance by explaining, defending and/or changing her opinions, react to the other’s actions or ask questions, expressing understanding for the other’s views, using ‘bridging’ rhetoric, or even make explicit references to deliberative norms.

Hence, we argue that deliberation is not simply a matter of cognition (i.e. the intellectual process required to engage in reason giving exchanges) but has an essential socio-emotional dimension (cf. Rosenberg 2007, 342) which means that if we are to evaluate deliberative practices we need to account for both dimensions. By giving more – or equal weight – to the socio-emotional dimension which so far been treated rather unfairly in empirically oriented research, we argue it is possible to keep an inclusive understanding of reason-giving and, at the same time, draw a line of demarcation to non-deliberative acts, thereby avoid concept stretching.

To sum up our position: Similar to Curato’s sequential analysis of a deliberative encounter, a deliberative act consists of two independent but related sequences: claim stating (reason-giving) and claim making (engaging in dialogue). A deliberative act is performed by an actor that makes a claim by engaging in a (directed or open) dialogue about a collective matter where reasons are not only given but also explained, clarified and defended in terms that makes sense in the specific context and to the audience it is addressed to. Although this definition comes close to a general understanding of deliberation, it should also be distinguished from many other definitions. First, we agree with the deliberative theorists
referred to above that a claim and a reason for that claim can be formulated or expressed in many different ways. As long as it does not cause harm to other people, is plain manipulation or coercion, it should be acknowledged as a claim (Chambers 2012, 59), what we refer to as a minimal reasonableness criteria. Second, in order to qualify as a deliberative act, the claim and the reasons for the claim must be *made as* contributions to a (at least imagined) dialogue with an audience in a specific context. This means that the deliberative quality of the act cannot be measured by studying a single claim or reason as is often done in deliberative research. The decisive characteristic is how it is explained and justified. Yet, to avoid domination by particular social norms of acceptable ways of talking and acting, we should relax the demands usually put on how a claim is expressed while giving more emphasize to the follow-up of a stated claim. Hence, it is the dialogue as a whole, with claims and reaction to listeners’ response, which makes it more or less deliberative. (However, it should be noted once again that the focus here is on the single actor, evaluating when an actor is behaving deliberative, and not an assessment of the quality of the interaction). Third, that the dialogue not necessarily needs to be directed to a certain audience/actor underscores that face-to-face interaction or exchange of reasons directly between actors is not a requirement for a deliberative act. As explained above, deliberative acts may also 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). Deliberation in public space is “problem-solving” only in an abstract meaning and more focused on opinion formation. This means, of course, that also the understanding of what a dialogue is differs from how it is used in situations of small deliberative forums. In mass public space, the response that the claim-maker has to listen to, and further explain the claim in relation to, might be a diffuse collective voice that needs to be interpreted by the claim-maker. At a minimum, a deliberative act needs to be performed *as if* it was part of a dialogue with relevant
participants i.e. within a deliberative stance. Four, our focus on individual actors and deliberative acts has several important theoretical implications. In particular, a deliberative act must be separated from requirements of deliberative processes and deliberative systems. If a claim is responded to by violent or oppressive means – or plain silence – it halts the development of a deliberative system. There must be recipients that do not reject claims by others as spontaneous emotional outbursts, as nonsense or gabbling but engages in a dialogue with the speaker. One single actor cannot make up a deliberative process or a deliberative system. What this means is that deliberative acts by themselves are not sufficient to create a deliberative system but bring with them a potential for deliberative systems to take off. It takes actors performing deliberative acts – not non-deliberative acts –, which other actors can build upon for a deliberative system to emerge.

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 (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).

**Illustrative cases: the art of deliberative claim making**

Our intension here is to illustrate and elucidate our own claim. Since we argue that a deliberative act can begin with almost any claim, a most challenging, least-likely but also most illustrative case should include a very vague claim-stating – a non-rhetorical act – and
then to focus on the quality of the claim-making. One option would be to focus on political protests in order to distinguish deliberative acts of protests from mere political outcries (Öberg and Uba 2014). This would have provided us with cases where the use of rhetoric in deliberative acts could have been enlightened. However, we will take on that challenge elsewhere, and have instead chosen to analyse cases where the claim and audience is even more contested, namely in political art. Art is usually an example of non-verbal narratives. John Dewey argued that art can express meanings that are not accessible through words, and it does this through creation of a new experience (Mattern 1999, 57). The difference between speech and artistic acts is that while speech attempts to convey experiences since "art is a form of direct experience" (Mattern 1999, 57). In order to still study a certain form of extreme rhetoric that can challenge and squeeze out our understanding of deliberative acts, we will study four cases of provocative art exhibitions in Sweden. They were all 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 them had deliberative elements (Tännö, 2009).

First, we compare two very similar art exhibitions that both provoked religious groups and were followed by intense debates. We will argue, that one of the exhibitions should be considered a more deliberative act (Elisabeth Ohlson Wallin’s Ecce Homo show), while the second (Lars Vilks’s Mohammed caricatures) should only be considered a provocation or an outcry. Second, we will analyse the work of two performance artists, which committed criminal acts in their final exam from Art College in Stockholm. Again, one of them explained a claim as part of an (at least imagined) dialogue with an audience (Anna Odells’ Unknown Woman) and should be considered an act with deliberative elements, while the other was not a deliberativ act in our understanding of the concept (Magnus Gustavson’s Territorial Pissing).
The Mohamed caricatures

The publication of Lars Vilk’s Mohammed caricatures in *Nerikes Allehanda* (Swedish daily newspaper) in June 2007 was a grave religious provocation, which stirred up a lot of emotions and almost created a diplomatic crisis between several Scandinavian countries and Muslim countries. The sketches were accompanied by an article with the title: “Rättens att kränka en religion” (The right to humiliate/violate a religion”).

Vilk’s outspoken objective was to draw attention to the limitations in freedom of speech in art (Vilks 2007.07). The publication of the caricatures also spurred a debate on the importance of the principle of freedom of speech that took place in newspapers, television and on blogs in which two sides developed quickly. On the on hand where those agreeing with Vilk’s claim, mainly journalists and editors, that it is every citizen’s democratic right to paint Mohamed caricatures if they wish to do so. On the other side stood those who condemned the publication and deemed it a non-acceptable act of provocation. Voices in the latter group were mainly from members of religious groups.

Although disrespectful, Vilk’s act falls within the realm liberal democracy (i.e. to raise the question of freedom of speech by the means of provocative art, see Gustavsson 2014), but it was not a deliberative act as such. There are two main reasons for this conclusion. First, the blasphemy in it self – i.e. the caricatures – was not necessary or needed to state his claim although he had his full artistic freedom to do so if he wished to (cf. Neuding and Lundberg 2010.05.17). The blasphemy of Islamic laws was a mean to reach a higher end i.e. to demonstrate the limitations of our fundamental right of speech. So far so good, but when we consider the severe blasphemy, directed at a weak minority in a Swedish context, the act cannot be deemed reasonable given the political and social surrounding. The unreasonableness of the act is evident if we consider the fact that the blasphemy was
undertaken to demonstrate the limitations to the principle of freedom of speech yet it was this same principle that made the blasphemy an acceptable democratic act to start with (the fact that the art was performed in a secular country has also been commented on in media, see, for instance, DN 2012.08.08).

Second, although Vilks did engage in dialogue afterwards explaining and justifying the importance of freedom of speech, he did not engage in a dialogue with Muslims on why it is important for him to publish degrading drawings of Mohammed. Vilks provocation was aimed at Muslims in general, not only Islamic terrorists, and to demonstrate how ‘they’ could not tolerate free speech (Vilks 2014.01.06). 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 can’t understand his actual claim (SVD 2010.03.10). For instance, a Swedish politician and Muslim, Nalin Pekgul, has questioned the lack of reasons for drawing Mohammed (SVD 2010.03.10). 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 the freedom of speech) but the publication of the caricatures was meant to provoke rather than claiming something that was justified by his pictures. In this sense, the caricatures were only a mean to an end, while Vilks intention was to trigger a meta-discussion on the right of speech.

Vilks caricatures triggered an internal debate in Western media on the limitations and threats to the fundamental principle of freedom of speech but to spur this debate within the elite (journalists, artists, academics, politicians, see Gustavsson 2014) is not enough to motivate the severe deviation from the deliberative norm of respect. Within this elite discursive context it is likely that the article Vilks published in connection to the art exhibition (“The right to humiliate a religion”) would have been enough to activate a slumbering discourse on the
principle of freedom of speech, which also Vilks himself has noted, see (see, Vilks 2014.01.06).

**Jesus in homosexual situations**

The second example 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 just as provocative as Vilks and she too has been abused and threatened by people, primarily Swedish Christians that dislike her work.

Elisabeth Ohlson Wallin has stated that the purpose with the Ecco Homo was to show a more humane Jesus and to open up a dialogue about homosexuality among Christians (Gustavson 1998). As a lesbian and a Christian, Ohlson Wallin dedicated the Ecco Homo exhibition to her homosexual friends. The Ecco Homo exhibition was an attempt to give voice to a neglected group within Christianity and as such the exhibition is a political claim. In contrast to Vilks’s provocation that was deemed unreasonable, mainly because it targeted an already weak minority in a Swedish context, Ohlson Wallin’s provocative art is a reasonable deliberative act because it targets an established institution, the Swedish Church. She has been keen 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 Olson 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 towards homosexuality. If we compare Ohlson Wallin’s Ecce Homo to Vilks’ Mohammed caricatures, the difference is that while she engages in a sincere 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 following discussions. However, given the obvious effort she put into explaining the logic of how her pictures illustrated and therefore justified her claims in terms that can reasonably be considered making sense in this specific context, this act should be considered to have deliberative qualities.

**Territorial Pissing**

The two remaining art exhibitions we use to illustrate our argument 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 year studies at Art College with a film that he named Territorial Pissing. It shows a man, presumably NUG, that totally destroys a commuting train car by spraying it with black colour, and eventually crashing a window and disappear. 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 on an art exhibition in Stockholm and seen by the Cultural minister Lena Adelsohn Liljeroth, who deemed it a provocation and stated that it was not art but an illegal act, it received attention from outside the art world (Eriksson 2010). Once the Cultural minister had made the claim that this was not art a wide public debate took place in which two sides developed, one arguing for the artistic freedom and the recognition of graffiti as an artistic expression, hence it should be legalized, and the other side arguing that graffiti is an abuse of public space and punishable.

Territorial Pissing evoked a lot of 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). Still, we argue that Gustavson’s Territorial Pissing should not 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 states for making Territorial Pissing is that it was an attempt to develop graffiti as an art form and to capture the “energy” of graffiti (Björklund 2012). Territorial Pissing is therefore not considered a claim at all but art or, if one prefers, criminal conduct. At the same time a deliberative system 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 no such things), 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 claim in political and social processes that serves a deliberative function, (which overtime 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 collage, 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 that was about to jump from a bridge in central Stockholm. She was taken by the police and treated by the psychiatric clinic at a Stockholm hospital. 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 (Treij 2013). She was charged in court, but acquitted because she did not have any criminal intent.

During the first few months Odell did not comment, explain or answer questions on why she had performed and documented the pretended break down on the bridge that late evening in Stockholm. She has explicitly said that she did not want the risk of the artist (i.e. she) to be
the focus of attention but 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 ways at their disposal to claim-making. For our purposes, this means that we cannot simply draw the line between those artists who chose to verbalize their claims and those restraining from it but must use a sharper tool to distinguish between those who welcomes the debate and 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 policemen that brought her to hospital and the doctors that 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 ethical reasons). The audience was instead participants in public space, where she opened up and followed up on a discussion on a main 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 has severely negative effects especially on mentally illness 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.

**Conclusion**

In this paper we have discussed the distinction between deliberative and non-deliberative acts, while still acknowledging that most real-life cases will be found on a scale of deliberativeness
between these two extremes. We have argued that a deliberative act should be understood as a potential—necessary but not sufficient—trigger of a deliberative system. It is also important to separate acts that initiates deliberation from what reasonable can be considered an act of deliberation in itself. An impulsive act of violence by a person under the influence of drugs, may well spur an advanced deliberation on violence and drugs, but should not be considered part of deliberation itself. The main argument is that engaging in serious dialogue about collective matters is at the core of a deliberative act. We argue that two of the artists did this, the other two didn’t. It is important to emphasise 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 that was 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 that two of the artists participated with explained and justified reasons in an important issue for the communities that were addressed, and that the arguments from different sides were publicly available in public space, but we don’t know if it had any impact on opinion formation, if it lead to more informed, deliberated opinions or “prepared the agenda for political institutions” (cf. Chambers 2012, citing Habermas 2006, 416). However, we do argue that those two artists that performed deliberative acts laid a better ground for reflexivity, than in the other two cases where someone else needed to spark deliberation. At a theoretical level, we argue that we have illustrated that identifying deliberative acts, and separate them from non-deliberative acts is an important theoretical building stone needed in order to understand how deliberative systems (may) work.

If we accept that from a deliberative system perspective the aim is to make deliberative acts the socially accepted and most established way 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 “adopting and cultivating the deliberative stance within the ‘unruly politics of social life’” (Owen and Smith 2015, 15).

References


