Global justice and transnational civil disobedience

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Abstract
Almost all accounts of global justice recognise that the world, as it is, is unjust, and that something ought to be done about this. But what? In this paper, I argue that wealthy individuals have a duty grounded in the natural duty of justice to engage in civil disobedience against the currently unjust global order with the aim of pressuring for institutional reform. In particular, I argue that those who subscribe to the two main views on global justice—cosmopolitanism and statism—can agree that the conditions which give rise to the duty to engage in civil disobedience obtain in global society today. I then explain why I focus on transnational civil disobedience, argue that only the wealthy have the duty to engage in it, and give an example of how this duty has been discharged in the real world.

Keywords: global justice; civil disobedience; transnational politics; global institutions

It is well-known that a significant proportion of the world’s population currently live in conditions of severe and crippling poverty. In light of this, Roberto Gargarella draws on the rich history of theorists who defend the right to resistance to argue plausibly that those who suffer from severe poverty and deprivation have a right to disobey the laws enacted by the legal orders that systematically fail to respect their rights.1 Interesting and attractive as this proposal is, I take a different path in this paper: I argue that wealthy individuals have a duty—not merely a right—to engage in transnational civil disobedience to push for reform of the current global order.

I take this path for two reasons. First, emphasising the duty of the wealthy to engage in civil disobedience is fairer to the global poor. Of course, the poor should not be seen as helpless infants totally lacking in agency and the capacity to improve their situation. But we should also remember that the wealthy have distinctive responsibilities to alleviate global poverty and reform the global order.2 Moreover, simply relying on the poor exercising their rights to resist as the means to reform the

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Citation: Ethics & Global Politics, Vol. 8, 2015 http://dx.doi.org/10.3402/egp.v8.27217
global order seems perverse given that many of them are in conditions of deprivation that preclude them from exercising any rights at all.\textsuperscript{3}

Second, providing an argument for the duty to engage in civil disobedience is more challenging and controversial than establishing a right to do so. Therefore, in showing that the wealthy have such a duty, this paper breaks new ground in the ongoing philosophical discussion of civil disobedience.\textsuperscript{4}

My argument is based on a duty that many theorists invoke when advocating reform of the global order: the natural duty of justice. A possible criticism of relying on this duty when arguing for reform of the global order is that it is vague and does not specify either an agent charged with acting on it or a particular action any agent must perform. In other words, it is an imperfect duty.

In this paper, I specify the natural duty of justice with regard to the agents asked to discharge it—wealthy individuals—and the actions that they are required to perform—civil disobedience—therefore, contributing to ‘perfecting’ what was previously a troublingly imperfect duty. I argue for the duty to engage in transnational civil disobedience as a way of pressuring for reform of the global order, as one possible instantiation of the more general natural duty of justice to support and further just institutions.

My argument also seeks to shift attention from longstanding disputes about what ideal global justice looks like to an account of how we can go about improving the status quo. The reason for the traditional focus on ideal theorising over accounts of what to do here and now is because, as John Rawls puts it, ‘until the ideal is identified ... nonideal theory lacks an objective, an aim, by reference to which its queries can be answered’.\textsuperscript{5}

I do not seek to challenge the methodological primacy of ideal theorising in this paper. What I do instead is argue that even those who disagree vigorously about what ideal global justice looks like can agree that the current global order is unjust and that transnational civil disobedience is a good way of improving it.

Moreover, I argue that transnational civil disobedience is a better way of pursuing global justice than many other proposals for improving the global order because it engages with what I take to be the supremely important tripartite relationship between justice, institutions, and systems of law. This three-way relationship needs to be constantly evolving if it is not to be overly biased towards the status quo and one way to pressure for the necessary amendments to the relationship—in this case the reform of existing and building of new, global institutions—is to break existing law.

In the section titled Global Society as Uncontroversially Unjust, I outline the two main positions in the global justice debate and explain that their proponents both agree that the status quo is unjust. I then argue that those who subscribe to both views can also agree that the global status quo displays the conditions which give rise to the duty to engage in civil disobedience, according to a reinterpretation of the conventional account. Indeed, the interpretation of the conventional view of civil disobedience I follow in this paper actually helps to clarify it and reveal the justification for some of its more controversial features.
In the section titled Civil Disobedience in the Global Sphere, I introduce the distinction between transnational and international civil disobedience proposed by Michael Allen, and explain why I focus on the former. I then amend Allen’s definition of transnational civil disobedience and further specify the individuals that it is said refer to, arguing that only wealthy individuals have the duty to engage in transnational civil disobedience against global injustice. I also provide some reasons to think that transnational civil disobedience is a good response to global injustice, which do not relate to the conditions which give rise to the duty to engage in civil disobedience described in the next section, and examine a real-world example of transnational civil disobedience.

GLOBAL SOCIETY AS UNCONTROVERSIAUALLY UNJUST

Almost all accounts of global justice converge on the view that the world, as it is, is unjust. This fact might seem to suggest that little follows from such a claim, apart from the vague, general requirement to ‘make the world more just’. In which case, everything will depend on the particular account of global justice that one favours and all semblance of widespread agreement on the matter will evaporate.

But, as I show here, a more specific duty—the duty (of the wealthy) to engage in civil disobedience—follows from the widespread acknowledgement that the world is unjust, and this duty can be endorsed by those committed to even the most divergent accounts of global justice. In this section, I briefly outline the two main positions in the global justice debate and explain why their proponents ought to regard the status quo as displaying the conditions which give rise to the duty (on the part of some) to engage in civil disobedience.

The global justice debate

There are two dominant views of what justice requires in the global sphere. The cosmopolitans advocate global egalitarianism along similar lines to what liberal egalitarian political philosophers tend to think appropriate for the domestic setting. By contrast, the statists, though typically in broad agreement about the desirability of egalitarianism in the domestic setting, argue for global sufficientarianism around the world. Put differently, cosmopolitans think that a presumption in favour of equality should govern the distribution of socio-economic entitlements amongst relevant agents across the globe, while statists think that it is enough that the relevant agents have, well, enough.

Brief as my review of the two positions may be, it is sufficient to establish that both regard the status quo as unjust and in need of substantial institutional reform. Cosmopolitans take this to be the case because nothing even vaguely resembling an equal distribution of socio-economic entitlements exists in today’s world, and statists regard the global order as unjust because many individuals and states simply do not have the resources required to satisfy their basic needs or, in the case of states, the basic needs of their citizens. Taking either of these conceptions of global justice...
seriously would require significant global institutional reform, though different reforms in each case.  

Of course, cosmopolitans and statists do not agree on everything, and one area of disagreement between them poses a strong challenge to my aim of advancing an argument for transnational civil disobedience that is compatible with both of the two main positions in the global justice debate. Statists and cosmopolitans agree that the status quo is unjust but disagree about the extent of the present shortfall from justice. More specifically, the cosmopolitan is likely to think that the current global order is much further from full justice than the statist is. Or, to put it another way, we are much closer to a world in which every state has at least the resources required to satisfy the basic needs of its people than we are to a world in which socio-economic entitlements are distributed roughly equally amongst all individuals globally.

This is a challenge because civil disobedience has typically been thought to be appropriate only under certain conditions: in nearly just societies. But, as we have just seen, a key aspect of the dispute between cosmopolitans and statists involves a disagreement over how near the status quo is to ideal justice. How, then, can theorists engaged in the global justice debate disagree about this key issue and still endorse my case for transnational civil disobedience?

**Civil disobedience, conventionally understood**

Typically, civil disobedience has been understood as illegal, public, non-violent, conscientious protest that has the aim of pressuring the authorities to reform what are perceived as unjust laws or practices, and for which the disobedient is willing to accept the legal punishment. The laws and practices that the disobedient regards as unjust are typically seen as deviations from a larger body of basically just laws, which characterise the society in question. If the social order within which the protest is taking place is not ‘nearly’ or for the most part just, then more radical forms of protest such as revolutionary disobedience, which would seek to overturn the entire regime, could be more appropriate. Indeed, it is the fact that the disobedient has a certain allegiance to the current regime that helps to explain why the protest is non-violent and why the protester submits to the customary punishment.

Very few people deny that it is justified to engage in civil disobedience so defined to protest against conditions of domestic injustice—and history provides rich proof of its worth with regard to promoting greater justice within the boundaries of the state. The main argument of this essay is that civil disobedience is also an appropriate way to promote greater global justice and, moreover, that some individuals have a duty to engage in it to this end. And the question remains about how those committed to the radically divergent accounts of global justice outlined above can agree that the current global order is basically just but flawed in a few respects, and, therefore, that it displays the conditions which give rise to the duty to engage in civil disobedience.

Indeed, it would seem that cosmopolitans, who in no way regard the current global order as for the most part just, might reject the idea that two of the hallmarks of civil disobedience conventionally understood—non-violence and accepting the punishment—are appropriate features of protest against global justice at all. Which is to say
that they are likely to think that revolutionary, not civil, disobedience is called for. And so it would seem that statists and cosmopolitans cannot both endorse the view that the current global order gives rise to a duty to engage in civil disobedience after all.13

To answer this challenge, we need to get a clearer idea about what grounds the duty to engage in civil disobedience and what the conditions are which give rise to that duty. I will take each in turn.

**The grounding for justified civil disobedience: the natural duty of justice**

As I mentioned above, part of the conventional definition of civil disobedience is that it is conscientious, public, and aimed at pressuring for reform of laws and practices that are held to be unjust. These three features might be said to correspond to various aspects of the motivation on the part of the disobedient: she feels compelled by her conscience to engage in an activity that will notify and hopefully persuade the authorities and public at large that an unjust law or practice of her society must be reformed.

Another way of saying this is that civil disobedience is one way for an agent to discharge their fundamental responsibility to try to make the world more just. Or, as John Rawls puts it, civil disobedience is founded on the ‘natural duty of justice’: to support just institutions on the one hand, and the duty to further justice and oppose injustice on the other.14 Rawls regards this duty as ‘fundamental’ and ‘unconditional’, and the description of it as ‘natural’ refers to the fact that it holds ‘between people irrespective of their institutional relationships ... between all as equal moral agents’.15 I shall not seek to justify the natural duty of justice; I take it to be uncontroversial that all moral agents have it as a fundamental duty.16

It should be noted that an account of civil disobedience founded on the natural duty of justice in this way actually does not permit agents to support a regime that engages in systematic injustice because it demands that individuals either support an order that is just or oppose it if it is not.17 In this sense, the natural duty of justice is disjunctive,18 and civil disobedience should be seen as one possible instantiation of the latter disjunct which demands that individuals oppose an unjust order.19

Of course, this relies on individuals making judgements about when to obey the law and it might be objected that this would be a recipe for anarchy and disorder. But, as Rawls says, ‘each person must indeed make his own decisions ... they are always accountable for their deeds’.20 Which is simply to say that Befehl ist Befehl21 is not an appropriate defence, for the citizen or the soldier.

It is certainly true that this judgement is made more complicated when an individual is faced with a global order that is manifestly unjust but she only has access to the laws of an approximately just domestic order as potential targets of her disobedience. This does not make the judgement any less the individual’s to make. One of the points all accounts of global justice agree on is that there is such a thing as a global order, which can be appropriately measured for the prominence of the virtue justice, and which currently exhibits too little of this virtue. However, given the fact that most people only have access to domestic laws as potential targets of illegal protest, the duty to engage in civil disobedience against global injustice might then be seen to involve a clash between global and domestic duties.22
But, given the grounding followed in this paper, the duty to engage in civil disobedience against global injustice is better described as involving a tension within the natural duty of justice: at what point does clear injustice globally outweigh approximate justice locally, and therefore tip the balance in favour of opposing, instead of supporting, the current order? Answering this question will involve assessing the extent of injustice globally versus justice locally, followed by an assessment of the most appropriate and effective means by which to enhance justice. I discuss the appropriateness and effectiveness of civil disobedience as a means of enhancing global justice later on in the paper. For now it is enough to note that, given the scale of suffering and misery globally, it seems clear that the balance of justice versus injustice speaks in favour of resisting the current order. The fact that the order being resisted is global and not domestic does not make the duty to oppose injustice a less important duty.

I should make it clear that my claim is not that civil disobedience is the only way to discharge the natural duty of justice, but that the duty to engage in civil disobedience is grounded in the more basic natural duty of justice and is therefore one of the possible ways to discharge it. The considerations which speak in favour of civil disobedience as a means of discharging the natural duty of justice are not simply strategic, but, as I will go on to argue, relate to what is morally required in certain specifically defined conditions. The fact that the duty to engage in civil disobedience is obviously empirical in this way does not, it seems to me, make the reasons which support it any less principled. It simply expresses the idea that our moral duties are sometimes a function of facts about the world that we live in. I take this idea to be fundamental and uncontroversial.

The conditions for the duty to engage in civil disobedience: a piecwise just society

One might think that it is enough to establish that civil disobedience is grounded in the natural duty of justice to show that both cosmopolitans and statists can agree that (some) individuals currently have a duty to engage in it. This is because the natural duty of justice demands that you oppose a regime that is unjust and everyone agrees that this is the case with regard to the current global order.

There are two reasons why I do not think this is enough. First, the fact the world is currently unjust suggests that both cosmopolitans and statists should oppose it but it does not pick out civil disobedience specifically as the method by which they should do so. Second, it does not explain the fact that civil disobedience has typically been thought appropriate in a nearly or for the most part just setting. This needs explaining because, on first impressions at least, proponents of the two dominant accounts of global justice cannot possibly both agree that such conditions currently obtain.

Saying that civil disobedience is appropriate only in a society that is nearly or for the most part just might seem to suggest that civil disobedience, conventionally understood, would be most—perhaps only—appealing to the statist as a means of...
pursuing greater global justice. This is because statists believe that the current global order is nearer to full justice than cosmopolitans do.

As I highlighted earlier, the cosmopolitan’s account of justice diverges considerably from the status quo and so it seems that she would not be able to endorse the view that global society currently exhibits the conditions which give rise to the duty to engage in civil disobedience as opposed to revolutionary disobedience. In particular, the cosmopolitan is unlikely to see why non-violence and accepting the punishment must be part of any campaign to pursue global justice.

To defend my claim that the duty to engage in civil disobedience as a means of promoting greater global justice can be widely accepted, we need to be clearer about what the conditions for the duty to engage in civil disobedience are, and in particular what it means to for a society to be nearly just.

Andrew Sabl argues that a literal reading of the nearly just condition is implausible and, in fact, ‘accounts for very few cases of civil disobedience as they have actually appeared’. Instead, Sabl argues that we should understand it in a specialised sense as referring to a society that is regulated by a sense of justice, but only amongst some sub-set of the population. Such a state of affairs is characteristic of what Sabl calls a piecewise just society,

one in which justice is prevalent – indeed, in the limit case it may even be practiced perfectly or nearly perfectly – in relations within a powerful ‘in’ group but is practiced to a very small degree, if at all, in dealings with an excluded or oppressed group. In order for civil disobedience to make sense, the society in which it is practiced must be at least piecewise just. Members of the dominant group must have some sense that they should practice justice among themselves, even if they (currently) feel justified in dominating others.

Sabl’s interpretation of the nearly just requirement is attractive not only because it is more plausible and captures more instances of civil disobedience as they have occurred in history than a literal reading of the nearly or for the most part just requirement. Understanding the conditions for justified civil disobedience in this way also helps to explain precisely those elements of civil disobedience that would make the cosmopolitan sceptical about the claim that it is a more appropriate way to pursue global justice than, say, revolutionary action: the commitment to non-violence and the requirement that the disobedient accept the punishment associated with her crime. I will address each feature in turn.

Non-violence
Given the distance between the status quo and the cosmopolitan ideal, it seems clear that a commitment to cosmopolitanism is most compatible with the advocacy of radical reform of the current global order. Cosmopolitans do not think that the global order is for the most part just but flawed in few respects. They think that the world today exhibits serious and fundamental injustices. For the cosmopolitan, achieving full justice is likely to require radical change, and it is not clear that violence would never be justified to bring about this change.
Given the scale and severity of human suffering in the world today, the decision to use violence as a means of pressuring political change might be said to depend on three things: whether more suffering would be caused by the violence than it would help to prevent; the likelihood that the violence will actually move the world in the direction of positive political change; and whether there are other, non-violent means by which the same or similar results might be achieved. The answers to these questions require a sober assessment of the situation at hand and good political judgement; they cannot simply be answered \textit{a priori}.\textsuperscript{29}

Sabl’s reading of the near justice requirement helps to show why the cosmopolitan’s radical opposition to the status quo need not be inconsistent with civil disobedience conventionally understood: a regime that is piecewise just might still be in need of revolutionary change.

The non-violence of the civil disobedient is not based on any obligation that she has to the current regime, but instead on the forward-looking requirement not to foreclose the possibility of cooperation in the future. As Sabl puts it, ‘violence causes an escalation of tit-for-tat retributions and increasing hatred, while non-violent civil disobedience leaves open the possibility of a just harmony in a scale of years rather than generations’.\textsuperscript{30} This is not simply a strategic consideration. Instead, those in power are owed the chance to engage in peaceful cooperation in the future, given the fact that they exhibit an, albeit illegitimately limited, ability to practise justice in the present.

The fact that whites in apartheid South Africa practised approximate justice and democracy amongst themselves justified Nelson Mandela’s non-violent stance in the early part of his campaign against the regime, but that stance soon proved inappropriate once it became clear that the authorities were not interested in extending justice to the black majority. Similarly, violence may have been appropriate had the authorities not shown willingness to reform in response to Martin Luther King Jr.’s campaign of non-violent protest against the condition of African Americans in the United States under Jim Crow. On the contrary, non-violent protest would have been a completely wrongheaded and unjustified form of protest in Nazi Germany as such a totalitarian regime cannot be said to have practised justice at all.

In this sense, civil disobedience is an invitation to the powerful to extend the sphere of justice to those currently unjustifiably excluded. The rationale for the invitation is the fact that those in power seem to recognise justice and seek to practise it amongst themselves. If this were not the case such an invitation would not be justified in principle or in practice. If the invitation is consistently rejected, then a more drastic form of resistance and protest may be in order.\textsuperscript{31}

\textbf{Accepting the punishment}

The idea that the civil disobedient has an obligation to accept the punishment for her law breaking also seems troubling from the point of view of the cosmopolitan, again because she regards the status quo as so far from ideal justice. Accepting the punishment might seem to demonstrate a degree of allegiance to or endorsement of
the current regime, but the cosmopolitan does not accept such allegiance and would not offer an endorsement because for her the global order in very far from full justice.

Again, however, the forward-looking perspective embodied in Sabl's interpretation helps to answer these worries: ‘disobedients must be willing to suffer punishment not because the law that they violate or the regime that passed it are just in any respect, but for the sake of cooperation in the future’. Accepting the punishment proves that the civil disobedient is serious in her convictions and demonstrates her belief that the present powers have a sense of justice and, therefore, have the potential to be just co-operators in the future. Again, this is not simply strategic, but based on the moral entitlement that the currently powerful have to be given the chance to secure cooperative relations in the future.

To say that the civil disobedient is prepared to accept the punishment for her law breaking is not the same as saying that the authorities are obliged to punish her for her actions. As Sabl says: ‘if the other costs of disobedience are sufficiently strong, and the disobedients show a willingness to incur them in the face of great temptation, this may be sufficient to show a propensity to cooperate in the future’. These ‘other costs’ may include being attacked with fire hoses or being ‘kettled’. Punishment of civil disobedience also has the instrumental function of deterring dishonest, self-serving and thoughtless acts. None of this entails that the authorities should coerce individuals to disobey. First, civil disobedience is just one possible instantiation of the more basic and fundamental natural duty of justice. And though it should be emphasised that individuals are not morally free to choose whether they discharge this duty, it would involve an unacceptable invasion of personal autonomy for the state to coerce people to discharge this duty, be it through civil disobedience or otherwise. Second, and focusing specifically on civil disobedience, the fundamental means of coercion the state employs is the law, so positing that the authorities make it a legal requirement that individuals disobey the law seems an irrational position.

Sabl acknowledges that requiring civil disobedients to accept the punishment for their actions might seem overly burdensome. But he argues that:

civil disobedience under proper conditions has the effect of shifting the moral burden onto those in power. Those treated unjustly must practice the first act of ethical renunciation, but the burden of future ethical responsibility falls then on the powerful groups whom the protest is targeting.

Global society as piecewise just
The key point to take from this section is that those who subscribe to the two main accounts of ideal global justice would endorse the description of global society as piecewise just, and thus displaying the conditions for the duty to engage in civil disobedience. Cosmopolitans and statists might disagree about how much the status quo diverges from their favoured ideal, but they can both agree that justice is practised in today’s world, although not as inclusively as it ought to be.

This is not simply to say that both cosmopolitans and statists agree that the current state of global justice lies somewhere on the continuum between wholly unjust and perfectly just. It means more specifically that members of liberal democratic societies
constitute a privileged group amongst whom approximate justice is practised, and from which outsiders are unjustifiably excluded. Achieving full justice for both statists and cosmopolitans would involve extending the scope of justice, though the character and form of the extension would be different in each case.40

Cosmopolitans regard the current global order as further from the ideal state of affairs than statists do; so, if cosmopolitans can endorse the nearly just requirement, as I argued, then statists certainly can. Indeed, given the admittedly broad definition of a piecewise just society as one within which justice is practised but less inclusively than it ought to be, it seems to me hard to deny that global society is piecewise just and therefore displays the conditions which give rise to the duty to engage in civil disobedience.

Now, Sabl notes that the introduction of a general disposition to engage in civil disobedience would transform our understanding of our civic duties so that it included a ‘critical evaluation of our duties rather than conformity or obedience’.41,42 Indeed, this is what it would mean to truly honour both disjuncts of the natural duty of justice outlined above. When seen in the light of global injustice, I think that civil disobedience could also revolutionise the way in which we regard our global justice responsibilities, and this is what I turn to in the next section.

CIVIL DISOBEDIENCE IN THE GLOBAL SPHERE

Many theorists of global justice appeal to the natural duty of justice to support and further just institutions as the method of realising their ideal of global justice from the uncontroversially unjust state of affairs that exists today. Allen Buchanan, for instance, argues that the institution(s) of international law ought to be reformed so that it pursues the aim of justice, and that individuals have a limited obligation founded on the natural duty of justice to contribute to this reform.43

Similarly, Miriam Ronzoni argues that certain aspects of the global order create problems of ‘background injustice’ and require new global institutions to be built to regulate them.44 Like Buchanan, Ronzoni invokes the natural duty of justice to establish an obligation on the part of individuals to contribute to this programme of institution building.45

It is striking that the natural duty of justice underpins both the duty to make the global order more just and the duty to engage in civil disobedience. The rest of this paper will focus on further exploring the relationship between these two products of the natural duty of justice and bringing them closer together. In this section, I explain who exactly ought to be doing the protesting against the current global order and give a real-world example to illustrate how it might take place.

Global civil disobedience: international and transnational

So, who are the agents of civil disobedience on the global stage? In this regard, Michael Allen makes a very helpful distinction between international and transnational civil disobedience. International civil disobedience, according to Allen, involves states playing ‘a role in protesting global injustices analogous to that of
citizens protesting injustices within the borders of their own state in the case of domestic civil disobedience’. Allen criticises the international model of civil disobedience in global society because 1) it gives a reduced, indirect role to citizens, and 2) it adheres rigidly to the state paradigm ‘at a time when the adequacy of this model of global politics is seen by many other theorists as having been undermined in some significant ways by the emergence ... of a variety of new trans-state or supra-state actors’. This takes us to the second model of civil disobedience against global injustice.

Transnational civil disobedience, Allen states, ‘is a form of non-violent, symbolic, and illegal protest that specifically engages the concepts of global citizens and a global public’. According to this model, individuals are the agents of civil disobedience. The primary targets of their protest, however, are not the formal institutions of national and international law, but ‘powerful and influential actors ranging from global financial institutions to multinational corporations able to shape the pluralism of informal regulatory “regimes” more characteristic of coordination processes under globalization’. While international civil disobedience is based on the assumption that the international community consists of ‘a society of societies ordered by law’, transnational civil disobedience is based on ‘a novel kind of politics made possible by the increasing pace of global interactions and communication, in addition to growing awareness among the citizens of diverse national publics of global interconnectivity and shared risks’.

Allen criticises this model of civil disobedience against global injustice because by focusing on informal ‘regimes’ and bypassing the formal institution(s) of law, its proponents neglect the possibility of securing in law guaranteed safeguards against the very injustice that they are protesting. As Allen points out, ‘it would surely have been inadequate for the American Civil Rights movement to have concerned itself only with reaching informal agreement with particular restaurant owners to desegregate the seating arrangements for their customers’.

Clearly both international and transnational civil disobedience have their pros and cons, and I imagine that both would have their place when protesting against global injustice. Nevertheless, I will focus directly on exploring transnational civil disobedience in the remainder of this paper. I do this because accounts of international civil disobedience have been provided by others and I have little to add to their treatments.52

**Transnational civil disobedience revised**

Before proceeding, however, I would like to amend Allen’s definition of *transnational civil disobedience* so that states and other ‘formal’ institutions are included amongst its potential addressees. The key distinguishing feature of transnational civil disobedience, it seems to me, is not so much that its addressees are necessarily ‘informal’, but that there is no authoritative law-giver at the global level that the protesters can identify as an addressee.
I say this for two reasons. First, it would seem rather odd to insist that an illegal protest did not count as an instance of transnational civil disobedience because those who engaged in it were wise enough to identify changes in the law and institution building amongst their aims. Second, and more importantly, it is wholly unclear the sense in which ‘powerful and influential actors ranging from global financial institutions to multinational corporations’ are ‘informal’, if this does not simply mean that they lack the kind of authoritative power typically associated with the state.

Thus, I suggest that it is the absence of an appropriate and authoritative decision-making body that makes transnational civil disobedience interestingly different from its domestic or international counterparts, because it is only this kind of body that has the authority to legislate in more just ways. Now, of course states have the kind of authoritative power that is relevant here at the domestic level, but the point is that states cannot pursue global justice effectively by simply acting on their own. As I explained earlier, for both of the main positions in the global justice debate, an essential route to greater global justice is via the reform of current and the building of new, authoritative global institutions.54

But this raises the following objection: how can transnational civil disobedience be possible if the body civil disobedience is supposed to address does not currently exist? Conventionally, discussions of civil disobedience have centred on the domestic setting and so have involved the disobedient addressing the domestic government or decision-making body in a position to affect change in line with her demands. But, an objector might ask, an equivalent body simply does not exist in the global setting, so exactly whom is the protester pressing her demands against?55

I have two responses to this objection. First, I would point to the existence of supranational institutions such as the International Criminal Court, IMF, WTO and United Nations and suggest that they are at present dysfunctional, underdeveloped and undemocratic examples of the kinds of institutions we need to reform and build more of if we are going to pursue global justice effectively.

Second, and more fundamentally, I would challenge the assumption that lies at the heart of the objection just raised: that a decision-making body must exist and have authority over an agent before she makes her demand for reform in order for the demand to be appropriate. Such a requirement would implausibly rule out protests and demands for new policy where they are often needed most. Why, for example, should an occupied and otherwise stateless people be barred from making demands of the body whose decisions profoundly affect them, but who does not recognise any formal authority over them? How could any agent pressure a body whose actions profoundly affected her interests but who happened to lack the relevant authority to act more justly if the act of demand-making is conditional on first being subject to a body with the relevant authority?

In light of this, I suggest that we reject the assumption that an authoritative decision-making body must exist before any protest or demand in order for that protest to be appropriate; indeed, the absence of an authoritative, decision-making body might itself be the injustice which justifies the protest.
Which individuals?
Transnational civil disobedience involves individuals protesting illegally against global injustice. But not all individuals, I suggest, are under a duty to engage in such disobedience. The set of those who are is restricted to those who are in a position to protest effectively, which means having the ability to engage in protest that is minimally likely to lead to reform in global society while at the same time fulfilling their other fundamental obligations. 56

The reason for this is to forestall the highly implausible conclusion that the global poor could be said to have a duty to engage in civil disobedience against global injustice. To be sure, such individuals may possibly have the right to break the law to protest the injustices that they face, but they surely cannot have a duty to do so. Not only are their protests likely to be largely ineffectual in reforming international law and pursuing global justice, but accepting the punishment would be far too much for these agents to bear while at the same time fulfilling their other fundamental duties. This is simply a specific application of the well-known and commonly invoked ‘ought implies can’ principle.

The agents that have the duty to engage in civil disobedience against global injustice, therefore, are the individuals with the wealth and influence required to change the current situation for the better, while also discharging their other fundamental duties. I take these individuals to include the majority of the citizens of what is commonly referred to as the ‘developed’ world and the wealthy elites of the ‘developing’ world.

Now, it might be objected that this qualification could leave individuals the option to ignore their duties to engage in civil disobedience on the basis that they have too many other, conflicting fundamental obligations. I would make two comments in response. First, we should remember that the natural duty of justice is itself a fundamental and unconditional duty, which should be taken seriously by all moral agents.

Second, although it is of course up to individuals how they choose to discharge the natural duty of justice, there is little debate about whether they ought to discharge it if they can. The duty to engage in civil disobedience is just one possible instantiation of the natural duty of justice, and there are certainly enough individuals who can engage in it while also fulfilling other fundamental commitments for it to be a worthwhile tool in the pursuit of global justice.

Why protest?
There is more to be said in favour of transnational civil disobedience before we turn to examine a real-world example of it. What reason is there to think that illegal protest is a better way to reform the global order than legal, more mainstream forms of political action that themselves will presumably also count as instantiations of the natural duty of justice? I think that there are theoretical and practical reasons.

One theoretical reason for thinking that civil disobedience is a more desirable specification of the duty to improve the global order than some of the well-known alternatives—such as donating money to aid organisations or volunteering on the
ground in developing countries, say—is because it acknowledges and engages with the important three-way relationship between justice, institutions, and systems of law in a way these alternative methods may not.

Justice concerns what agents have rights to—what they are entitled to claim that others provide them with or respect. And schemes of justice can be maintained in any minimally complex society only by institutional agents able to sustain a given pattern of entitlements and systems of law that guarantee and legitimise such patterns. No amount of goodwill on the part of isolated and uncoordinated individuals could enable them to maintain a just distribution of burdens and benefits across society over time, or guarantee individuals secure access to the content of their rights. To achieve these aims, we need institutional agents backed up by systems of law.

The relationship between justice, institutions, and systems of law is not static or stable, however. As circumstances and practices change, the patterns of entitlements that ideal justice demands may be threatened (or themselves change), and the existing institutions and law may fail to protect and preserve them. This might be said to have happened with respect to justice in the global sphere today. The transnational civil disobedience I propose recognises the ever-evolving, tripartite relationship between justice, institutions, and systems of law, and the current need for global institution building and reform. But it pressures for a reconfiguration of the relationship via institution building and reform, by breaking existing law.

Regarding the more practical reasons, I do not suggest that the transnational civil disobedience I advocate is the only desirable instantiation of the natural duty of justice. Engaging in political campaigns which push for changes in the law, for example, also has the potential to move the status quo towards justice in a way that recognises the three-way relationship I refer to above. Indeed, civil disobedience is itself a kind of campaign.

There are at least two specific features of civil disobedience, however, which recommend it in particular as a practical means of achieving global justice. First, by publicly breaking the law and accepting the punishment associated with the offence, the disobedient demonstrates the strength of her conviction and in so doing dramatises her campaign in a way that few legal campaigns would be able to achieve.

Second, transnational civil disobedience is likely to be at least as effective as other non-violent, morally justified political acts aimed at challenging global injustice open to an ordinary citizen. We can all point to well-known instances of the success of civil disobedience in the domestic sphere, and there is no evidence to suggest that similar successes are simply not possible in the global sphere. Indeed, I shall provide a potential example of one such gain already secured.

It might be responded here that the reason for being sceptical about the efficacy of transnational civil disobedience is the fact that the mechanisms for pressuring for change which exist at the domestic level do not exist at the global level. At the domestic level, the authorities being inconvenienced are the very same that have the power to re-legislate in more just ways. The general point being that the relationships between authorities and institutions are often more attenuated and less direct in the
global sphere, and so there is good reason to believe that transnational civil disobedience will be less effective than its domestic counterpart.60

This objection is related to the one previously discussed regarding the absence of an authoritative law-giver at the global level for individuals to address. It is because there is no single authority which would be both the addressee of a protest and a putative re-legislator that the relationship between protest and reform is different and often weaker in the global setting as compared to the domestic.

My response to this objection is three-fold. First, the appropriate comparison when assessing transnational civil disobedience is not between it and its domestic counterpart, but between transnational civil disobedience and other non-violent but legal forms of campaign against global injustice. Second, all forms of action taken by individuals aimed at addressing global injustice through global institutional reform must deal with the challenge of the more attenuated relationship between authorities and institutions identified by the objection being discussed. This means that all such global campaigns, including transnational civil disobedience, are likely to be different and more difficult (and potentially less efficacious) than domestic campaigns. This does not suggest that they are not important and ought not to be pursued.

Finally, in the absence of any serious empirical work comparing the efficacy of legal versus illegal forms of non-violent campaign against global injustice, it would seem rather premature to simply rule out the latter. Moreover, it is plausible that a sustained and wide-ranging campaign of transnational civil disobedience might put the current global order under more stress than other forms of political action because of the inconvenience caused by the involvement of the law enforcement agencies, such as the police and the courts. This may even make it a more effective form of political action than other types of campaigning, though of course empirical work would need to be done to provide conclusive proof of this.

**How should transnational civil disobedience take place?**

I have argued that the conditions which give rise to the duty to engage in civil disobedience obtain in global society, and that wealthy individuals have a duty grounded in the natural duty of justice to protest against the current unjust global order, as a way of pressuring for reform of the global order.

In other words, I have explained why civil disobedience is required and who has the duty to protest. We now need to know how this protest should take place. How should individuals engage in civil disobedience on the global stage to flag up and eventually eradicate global injustice?

There is clearly a limit to how much can be said in advance about how transnational civil disobedience should take place. This is because, as is the case with domestic civil disobedience, the appropriate form of civil disobedience in any one case is going to be highly context-sensitive, though clearly the wealth of laws and targets creates many possibilities. Moreover, I wish to remain neutral on the question of the specific mechanisms via which illegal protest leads to reform as the proponents of different accounts of global justice will have different views on this matter.
It is enough for me to establish that there are such mechanisms that can be acceptable to either cosmopolitans or statists.

Therefore, to illustrate transnational civil disobedience, I do not attempt to provide a comprehensive account of how transnational civil disobedience should ideally occur. Instead, I briefly examine a real-world example of how it has occurred in the past: the case of Greenpeace, Shell, and the Brent Spar.\textsuperscript{61}

**Greenpeace, Shell, and the Brent Spar**

Greenpeace is an independent global campaigning organisation that works to create a peaceful and environmentally sustainable world. Founded in 1971, Greenpeace employs a number of methods to achieve its aims, but the method that it is perhaps best known for is direct action. Indeed, in 2012 the media reported on Greenpeace activists storming an Arctic oil platform to publicise the melting of the Arctic and the risks associated with oil exploration and extraction.\textsuperscript{62}

Another instance of Greenpeace direct action is the 1995 occupation of the Brent Spar, the decommissioned oil installation 190 km east–northeast of Shetland that Shell, with the approval of the UK government, had planned to dispose of in the North Sea. The Abandonment Plan that Shell submitted to the UK government in 1994 argued that deep-sea disposal was safer than the on-shore alternative and had ‘minimal environmental impact’.\textsuperscript{63} The deep-sea option was also the cheapest, but Shell maintained that cost saving was not the overriding motivation.\textsuperscript{64}

The UK government approved Shell’s plans in February 1995, and in April that same year Greenpeace activists illegally occupied the Brent Spar, protesting against what they considered the objectionable use of the sea as a dumping ground for industrial waste.\textsuperscript{65}

This move by Greenpeace initiated a drawn-out public relations war, during which Greenpeace called for a boycott of Shell in Continental Europe, public opinion in northern Europe turned dramatically against Shell’s deep-sea disposal plan, a number of European governments declared their opposition to the proposal (with German Chancellor Helmut Kohl protesting to UK Prime minister John Major at the G7 summit), and 50 Shell service stations in Germany were damaged (two were fire-bombed and one was raked with bullets).\textsuperscript{66}

This series of events led Shell to change its mind on the disposal of the Brent Spar and eventually decide to re-use parts of the structure to form the basis of a new quay in Mekjarvik, Norway, instead. It also eventually led to the OSPAR Convention banning the future dumping of all steel-built installations, signed by governments of the north-east Atlantic region in 1992.\textsuperscript{67} The fact that the Greenpeace protests eventually led to the establishment of a new aspect of international law actually helps to further justify the amendment to Allen’s definition of transnational civil disobedience that I suggested earlier: would the discovery that the Greenpeace protesters had the aim of a new treaty amongst their objectives (contrary to Allen’s definition of transnational civil disobedience) when embarking on their protest mean that they were not engaging in transnational civil disobedience, but something else instead? I would argue not. What makes transnational civil disobedience distinctive from its international and...
domestic counterparts respectively is that it is 1) engaged in by individuals, 2) in a
global context where a single, authoritative law-giver is absent.

Interestingly, the two main parties in this case, Shell and Greenpeace, still do not
agree about the key issues at stake. Shell maintains that the plan for deepwater
disposal ‘would have had negligible impact on the marine environment and this was
confirmed by independent scientists and oceanographers, and supported in con-
sultations with environmentalists, conservationists and fishermen’.68

And, although Greenpeace made a statement that wildly overestimated the quantity
of oil on the Brent Spar,69 the central principle of their case remains entirely consistent
with Shell’s claim that deep-sea disposal of the Brent Spar would itself have ‘minimal
environmental impact’: that the natural environment should not be needlessly used as
an industrial dumping ground. Indeed, adhering to this principle offers protection
against the cumulative effect of many single decisions which themselves each do not
have a significant environmental impact, but combine to do serious damage to the
environment.

That being said, the appropriateness of the case of Greenpeace, Shell and the
Brent Spar does not rest on the truth of the principle which motivated Greenpeace’s
actions, however plausible it may be. Instead the incident shows that conscientious,
illegal protest against a perceived global injustice70 can occur and be successful on its
own terms.

Furthermore, the case of Greenpeace, Shell and the Brent Spar exemplifies a key
feature of transnational civil disobedience: Greenpeace’s activities involved a global
network of individuals with little allegiance to domestic borders. The Greenpeace
activists saw themselves as protesting not as Germans or Norwegians or even
northern European citizens, but as global citizens engaging with a global public on
an issue of global importance.

This empowered the individuals involved because they did not have to rely on the
institutions of the state to effect change, and because they did not need to direct their
protest to ‘their’ state or even fellow domestic citizens, but to the wider global public.
In a world where traditional state sovereignty is eroding and the state is no longer the
only important actor on the world stage, this kind of empowerment seems to me a
thoroughly good thing.

CONCLUSION

I have argued that wealthy individuals ought to protest against the current unjust
global order, and that this conclusion can be endorsed by those committed to either
statism or cosmopolitanism. This argument shifts attention from abstract, ideal
theorising about global justice to more forward-looking, real-world concerns by
offering a principled, practical, and ecumenical account of the duties that individuals
have in today’s uncontroversially unjust context. I would like to conclude by
reflecting on a potentially striking feature of the forward-looking approach that my
argument embodies.
The interpretation of civil disobedience I adopt in this paper is based on the idea that civil disobedience is aimed at achieving a just and lasting cooperative relationship between former enemies. It is interesting to note that, for Rawls at least, a just war aims at the very same thing, but is to a large extent characterised by the absence of those controversial features of civil disobedience I mentioned earlier: non-violence and the requirement to accept the customary punishment. Moreover, these features are only justified in the context of civil disobedience to the extent that they are likely to secure the end that both civil disobedience and just war are aimed at: a just and lasting peace.

This suggests two rather striking conclusions, which themselves raise many further questions that lie beyond the scope of this paper. First, that civil disobedience and just war actually lie on a continuum of legitimate political action, with everyday law-abiding action at one extreme and justified and legitimate violence at the other. Second, and even more striking, it might also suggest that if civil disobedience against global justice is met with indifference, obstinacy and downright resistance from those in power, then civil disobedience may cease to be an effective means of achieving future cooperation and more radical methods of social change might be more appropriate instead.

ACKNOWLEDGEMENTS

This paper grew out of my dissertation thesis, completed as part of the MA in Legal and Political Theory at University College London. I thank my supervisor during my MA, Laura Valentini, for all of her advice, support, and guidance. I also thank Kimberley Brownlee, Bob Goodin, Jilles Hazenberg, Nat Rutherford, Laura Sarmiento, and Tom Sinclair, along with the anonymous reviewers of this paper and the Editor of this journal, for their comments on previous drafts.

NOTES

1. Roberto Gargarella, ‘The Right of Resistance in Situations of Severe Deprivation’, in Freedom from Poverty as a Human Right: Who owes what to the very poor?, ed. Thomas Pogge (Oxford: Oxford University Press, 2007), 359–75.
2. As Thomas Pogge argues powerfully in World Poverty and Human Rights, 2nd ed. (Cambridge: Polity Press, 2008).
3. None of what I argue in this paper should be read as an attempt to remove or reduce the agency of the global poor with regard to tackling global injustice. Indeed, my view is that any campaign for greater global justice should include representatives of the global poor as co-authors and partners. My aim in this paper is to shift attention to the duties of the global wealthy who share responsibility for global injustice and have the capacity to rectify it. I thank an anonymous reviewer for pressing me to further emphasise this point.
4. Kimberley Brownlee has recently argued that the moral roles which underpin and legitimate formal offices may sometimes generate obligations on the part of office holders (which include citizens) to depart from the dictates of their office if those dictates direct them to act in morally unacceptable ways. While I do not engage with Brownlee’s arguments specifically in this paper, I think that the conscientious disobedience she advocates may help to advance the pursuit of global justice in a way that is not inconsistent with the view I present here.
See Kimberley Brownlee, *Conscience and Conviction: The Case for Civil Disobedience* (Oxford: Oxford University Press, 2012), especially 85–118.

5. John Rawls, *The Law of Peoples: with The Idea of Public Reason Revisited* (London: Harvard University Press, 1999), 90.

6. See, for example, Simon Caney, *Justice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005).

7. See, for example, David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007).

8. I use the admittedly vague term ‘relevant agents’ here because cosmopolitans and statists sometimes disagree about who the primary agents of global justice are, and I wish to remain neutral on this matter. For cosmopolitans, the ‘relevant agents’ are individuals; for many statists, they are states.

9. It should be noted that two prominent theorists of global justice, John Rawls and Thomas Nagel, cannot straightforwardly be allocated to either the statist or the cosmopolitan camps as I describe them. There is much controversy surrounding both Rawls’s and Nagel’s contributions to the debate, which I will not go into here. The central point is that most theorists of global justice now recognise that justice is an appropriate virtue to measure the global order against. For Rawls’s account of global justice, see John Rawls, *The Law of Peoples*; for Nagel’s, see Thomas Nagel, ‘The Problem of Global Justice,’ *Philosophy and Public Affairs* 33 (2005): 113–47. I thank two anonymous reviewers who each independently prompted me to make this point.

10. A discussion of the specific details of the various accounts of global justice on offer and the reform proposals they advocate would take us too far from our present topic and potentially undermine the ecumenical ambitions of this paper. Of course I recognise that there is ongoing controversy amongst and between cosmopolitans and statists regarding the correct subject of justice, but, I contend, there is little controversy over the fact that 1) justice has not been achieved across the world; and 2) the route to full justice is via institution building and reform. This is all I need in order for the rest of the argument I present here to go through. I thank an anonymous reviewer for pressing me to emphasise this point.

11. For examples, see Martin Luther King, ‘Letter From Birmingham Jail’, in *Civil Disobedience in Focus*, ed. Hugo Adam Bedau (London: Routledge, 1991): 68–85; and Hugo Adam Bedau, ‘On Civil Disobedience,’ *The Journal of Philosophy* 58 (1961): 653–65.

12. The term ‘nearly just’ comes from John Rawls, *A Theory of Justice*, rev. ed. (Oxford: Oxford University Press, 1999), and the account of civil disobedience outlined in the text is basically in line with the theory Rawls presents. I describe it as the conventional understanding of civil disobedience because I believe it has all of the features typically associated with paradigmatic examples of civil disobedience, Martin Luther King Jr.’s campaign for civil rights for African Americans being an obvious example. Of course, theorists have presented accounts of civil disobedience that differ from the one in the text (for some examples, see Hugo Adam Bedau, ed., *Civil Disobedience in Focus* (London: Routledge, 1991)). It is interesting to note, however, that these alternative accounts are often presented by the theorists who advance them as rivals to what they regard as the conventional account, which possesses the features outlined in the text.

13. It could be said that a cosmopolitan might think that both civil disobedience and revolutionary protest are appropriate ways to respond to current injustice. However, I think that the cosmopolitan’s radical opposition to the status quo is likely to make her at least sceptical of the claim that civil disobedience is a viable response to global injustice. How can an explicitly moral demand such as civil disobedience (as opposed to the forceful resistance of revolutionary protest) be expected to affect the behaviour of authorities that have proved themselves willing to accept (and perhaps even impose) something as immoral as the current state of global poverty and injustice? And if the moral demand that is civil disobedience is
likely to be ineffectual, why restrict yourself to non-violence and why accept the punishment? My view is that the conditions which make civil disobedience appropriate—what I will go on to refer to as a ‘piecewise just society’ in the text—actually make initial resorts to revolution and violence unjustified. Likewise, the absence of piecewise just conditions would make civil disobedience inappropriate. Civil and revolutionary disobedience cannot both at the same time be appropriate ways to respond to the same conditions of injustice, though revolutionary disobedience may become appropriate if good faith attempts at civil disobedience fall on deaf ears. I thank Kimberley Brownlee and Tom Sinclair who each independently pressed me to address this point.

14. Rawls, *A Theory of Justice*, 293 & 319.
15. Ibid., 99–100.
16. That said, given the widely accepted presence of a global institutional order, it is not necessary for the natural duty of justice to be interpreted in as wide a sense as Rawls does as holding irrespective of institutional relationships for the argument of this paper to go through. A more limited interpretation would forestall the potentially controversial implication that the natural duty would command agents to improve the unjust institutions on a newly found distant planet where we are not implicated in the existence or imposition of those institutions. I thank an anonymous reviewer for highlighting this potentially controversial implication. I wish to remain neutral between these rival interpretations 1) because the argument presented in the text goes through with either interpretation, and 2) because the issue of whether our duties of justice are grounded in the joint imposition of institutions or in common humanity or agency is a fundamental dividing line in the global justice debate and taking a side would undermine the ecumenical spirit of this paper.

17. Andrew Sabl, ‘Looking Forward to Justice: Rawlsian Civil Disobedience and its Non-Rawlsian Lessons’, *The Journal of Political Philosophy* 9 (2001): 313.
18. I borrow the idea of a disjunctive duty from David Lefkowitz, ‘On a Moral Right to Civil Disobedience’, *Ethics* 117 (2007): 202–33, who uses it to describe the duty of the citizen correlative to a liberal democratic state’s claim to justified political authority. Clearly my argument for civil disobedience is not limited to the liberal democratic states (or states generally), as Lefkowitz’s is.
19. Although I focus on the duty to engage in civil disobedience in this paper, it does not follow that all agents have such a duty, as I make clear in Civil Disobedience in the Global Sphere section.
20. Rawls, *A Theory of Justice*, 341.
21. ‘Orders are orders’.
22. I thank an anonymous reviewer for highlighting this possibility.
23. Sabl, ‘Looking Forward to Justice’, 313.
24. In this way, the articulation of the duty to engage in civil disobedience as one possible instantiation of the natural duty of justice amounts to a specification or ‘perfecting’ of what is otherwise basic, general, and troublingly imperfect duty. This is not to say that the duty to engage in civil disobedience is a paradigmatic perfect duty, as the duty to repay a loan on specified date is, say. Individuals have a certain amount of discretion over how and when they engage in illegal protest, and even over whether civil disobedience is the method via which they would like to discharge the natural duty of justice. The point is that civil disobedience offers a helpful and long overdue specification of what is otherwise a vague and general duty. I thank an anonymous reviewer for pressing me to make this point.
25. I thank an anonymous reviewer for pressing me to make this point explicit.
26. Sabl, ‘Looking Forward to Justice’, 310.
27. Could the racial terror African Americans were subjected to in the southern United States during Jim Crow be described as for the most part just? Could the disenfranchisement
of half of the adult population that the Suffragettes protested against be understood as nearly just?

28. Sabl, ‘Looking Forward to Justice’, 311–12.
29. An a priori rejection of all violence would equate to the adoption of pacifism. I agree with Rawls that pacifism is ‘an unworldly view bound to remain a sectarian doctrine’. See Rawls, A Theory of Justice, 335.

30. Sabl, ‘Looking Forward to Justice’, 314.
31. I thank an anonymous reviewer for pressing me to make clear this point.
32. Sabl, ‘Looking Forward to Justice’, 318.
33. See Rawls, A Theory of Justice, 319: ‘Courts should take into account the civilly disobedient nature of the protester’s act . . . and on these grounds reduce and in some cases suspend the legal sanction’.

34. Sabl, ‘Looking Forward to Justice’, 319.
35. ‘Kettling’ is a police tactic for controlling large crowds during demonstrations or protests, which involves the formation of large cordons of police officers who then move to contain a crowd within a limited area. This tactic proved highly controversial during the protests which took place in London in 2010 against the trebling of tuition fees by the UK government, as protesters were sometimes prevented from leaving the cordon, with the effect of denying the protesters access to food, water, and toilet facilities for an arbitrary period determined by the police forces.

36. Kimberley Brownlee argues that a state that punishes or penalizes civil disobedience would owe the disobedient an apology. See Brownlee ‘Penalizing Public Disobedience’, Ethics 118 (2008): 711–16, and David Lefkowitz’s, ‘On a Moral Right to Civil Disobedience’, to which Brownlee is replying. Plausible and attractive as Brownlee’s argument may be, I do not explore this debate here as it relates to the exercising of a right to civil disobedience not a duty. Interfering with the exercising of a right is more problematic because rights involve a protected sphere of agency, while duties do not. For example, I may have a duty to speed through traffic in an emergency situation—if I am taking a severely injured person to hospital, say. Anti-speeding laws which interfere with discharging this duty are not unjustified because of this possibility as they are in a sense intended to discourage frivolous or self-serving speeders. Laws interfering with my ability to speed would be more problematic, however, if I could be said to have a right to speed. I thank Nat Rutherford for helping me to clarify this point.

37. I thank an anonymous reviewer for inviting me to respond to these possible implications of my view.
38. Sabl, ‘Looking Forward to Justice’, 326.
39. I assume here for the sake of argument that approximate justice is practised within many liberal democratic states. As I noted before, cosmopolitans and statists tend to agree about what justice requires in the domestic sphere.

40. Thanks to an anonymous reviewer for pressing me to bring out this point.
41. Sabl, ‘Looking Forward to Justice’, 328.
42. Civil disobedience should therefore be considered an essential means by which agents promote greater justice in society, and only when society is fully just does it cease to be such a method. There are, of course, different accounts of what is means for a society to be ‘fully just’, but, as I emphasise throughout this essay, the two dominant accounts agree that the global order fails to reach this standard, however one chooses to flesh it out.

43. Allen Buchanan, Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law (Oxford: Oxford University Press, 2004).

44. Miriam Ronzoni, ‘The Global Order: A Case of Background Injustice? A Practice-Dependent Account’, Philosophy and Public Affairs 37 (2009): 229–56.

45. Ibid., 240–1 note 31.
46. Michael Allen, ‘Civil Disobedience, International’, in Encyclopaedia of Global Justice, ed. Deen K. Chatterjee. Vol. 1 (London: Springer, 2011), 133.
47. Ibid., 134–5.
48. Michael Allen, ‘Civil Disobedience, Transnational’, in Encyclopaedia of Global Justice, ed. Deen K. Chatterjee. Vol. 1 (London: Springer, 2011), 135.
49. Ibid., 135.
50. Ibid., 136.
51. Ibid., 137.
52. For a thorough examination and highly plausible defence of international civil disobedience, see Robert E. Goodin, ‘Towards an International Rule of Law: Distinguishing International Law-Breakers from would-be Law-Makers’, The Journal of Ethics 9 (2005): 225–46.
53. The same might also be said of international civil disobedience because there is currently no single, global state-like agent currently in existence. While it is true that there is currently no global state, international civil disobedience is sufficiently different from its transnational counterpart in this regard because states are the primary agents of international civil disobedience and their behaviour is governed by the formal institution of international law in the form of treaties and custom. This is not to say that international law is perfect as it is or that it does not affect the lives of individuals, but simply that individuals are not given the standing in, and are not the primary agents of, the formal institution of international law as states are. I thank Tom Sinclair for pressing me to make this point.
54. Some may regard this as a wholesale revision of Allen’s account of transnational civil disobedience. Perhaps it is. Either way, I regard it as justified because a definition of transnational civil disobedience limited to addressing and changing the behaviour of ‘informal’ actors only seems to me to be unduly narrow, and ultimately ineffective as global justice can only be secured through the development of new ‘formal’—that is authoritative—institutions.
55. I thank Bod Goodin for raising this objection.
56. There are, of course, a variety of accounts of what people’s ‘fundamental obligations’ are (and of what is ‘minimally likely’) and different accounts will give rise to somewhat different accounts of the duty to civilly disobey. I will remain neutral across these accounts because any plausible account will endorse the view that the status quo displays the conditions which give rise to the duty to engage in civil disobedience.
57. I wish to remain neutral on the issue of whether there is a right to engage in civil disobedience because my argument does not depend on taking a side on this matter. For an example of an argument rejecting the existence of a right to civil disobedience, see Joseph Raz, The Authority of Law (Oxford: Oxford University Press, 1979), 262–75. For an argument for a right to civil disobedience (explicitly intended to be consistent with Raz’s view), see Lefkowitz, ‘On a Moral Right to Civil Disobedience’.
58. Not to mention the avoidance of waste and individual psychological turmoil. See Henry Shue, ‘Mediating Duties’, Ethics 98 (1988): 697.
59. The Suffragettes in the United Kingdom or the Civil Rights Movement in the United States are both good examples.
60. I thank an anonymous reviewer for raising this objection.
61. This case study is inspired by the brief example Michael Allen uses when illustrating transnational civil disobedience. See Allen, ‘Civil Disobedience, Transnational’, 135–7. It might, therefore, be seen as a further elaboration of that example.
62. Terry Macalister, ‘Greenpeace storms Arctic oil platform’, The Guardian, August 24, 2012, http://www.guardian.co.uk/environment/2012/aug/24/greenpeace-activists-arctic-oil-russia? newsfeed=true (accessed August 28, 2012).
63. Shell, Brent Spar Dossier (Shell International Limited, 2008), http://www-static.shell.com/content/dam/shell/static/gbr/downloads/e-and-p/brent-spar-dossier.pdf (accessed March 11, 2013).
Grant Jordan, *Shell, Greenpeace and the Brent Spar* (Basingstoke: Palgrave, 2001), 16.

See *About* page of Greenpeace’s, http://www.greenpeace.org.uk/about (accessed August 28, 2012).

Shell, *Brent Spar Dossier,* 5–7.

OSPAR, *Convention for the Protection of the Marine Environment of the North Sea Atlantic,* http://www.ospar.org/html_documents/ospar/html/ospar_convention_e_updated_text_2007.pdf (accessed August 28, 2012).

Shell, *Brent Spar Dossier,* 8.

Nicholas Schoon, ‘Greenpeace’s Brent Spar Apology;’ *The Independent,* November 6, 1995, http://www.independent.co.uk/news/greenpeaces-brent-spar-apology-1599647.html (accessed March 11, 2013).

That is, the negligent and irresponsible degradation of the world’s environment.

Rawls, *The Law of Peoples,* 94–7.

Though, it is not clear what would justify any punishment for the prosecution of a just war.

Compare this to the quotation from Carl von Clausewitz: ‘War is the continuation of politics by other means’.

Compare this to the quotation from John F. Kennedy: ‘Those who make peaceful revolution impossible will make violent revolution inevitable’.