

Animal Activists, Civil Disobedience and Global Responses to Transnational Injustice

Siobhan O’Sullivan¹ · Clare McCausland² · Scott Brenton³

Published online: 13 April 2017
© Springer Science+Business Media Dordrecht 2017

Abstract Traditionally, acts of civil disobedience are understood as a mechanism by which citizens may express dissatisfaction with a law of their country. That expression will typically be morally motivated, non-violent and aimed at changing their government’s policy, practice or law. Building on existing work, in this paper we explore the limits of one well-received definition of civil disobedience by considering the challenging case of the actions of animal activists at sea. Drawing on original interviews with advocates associated with Sea Shepherd, Greenpeace and Humane Society International we find that even if animal activists are morally motivated and civil, the transnational nature of their activity makes it difficult to assess their intention to bring about a change in law or public policy. This means that a civil disobedience defence may not be available to activists operating across international borders. This raises important questions about the usefulness of the civil disobedience concept within the context of a globalised world. We conclude that while the actions of some anti-whaling activists may not meet definitions of civil disobedience as conventionally understood, this says more about the narrow way in which that concept has been traditionally defined, than it does about the type of activity some anti-whaling activists have undertaken in the Southern Ocean. Finally, we argue that activists wishing to make a stand against whaling may have no choice but to act as global citizens because policy change within a single nation-state is unlikely to lead to the cessation of this inherently transnational activity.

Keywords Civil disobedience · Transnational injustice · Rawls · Anti-whaling activism · Animals

✉ Siobhan O’Sullivan
siobhan.osullivan@unsw.edu.au

¹ University of NSW, Sydney, Australia

² La Trobe University, Melbourne, Australia

³ University of Melbourne, Parkville, Australia

Introduction

Not all responses to perceived injustice will be lawful. If citizens think that a particular law is immoral or unjust, they may rationalise breaking the law on the basis that it is the most effective means of achieving just ends. This may occur in cases where deliberately law-breaking citizens agree they typically ought to follow the law because they consider the rule of the law to be an otherwise worthwhile institution. Such law breaking may be categorised as an act of civil disobedience. Civil disobedience is a mechanism by which citizens may express dissatisfaction with a law of their country. However, not all law breaking is civil disobedience. To be considered an act of civil disobedience, and therefore potentially morally defensible, the action will typically be morally motivated, nonviolent and aimed at changing their government's policy, practice or law. Building on our earlier work in this field (McCausland et al. 2013), our purpose here is to explore the limits of one well-received definition of civil disobedience—namely the Rawlsian definition—by considering the work undertaken by animal activists at sea.

To aid our analysis and to better understand the motivations and tactics of these activists, we interviewed both current and former volunteers and staff associated with Sea Shepherd, Greenpeace and Humane Society International (HSI). Firstly, the civility of some of these groups warranted closer scrutiny. Furthermore, we sought to understand the intentions of individual anti-whaling activists and the organisations they represent. This analysis is particularly important because civil disobedience, as it is currently understood, does not include a provision for the pursuit of transnational law reform. In short, civil disobedience is a way in which a citizen may seek legal change in her or his own country. Civil disobedience is not typically understood as a process whereby a Swedish citizen can pursue legal change in Argentina, for example. This means that unlike the case with many land-based animal activists, a civil disobedience defence may not be available to anti-whaling activists operating across international borders. This in turn raises important questions about the usefulness of earlier civil disobedience understandings, which originated at a time of strengthening nation-states and expanding ideas of citizenship within states rather than between or beyond them.

Civil Disobedience

Civil disobedience has a long and complex history. It is closely associated with numerous historically significant moments, such as the abolition of Jim Crow laws in the United States, as well as women's suffrage movements in the early 20th century. It has also been the subject of significant academic analysis and debate. At its most basic level, it may be argued that to commit an act of civil disobedience is to break the law on justifiable grounds. Thus, to make an argument that someone is a civil disobedient is to justify activities that would normally be unjustified—not only because of a potential legal violation, but also because of a perceived violation of a moral or political norm. The kind of justification civil disobedience provides is

typically political, as we shall see. A civil disobedience defence is therefore a powerful political tool and perhaps an appealing label for some animal activists.

Rawls articulates a now widely accepted position on civil disobedience within his comprehensively developed political theory of justice (Rawls 1999, p. 321). In doing so he restricts potential justifications for disobedient action to those that invoke widely embraced principles of justice. He argues:

Civil disobedience is a political act not only in the sense that it is addressed to the majority that holds political power, but also because it is an act guided and justified by political principles, that is, by the principles of justice which regulate the constitution and social institutions generally. In justifying civil disobedience one does not appeal to principles of personal morality or to religious doctrines, though these may coincide with and support one's claims; and it goes without saying that civil disobedience cannot be grounded solely on group or self-interest (Rawls 1999, p. 321).

Rawls's account is not the only understanding of civil disobedience available to scholars and he draws upon similar definitions (see further Bedau 1961), which have subsequently been further developed by other theorists (see for example the collection of several authors' work edited by Bedau in 1991; Singer 1993; Milligan 2013). Yet while his work provides a useful starting point that is suitable for land-based animal activism within a clearly defined sovereign territory (McCausland et al. 2013) it appears to suffer from certain limitations when considered in relation to contemporary animal activism taking place around the world. First and foremost his theory would appear to apply exclusively to citizens interacting with their own democratic nation-state. For example, Rawls writes:

the theory [of civil disobedience] concerns the role and the appropriateness of civil disobedience to legitimately established democratic authority. It does not apply to the other forms of government nor, except incidentally, to other kinds of dissent or resistance (Rawls 1999, p. 319).

This way of perceiving the world pre-dates contemporary globalisation and the emergence of the global activists. George, founder of French-based Attac, a not-for-profit organisation working for international social justice, argues that her version of activism 'is concerned with the world: omnipresence of corporate rule, the rampages of financial markets, ecological destruction, maldistribution of wealth and power, international institutions constantly overstepping their mandates and lack of international democracy' (cited in Bennett 2010, p. 163). Eckersley makes a similar point in her pivotal text *The Green State: Rethinking Democracy and Sovereignty*, in which she recasts the liberal democratic state as a facilitator of genuinely transnational democracy (Eckersley 2004).

In contrast, the Rawlsian account of civil disobedience is liberal nationalist and sets a restrictive normative standard. However, given the highly contested nature of animal activism, such a conservative approach has merit. If anti-whaling activism on the high seas—that is, in areas that are not part of the territorial sea or internal waters of a state—can be justified on the Rawlsian account of civil disobedience then it is likely to meet any other definition of civil disobedience against which it is

measured. Rawls is an ardent proponent of domestic distributive justice, and therefore defends sovereign equality, territorial integrity and self-determination of nation-states, rather the cosmopolitan view of extending distributive justice to the world at large (Valentini 2011). Therefore, one of the key objectives of this paper is to problematise the nationalist and state-centred aspect of the Rawlsian conception of civil disobedience with a view to advancing a more global citizen-centred understanding of contemporary activism, including anti-whaling activism, undertaken on the high seas. If anti-whaling activism meets all the criteria of civil disobedience as posited by Rawls—*except* it is global in focus rather than concerned only with policy change within the disobedients' own nation-state—we may posit that it is sufficiently consistent with the spirit of Rawls's theory that the defence may be said to apply. In short, can Rawlsian civil disobedience remain relevant in the global era?

The Legal Status of Japanese Whaling in the Southern Ocean

The Southern Ocean is located to the south of Australia, and whales migrate through these waters to feed around the Antarctic before returning to sub-tropical waters surrounding Australia to mate or give birth. The United Nations Convention on the Law of the Sea (UNCLOS), which defines rights and responsibilities of nations in relation to their use of the world's oceans, establishes guidelines for businesses in relation to the management of marine natural resources. Australia and Japan, along with around 160 other countries, have ratified the Convention. Article 56 of UNCLOS (1982) grants 'sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil'. Conservation of whaling stocks is separately and concurrently under the purview of the International Whaling Commission (IWC), which was created in 1946 and which both Australia and Japan voluntarily joined. The IWC aims to completely protect certain species of marine mammals and the suckling calves of all species (including female whales accompanied by calves) against hunting. It is also responsible for the establishment of whale sanctuaries and the regulation of the killing of whales.

The IWC's International Convention for the Regulation of Whaling (ICRW) established a moratorium on commercial whaling in 1982, to which Japan initially objected before subsequently withdrawing its objection. The ICRW recognised the Southern Ocean Sanctuary (south of Australia) in 1994, but Japan maintained an objection in relation to protections the Sanctuary provided for Antarctic minke whales. In 1987 Japan claimed that it had ceased commercial whaling, and began the 'Japanese Whale Research Program under Special Permit in the Antarctic' (JARPA I), invoking Article VIII of the Convention, which enables governments to issue special permits to 'kill, take and treat whales for the purposes of scientific research' (Anton 2010). The second phase of JARPA (JARPA II) commenced in 2005. It has been argued that JARPA I resulted in the killing and taking of approximately 6800 Antarctic minke whales and that the whale meat was sold commercially in Japan (Kriwoken et al. 2007, p. 66). Likewise, JARPA II has seen

wide-scale killing of otherwise protected sea whales with 18 fin whales killed in the first year along with 853 minke whales (Southwell 2014).

While UNCLOS is frequently referred to as the 'Law of the Sea', such international law is limited in its application when compared to the law of nation-states. International law attempts to non-coercively bind nation-states to a set of rules. Soft diplomacy must be deployed because of the ongoing threat that a nation-state may withdraw support for international legal norms. Nation-states exercise coercive power over citizens but supra-national bodies rarely have the same level of coercive authority available to them. The arbitration of disputes concerning international law also requires the consent of the nation-states involved. The other crucial point is that citizens have no direct recourse within this framework.

Anti-Whaling Activism

Numerous non-government organisations (NGOs) have actively opposed the Japanese whale hunt, including the taking of whales under the Japanese Whale Research Program. Our analysis will focus on two of the most prominent seafaring anti-whaling organisations, Greenpeace and Sea Shepherd. We begin with an overview of the Greenpeace *modus operandi* before turning our attention to Sea Shepherd.

Greenpeace began over 40 years ago as an off-shoot of the well-established American conservation society the Sierra Club. The group soon began to focus on the annual slaughter of seals in Canada. Despite early attempts to develop alliances with unions of local Newfoundland sealers in opposition to large-scale commercial operations out of Norway, they quickly reversed this position with one of their members, Paul Watson, taking the organisation in a different direction. Watson advocated a more radical position categorically opposed to all sealing. This move proved very popular and increased the profile and membership of Greenpeace considerably (Harter 2004, pp. 96–98). Around the same time Greenpeace began to engage in anti-whaling activism, and for this reason Greenpeace is credited with being one of the first 'international radical environmental movement[s]' (Devall 1991, p. 254). They have continued campaigning at sea and on land to end whaling through a variety of means, and sent ships to the Southern Ocean until 2008. This was done to block Japanese whaling vessels directly and to chase them out of the whale Sanctuary (Greenpeace 2014). In addition to their activity at sea, Greenpeace also engage in extensive anti-whaling activism on land. They recruit Japanese activists, maintain a Japanese language website (Greenpeace 2011–2013) and seek to inform people in Japan about whaling, including the use of government funds to subsidise the practice (Willacy 2010).

Greenpeace is one of the most high-profile NGOs in the world. However, that does not mean that its activities are uncontroversial. Greenpeace Australia has intentionally broken the law on many occasions. For example, on the morning of December 17, 2001, 46 Greenpeace activists were arrested for trespass after breaching the perimeter fence around the Australia's Lucas Heights nuclear reactor (Simons 2011). In relation to anti-whaling activity in particular, Japan's Institute of Cetacean Research (ICR) alleges that in 1999 the Greenpeace anti-whaling vessel

Arctic Sunrise 'rammed the stern section of the [Japanese whaling boat] Nisshin Maru, in callous disregard of the life or safety of the scientists and seamen aboard' (The Institute of Cetacean Research 2011b). Despite such claims, Greenpeace portrays itself as an organisation engaged in non-violent direct action (Greenpeace International 2015). Speaking in 2014, Greenpeace International's Executive Director Kumi Naidoo, argued that 'Greenpeace has a 43-year record of peaceful direct action'. He went on to assert that 'when the powerful over-react to peaceful civil disobedience with arrests and violence, they only expose their own moral failure' (Weyler 2014). That portrayal appears to be widely accepted, with Greenpeace being described in *The Oxford Companion to Global Change* as 'frequently engaged in civil disobedience to publicize or prevent environmental misdeeds' (Cuff and Goudie 2009, p. 231).

Watson was subsequently expelled from Greenpeace over a difference of opinion concerning the interpretation of non-violence (Devall 1991, p. 254). Watson went on to found the Sea Shepherd Conservation Society (hereafter referred to as Sea Shepherd), which is focused on stopping the killing of wildlife at sea by directly interfering with Japanese whaling, among other aims. Sea Shepherd claim to have saved the lives of at least 888 whales as a result of their anti-whaling campaigns undertaken between 2005 and 2009 (Hoek 2010, p. 179).

Membership and association with the society is fairly loose. Sea Shepherd incorporates numerous stand-alone organisations around the world. In some instances this separation may be for legal reasons. For example, the branch of Sea Shepherd based in the United States no longer participates in anti-whaling campaigns in the Southern Ocean following a 2012 legal injunction imposed by the United States Ninth Circuit Court of Appeals (cited in Yuhas 2013). In other cases individual activists might identify themselves as being part of Sea Shepherd, but they may not be paid staff members or even well-known volunteers for the formal Sea Shepherd organisation. The same is true of many popular activist organisations. However, in this case, while some activists might be acting independently of the organisation, the remoteness and inhospitable environment of the Southern Ocean makes it difficult for individuals to be active at sea without direct funding by, close affiliation with, or acting on behalf of, one of the Sea Shepherd groups.

The extent or limits of official membership aside, Sea Shepherd crews have been accused of numerous illegal activities including: skipping bail (Dowling 2012); ramming Japanese whaling vessels; actively obstructing Japanese whaling activities; destroying property; throwing projectiles and butyric acid onto whaling vessels (Yuhas 2013); and propeller fouling (Willacy 2012). The Sea Shepherd emblem is an adaptation of the skull and crossbones commonly associated with pirates, and, as we shall see, the organisation has been accused of piracy by at least one judge in the United States.

Notably, Sea Shepherd explicitly rejects the civil disobedience label. In 2006, Watson claimed that 'Greenpeace breaks laws through the practice of civil disobedience. Sea Shepherd does not break laws, we uphold them. We intervene against illegal activities. We do not protest' (cited in Milligan 2013, p. 28). Milligan has questioned the validity of Watson's assessment, describing his claims as 'implausible' and arguing that they restrict the 'conception of what civil

disobedience must involve' (Milligan 2013, p. 28). As we shall see, this contestation over how to best make sense of Sea Shepherd's activities has led Nagtzaam and Lentini to describe their activities as 'vigilantism' (Nagtzaam and Lentini 2007, p. 114), a label that Watson enthusiastically embraces (Watson 2011).

Interview Method

Publicly available information and current scholarship on Greenpeace and Sea Shepherd is not sufficient to establish their motivation and activities in sufficient detail to confidently categorise them as acts of civil disobedience or otherwise. While we found some evidence of their at-sea activities—and great detail about how they would like to be publicly perceived—the available information is lacking. In particular, if either organisation is to avail itself of a Rawlsian civil disobedience defence it is essential to interrogate not only their civility (or otherwise), but also the purpose of their at-sea activity in greater detail. As such, we wanted to directly ascertain from both groups about whether they consider themselves to be engaged in policy change, and if they do, what policy are they seeking to influence? That said, we did not anticipate that they would offer expert or theoretically informed accounts using such terms. Rather, we sought to ask open questions that would allow us to draw our own conclusions about their motivation. To that end, we asked, re-asked, and then re-framed a series of questions intended to draw out information specifically about the range of motivations informing their on-sea activity.

We interviewed activists associated with Sea Shepherd, Greenpeace and the HSI. The interview sample was as follows: four current and one former Sea Shepherd crew; one former Greenpeace crew and one office employee; one current and one former HSI employee. We conducted eight interviews in total. Unlike Greenpeace and Sea Shepherd, who are the focus of this analysis, HSI have never engaged in at-sea activism. However, they have made effective use of video evidence captured on the high seas in a 2008 legal challenge before the Federal Court of Australia (for further details see Brenton et al. 2013). We therefore felt that hearing how HSI perceives, and utilises, information collected by at-sea activists is important to making sense of the role Sea Shepherd and Greenpeace play as political actors. We found it considerably easier to conduct interviews with Sea Shepherd crew (many of whom were currently serving) than to locate and interview representatives of Greenpeace, most of whom had long since left the organisation. Greenpeace Australia was last active in the Southern Ocean in 2008. However, we asked all interviewees about their perceptions of the other organisations under consideration, and as such believe that we have a rounded view of the aims, objectives and conduct of all three. Moreover, the Greenpeace interviewee had worked in a senior policy role and had also been at sea with the organisation. As such he was able to provide a broad overview of the organisation's aims and methods.

We used a mix of cold-calling and snowball technique to acquire our sample. We asked interviewees a series of around ten questions about their role within the organisation; whether they had witnessed violent actions themselves; whether they

considered other organisations to be engaged in violence; what they thought the aim of their organisation is; whether they believe that their organisation's activity is directed at policy change, and, if so, if it was specifically targeting Australian, Japanese or international law. All interviews were recorded, transcribed and then manually coded. Two members of the research team, each working independently, did the coding. This was done in order to confirm our analysis. We looked for themes within each of the organisations, and across all activists interviewed. The research received ethics approval. Interviews were conducted on the condition of anonymity.

Is Anti-Whaling Activism Civil Disobedience?

In this section we evaluate the activities and intentions of both Greenpeace and Sea Shepherd with respect to the key criteria for civil disobedience, as argued by Rawls, using both interview data and publicly available information. We conclude with a discussion about what our analysis might mean for contemporary thinking about activism in transnational or more global contexts.

Conscientious Motivation

Rawls situates his account of civil disobedience within a fully developed theory of justice, where its purpose is to provide a way for citizens to publicly convey their profoundly felt convictions in opposition to existing laws and to thereby reform these laws according to shared principles of justice. The sincerity of these convictions and to the rule of law must therefore be paramount. By the requirement that a justified disobedient act be conscientious, then, we understand both that it must be done with sincere intentions, and that it be grounded in a common sense of justice.

The stated goal of Greenpeace is to 'ensure the ability of the earth to nurture life in all its diversity' and its core values include independence, bearing witness through peaceful protest and non-violent direct action (Greenpeace 2009). This focus on the earth already disrupts more liberal national conceptions of activity. Fundamental to the Greenpeace ethos is the concept of 'bearing witness', an artefact of the group's Quaker beginnings (cited in Szerszynski 1997, p. 51). These aims are supported by the interview data. For example, our Greenpeace interviewee told us that '*we are here [in the Southern Ocean] because we are opposed to whaling*'. There is no evidence to suggest another, ulterior or insincere motive.

Yet personal morality or religious conviction is not sufficient to justify disobedience for Rawls (1999, p. 321); it is to the shared sense of justice which disobedients must appeal. In comparing the conduct of Greenpeace with the Catholic Church, Szerszynski makes a stronger argument that activists and their supporters share a moral co-dependency: 'Greenpeace supporters—through financial contributions, direct mail and media reports—can participate in the ecological virtue of the activists, who, in turn, are dependent on the public for their constitution as heroes and martyrs' (Szerszynski 1997, p. 46). This dependency aside, the moral motivation and public appeal of Greenpeace activists is not questioned.

Sea Shepherd Australia identify as ‘a non-profit conservation organisation whose mission is to end the destruction of habitat and slaughter of wildlife in the world’s oceans in order to conserve and protect ecosystems and species’ (Sea Shepherd 2014). This is consistent with the views of their members, who often speak with one voice. Consider:

Sea Shepherd’s founder Paul Watson often states that Sea Shepherd’s clients are marine life—the seals and whales and dolphins and sharks—that our duty is to protect them above any other. So Sea Shepherd’s duty is quite clearly to protect marine life.

And, ‘*I think the majority of crew really ... just want to stop animals being killed*’. It was evident from our interviews that Watson, and his philosophy, loom large over Sea Shepherd as an organisation. Watson’s name was mentioned no less than 13 times by the five Sea Shepherd interviewees.

Sea Shepherd aims are not singly devoted to preventing the death of whales, and our interviewees pointed to the multiple intentions of their campaigns, noting, for example, that ‘*the needs of getting information to the public and raising public awareness*’—such as demonstrating that the clubbing of seals is not humane—were no less important.

Sea Shepherd and Greenpeace are both clearly engaging in conscientiously motivated activity, whether focused directly on marine life in the case of the Sea Shepherd, or with a broader moral motivation around environmental conservation in the case of Greenpeace. There is no evidence to suggest that these groups operate for self-interested or underhanded purposes. Any instance of coercive behaviour for purely personal gain or with malicious intent would struggle to meet the definition of civil disobedience. The ongoing and explicit focus on animal and environmental protection within Greenpeace and Sea Shepherd seems to rule out an exclusively selfish or malevolent motivation on the part of these activists.

Yet, there is one possible caveat to that otherwise apparently self-evident conclusion. The received scholarship around acceptable conscientious motivation might be difficult to meet generally in the case of those who advocate on behalf of non-human animals and the natural environment. In *A Theory of Justice* Rawls argues (1999, p. 448) that the justice principle excludes non-human animals, who are not reciprocating moral agents. This exclusion provoked concern (among other concerns) from commentators such as Singer (1991, pp. 126–127) that legitimate civil disobedience on Rawls’s view will not be possible on behalf of those to whom we do not owe duties of justice. This is because despite some common ideas, it is clear that the strong sense of justice held by most animal activists is not shared by a majority of citizens in any society (see further Greenawalt 1991, p. 177).

It is worth noting that later in *Political Liberalism* (Rawls 1996) Rawls acknowledges the complexity of our moral obligations both to animals, to ‘nature’ and to so-called ‘marginal case’ humans, as well as to future generations of people. He even suggests that such arguments will exceed the limits of public reason if they are not grounded in the principles of basic justice (1996, p. 246). Yet Rawls also expands the range of legitimate motivations that may ground civil disobedience, from those that are already shared by the majority, to those that may be very

different from the majority viewpoint. Under these circumstances the minority views would still need to be publicly justifiable, using a concept of political justice that can be explained to fellow citizens 'in terms of a reasonable balance of public political values' (Rawls 1996, p. 243). Rawls also acknowledges that not all reasoned balances are the same (Rawls 1996, p. 243). This shift in Rawls's thinking therefore opens up the possibility of claiming a civil disobedience defence on behalf of animal activists generally, who may mount a very plausible public justification for their actions. Yet while it may be generally necessary to make a very compelling case as to why the actions of animal activists should be considered to fall within the scope of a Rawlsian framework given the low status attributed to many non-human animals and the socially acceptable practice of using large numbers of non-human animals for food (consider Garner 2003), in relation to anti-whaling activism no special case needs to be made. Popular opinion is strongly anti-whaling. Opinion polls have consistently shown that the overwhelming majority of Australians are against whaling, while the Japanese have mixed feelings, and could best be described as ambivalent (Greenpeace 2008). In one poll, more than 90 per cent of Australian respondents opposed Japanese whaling and more than 80 per cent felt that the Australian government was 'not doing enough' to stop whale hunting (Whish-Wilson 2014). On this issue animal activists are on the side of the moral majority. Furthermore, very few countries engage in the practice and there is no global consensus in support of whaling.

Public

Both Rawls and Bedau point to the need for fair and advance notice to relevant state and non-state actors concerning the intention to engage in an act of civil disobedience (Bedau 1961, p. 655). This criterion has been contentious given some degree of covert activity, such as in the case of trespass on land, is necessary for effective disobedient activity (see further McCausland et al. 2013). In such cases this criterion can still be satisfied when activists make efforts to publicise their activities soon after the fact, and do so with a view to engendering public discourse (see further Smart 1991, pp. 206–207; Brownlee 2009). There is no such contention in the case of anti-whaling activism as activists are dependent on publicity to advance their campaigns and openly show where they are going and what they are doing. Furthermore, while the seas are 'public', given the vastness of the Southern Ocean and the time and expense it takes to find whalers, Sea Shepherd often attempts to overtly follow the Japanese vessels from the docks. Thus unlike some land-based animal activism, anti-whaling activity on the high seas would seem to meet the Rawls and Bedau criterion without qualification. One Sea Shepherd interviewee spoke of '*getting information to the public and raising public awareness*' as a priority. The same interviewee argued that '*higher up in the organisation and in the command structure there would be people who would be thinking of, for example, fundraising or the objective of getting information out to the public*'. 'Showing people' was an important theme among Sea Shepherd interviewees. For his part, the Greenpeace interviewee argued that one of the reasons that Greenpeace stopped its at-sea activity in the Southern Ocean was that the

organisation had already been successful in that it had ‘*raised the public profile of the issue*’.

Yet despite much effort on behalf of both Greenpeace and Sea Shepherd to publicise their work, one problem would seem to persist. The same expansive ocean and the distance from shore can perversely have the effect of obscuring the actions of both activists and whalers from public sight. Journalists and other impartial observers are restricted to the images supplied by the two opposing parties and the hearsay of those with an interest in the outcome of the dispute. But essentially this is no different, and arguably less problematic, than the restrictive effects associated with private property. The information available to citizens on the treatment of animals in socially invisible institutions such as factory farms is typically obtained through illegal trespass on the part of activists (see further O’Sullivan 2011), or sanitised by those with a financial interest in promoting the same activity. On the high seas, no one party has privileged access to the territory, nor any less ability to overcome the geographical impediment to public accessibility. Just because geography makes it difficult for the community to see what occurs at sea, it does not follow that Greenpeace and Sea Shepherd are trying to be anything less than public in what they do.

In this case we think that the intention to publicise disobedient activity, and efforts on the part of anti-whaling activists to overcome the invisibility generated by distances on the high seas, is enough. In the same way that we understand covert activity to be sometimes a necessary feature of some disobedient acts, law-breaking activity will necessarily take place sometimes in remote locations. We would not rule an act to be inherently not a case of civil disobedience if the action were taken against an unjust law affecting Australian Aborigines in the remote Central Desert. The same would seem to be equally unfair, and too foreclosing, in the case of anti-whaling activists. Indeed, Sea Shepherd have gone further in their efforts to make their activities public by collaborating with the Discovery Network television series *Whale Wars*, which has been essential in disseminating information. As one Sea Shepherd interviewee noted,

Whale Wars has been a turning point for Sea Shepherd. In terms of how much people know about what we do, how much people know about the issue of whaling in general and how much money that generated for our organisation.

It further opened their activities up to much greater scrutiny and transparency, which as we will see may also be related to their intention to affect public policy.

Civil

Key to any understanding of civil disobedience is that the act under consideration be civil. The intentionally distressing shock tactics favoured by some actors in the animal protection movement are not a legitimate part of the civil disobedience toolkit. Examples include the destruction of property associated with actions against research laboratories, targeting scientists and digging up the graves of relatives. Activism on behalf of animals that fails to meet this standard is at risk of falling outside the scope of civil disobedience (see further Singer 1993, p. 302).

The injunction against incivility also provides the basis for traditional interpretations of civil disobedience to stand in opposition to violence and coercion. Certainly this requirement may be interpreted with a degree of flexibility. As Martin Luther King noted, 'no social revolution can be neat and tidy at every point' (cited in Milligan 2013, pp. 15–16). Morreall also makes the case that a clear moral distinction between violence and coercion is difficult to draw, further contending that some element of coercion is a necessary element of any successful disobedient act (Morreall 1991; see also Raz 2009, p. 267).

It is in relation to this criterion that some of both Greenpeace and Sea Shepherd's activities come most readily into question. For example, in early 2013 Chief Judge Alex Kozinski of the Ninth US Circuit Court of Appeals ruled that:

You don't need a peg leg or an eye patch. When you ram ships; hurl containers of acid; drag metal-reinforced ropes in the water to damage propellers and rudders; launch smoke bombs and flares with hooks; and point high-powered lasers at other ships, you are, without a doubt, a pirate, no matter how high-minded you believe your purpose to be (cited in Yuhas 2013).

The judge declared that: 'The activities that Cetacean [Japan's Institute of Cetacean Research] alleges Sea Shepherd has engaged in are clear instances of violent acts for private ends, the very embodiment of piracy. The district court erred in dismissing Cetacean's piracy claims' (cited in Willacy 2013).

Many facts and motivations are disputed and have been associated with claims and counter-claims of illegality by both Sea Shepherd and Japanese whalers. The use of stink-bombs and other similar devices was openly discussed by some of the people we interviewed for this paper. As one Sea Shepherd employee told us:

a range of tactics [have been used] to try to stop killing of whales. And those included trying to use prop-fouling devices that might interfere with the whaling ships' ability to navigate. Using stink-bombs that would contaminate the surface of the whaling ship, particularly the factory ship, so that when the whales were dragged aboard the whaling ship, the stink-bomb—the butyric acid, essentially rotten butter—would contaminate the meat and make it unsaleable.

However, in the minds of many associated with Sea Shepherd, violence is not something that can be exercised against inanimate objects. Rather, it is limited to those actions that directly harm humans or animals:

Sea Shepherd talks about the definition of violence as being violence that causes harm to humans or animals. This is not necessarily my position, but Sea Shepherd's generally stated position is that damage to property is not necessarily violent if no one is in any way injured in that process.

Overall, our Sea Shepherd interviewees did not readily offer information about aggressive or violent activity by Sea Shepherd crew. Indeed, when asked whether they had witnessed violence at sea many interviewees were quick to comment on the actions of Japanese whalers. The same interviewee who talked about the use of prop-fouling devices by Sea Shepherd was also keen to tell us that:

The whaling fleet has also thrown projectiles at Sea Shepherd. They've fired flash grenades. When I was there they used a long range acoustic device against a helicopter pilot when he was in flight, which is extremely dangerous. They have thrown objects at Sea Shepherd crew.

Another told us that *'I would consider the actions of the whaling fleet violent, for sure'*. Yet despite interviewees focusing on the Japanese crew when asked to speak to the issue of violence, property damage and aggressive acts of Sea Shepherd crew are a matter of public record.

For this reason, others have been more circumspect in their assessment of the Sea Shepherd, if no less critical. Natzgaam and Lentini consider vessels that have no home port, which are unregistered, and those which do not fly a national flag as potential candidates for pirate ships (Natzgaam and Lentini 2007, p. 114), as well as Young and Valencia's account, which spans in-port pilfering, 'hit and run' attacks (understood as non-political theft at sea), as well as seizing vessels temporarily and permanently (cited in Natzgaam and Lentini 2007, p. 114). Natzgaam and Lentini for their part acknowledge the complexity of Sea Shepherd's various activities. They conclude that no single descriptor can sum up all that Sea Shepherd encompasses, and they therefore speak of Sea Shepherd with reference to 'piracy, vigilantism, terrorism, as well as (self-ascriptively) enforcing environmental law'. The authors go on to conclude that Sea Shepherd therefore 'constitute a form of gray area phenomenon' (Natzgaam and Lentini 2007, p. 114).

Yet even if piracy is not the most appropriate description of the activities we have witnessed to date—a selfish or private motivation has not yet been established in our view—the spirit in which these claims are made is manifest. Hoek considers both the claims of incivility made against Sea Shepherd by their detractors as well as the defences proposed by Watson and concludes that 'accusations of eco-terrorism are valid' (Hoek 2010, p. 181). We conclude that it is not difficult to agree that much of the behaviour of the Sea Shepherd and its associates in confronting the Japanese vessels has not been civil. However, it is beyond the scope of this article to rule on whether some of the stronger claims, for example that they are terrorists, are well founded. We leave that analysis to others.

Yet civility is not a straightforward notion. Certainly, scholars such as Milligan (2013, p. 150ff) and Morreall (1991) mount compelling arguments that the line between coercion and violence is not only difficult to draw, but further, ought not to be a deciding factor in determining whether an act of civil disobedience is justified or not. Nevertheless, a conservative interpretation would certainly rule out the property damage and threat to personal safety of the kind resulting from Sea Shepherd's direct activism.

Greenpeace's tactics have been quite different and arguably more civil. The interviewee we spoke to from Greenpeace was very clear that Greenpeace did not use the same range of tactics as Sea Shepherd. Rather, this is how he described Greenpeace at sea:

Basically our plan was that, you know, when we found the whaling fleet, you know, the way they operate is they go around and they catch the boats which are 20-odd metres long, quite manoeuvrable, quite fast. They basically cruise

around until they spot a whale, and then they start a chase. And so one of the tactics, the key tactic Greenpeace was using down there was to follow them in a small inflatable boat. When they spot a whale, so then you get in between the whale and the harpoon, pretty much, and try and distract the harpoonist from the whale, let the whale escape.

When asked explicitly if Greenpeace had ever used violence in the Southern Ocean he candidly replied: *'No. Look, I think it's a subjective matter. I am sure if you ask a Japanese crew member they would have a very different perspective. But from a Greenpeace point of view, we have a very strong commitment to non-violence'*. We are, of course, looking to understand activities found to be illegal, so their civility will be called into question. Yet what we have encountered with Greenpeace is a steadily increasing focus away from direct physical interference with the hunt to more diplomatic activities, using footage captured at-sea to influence the public. That public discussion is also increasingly taking place in newer and globalised forms of media, and encouraging more citizen journalism. The way the footage is used provides further insights into the intentions of activists, which we now discuss.

Undertaken with a View to Changing the Law

The question of civility is related to the intention to change the law. As Milligan notes in his discussion of Mahatma Gandhi, the notion of civility can be interpreted in a variety of ways: as protest by civilians; committing offences against civil (rather than criminal) law; as protest by civil society; and, of course, as a virtue characterised by non-violence—the focus on which Milligan's account centres (Milligan 2013, p. 89).

During the Greenpeace Southern Ocean campaign of 2005/2006 the organisation formed a working relationship with the Australian branch of HSI. That relationship saw Greenpeace share footage of Japanese whaling, captured on the high seas, with HSI among many other groups. Speaking to the relationship between Greenpeace and HSI, one HSI representative said *'they [Greenpeace] are part of the coalition of NGOs that work together to try and stop whaling'*. The Greenpeace footage was used by HSI in a high-profile court case in which HSI won a significant legal victory against the Australian government, claiming the government was negligent by allowing the Japanese to kill whales in Australian waters. In our view, Greenpeace's at-sea activity of capturing images of Japanese whaling, and the use of those images by HSI in their legal challenge, is evidence that policy change within Australia was at least one source of motivation for Greenpeace.

Another priority informing Greenpeace's Southern Ocean 2005/2006 campaign was policy change in Japan. Our Greenpeace interviewee told us that *'our beef ... [was] with the policy setters back in Tokyo who approved the whale hunt'*. He went on to explain that:

By that stage, 2005, you know, the world had been battering Japan from the outside for 20 years, something like that, over the whaling issue. There had been, you know, attempted boycotts, external pressure, diplomatic work, the whole lot. And all of that's important. I don't diminish from that. But at that point in time we

felt the next move we needed to make was really in Japan. We did market research inside Japan that identified that—and I don't have the exact numbers but I can give you the proportions—20 per cent of people supported whaling, 20 per cent of people opposed it, and 60 per cent in the middle had no opinion. Because actually it got very little coverage in Japan. No one talked about it. No one was aware of the fact that the Japanese government subsidised it. Plenty of people didn't know that the external world found it annoying, or, you know, offensive. You know, Japan is quite an insular society in some regards. They are not an externally focused society, in our view.

The purpose was to '*get the people to tell the government that they don't want Japan conducting the cull*', and '*we were doing stuff live from the ships back to Japan, video footage, images, blogs, all in Japanese*'. That involved employing Japanese people, in Japan, to influence the people of Japan, with a view to changing Japanese policy. The interviewee argued that: '*We made a deliberate decision that the way that the whaling issue was going to be resolved was inside Japan*'. But the campaign was directed by Australians and spearheaded in Australia, under the direction of Greenpeace International.

These intentions on the part of Greenpeace also point to a relevant distinction made by Rawls between civil disobedience and (simply) bearing witness; the latter does not appeal to the principles and values of a political conception sense of justice (Rawls 1996, p. 466). Those who bear witness to their own faith recognise and respect legitimately formed laws and the obligation not to violate those laws. The steps undertaken by Greenpeace to actively change those laws tell us that their activity goes beyond the original mission of the organisation into the distinctly political arena of civil disobedience.

As noted earlier, Watson and his followers at Sea Shepherd do not self-identify as civil disobedients who set out to change the law. Rather, enforcing existing laws was a commonly cited reason for them to be at sea. For example, '*there is already legislation that should protect whales. In the Southern Ocean Whale Sanctuary, in particular, in Australia's territory. But that legislation is not enforced. There's a lack of an enforcement body to do that*', and '*we use aggressive non-violent tactics to enforce the laws of the sea that are out there to protect marine animals but aren't being enforced by governments of the world*' and '*we are doing something that governments should be doing*'. Our interview data indicates that members of Sea Shepherd adhere to Watson's view that the organisation is focused on upholding, rather than challenging existing laws.

In supporting Watson's assessment of Sea Shepherd's aims, Milligan takes into account the important distinction between a political claim to the status of civil disobedience and an impartial assessment of this status. In this spirit we look for other indicators of an attempt to influence law or public policy in Sea Shepherd campaigns, and we do so by looking to how they use the footage they capture. It is first worth noting that the *Whale Wars* series was indisputably successful, running for seven series. It also generated a spin-off series *Whale Wars: Viking Wars* focusing on anti-whaling activity in Norway, along with reviews highlighting their opposition to Japanese whaling in high-profile publications across the world. While

general publicity may have been the original motivation for the series, it is perceivable that their TV presence represents a form of soft diplomacy. It has the effect of influencing the views of citizens in multiple jurisdictions—not least of which is the USA—whose government went on to play a significant role in working with the IWC in an attempt to reduce and ultimately end Japanese and other whaling activity all together (Broder 2010).

Footage captured by Sea Shepherd has also been supplied to other groups for explicit use in attempting to change public policy. HSI representatives indicated to us during our interviews that since Greenpeace shifted their focus away from at-sea campaigns and collecting footage, HSI have developed an ongoing working relationship with Sea Shepherd to gather information from the Southern Ocean and evidence of whaling within protected areas. *'So we do work with them, and we have a good relationship with them, but we recognise that we're very different organisations, and so I guess we probably don't work with them publicly as much as we would do'*. HSI acknowledge this relationship is useful—*'because obviously we have to show evidence of whaling'*.

We have come some way towards arguing that the anti-whaling groups Greenpeace and Sea Shepherd could perhaps be understood as civil disobedients, that is, as groups whose illegal activities can be morally justified in virtue of their conscientious motivation; public orientation; stated commitment (if patchy adherence) to non-violence, and contribution to policy change in different parts of the world. Table 1 summarises our findings in relation to each of the civil disobedience criterion posited by Rawls.

Not all of these claims are straightforward. The conscientious motivation of each group draws on moral beliefs that do not have a clear basis in the Rawlsian theory of justice; activities that take place on the high seas are arguably not public; and the civility of Sea Shepherd in particular can be seriously questioned. Furthermore, the intention of each group to effect policy change takes place across international borders, which is not in keeping with an understanding of civil disobedience as a fundamentally democratic activity, undertaken by citizens directed at their own government. It is perhaps this final criterion, however—whether the policy change is squarely aimed at democratic policy change within a neatly defined national territory—that is the most significant, and therefore the issue most deserving of ongoing interrogation.

Activism within a Global Context

Sea Shepherd and Greenpeace are each free to decide whether or not to use violence if they are prepared to live with the consequences. Yet it is much less clear whether, within the context of a globalised world, they are free to choose to undertake their activism in a way that is focused exclusively on policy change within a single nation-state. While it is true that transnational bodies such as the IWC are made up of nation-states, such organisations are also more than the mere sum of their component parts. As organisations they must take on a distinct logic of their own. Within the context of globalisation, to limit one's protest action to a particular

Table 1 Anti-whaling activity and a Rawlsian civil disobedience defence

	Sea Shepherd	Greenpeace
Conscientiously motivated	Yes	Yes
Public	Yes, so far as is practicable on the high seas	Yes, so far as is practicable on the high seas
Civil	Contestable	Yes
Undertaken with a view to changing the law	Not primarily, but attitude change is part of their purpose and this might inform policy. Moreover, they are increasingly working with HSI who are in the business of policy change. Yet that attitude change is not aimed at one specific nation-state	Yes, Japanese law in particular and Australian law earlier through collaboration with HSI. Attitude change in various jurisdictions around the world is also a priority

nation-state may be to choose to be ineffective. Or, to consider the issue from the alternative perspective: is it necessarily the case that choosing to campaign effectively on a transnational issues such as whaling means that activists, by definition, must relinquish the chance to have their actions judged with reference to the largely revered principle of civil disobedience? Unless we are prepared to push against the received wisdom of what constitutes civil disobedience, that concept might be lost to future generations of activists who confront injustices that routinely transcend the now seemingly parochial borders of the nation-state.

If distributive justice is extended beyond the domestic nation-state to the world at large, citizens take on a different role. Within the cosmopolitan moral orientation is a conception of global citizenship which is fundamentally concerned with appropriate individual action (Cabrera 2008). According to Cabrera, ‘individuals act as global citizens when they:

- (a) reach across international boundaries, or internal boundaries, or internal boundaries of differential citizenship
- (b) in order to help secure those fundamental rights that would be better protected if there were a just system of global institutions in place, and
- (c) work to help put such a system in place’ (Cabrera 2008, p. 94).

Such a definition would seem to speak with greater coherence to contemporary forms of activism—particularly in relation to non-nation state specific issues such as climate change, over-fishing and whaling—than the criteria developed in the latter half of the twentieth century by Bedau and Rawls, which limits social change to less complex, domestically focused issues. At heart is the question: in the modern era, must we throw the Rawlsian baby out with the globalisation bathwater? Or, can we choose to modernise Rawls’s important thinking on civil disobedience to reflect the changed nature of global politics? While others have suggested that the fundamentally political and communicative thesis proposed by Rawls is outdated and inadequate to the task of capturing modern forms of activism (Welchman 2001;

Milligan 2013, p. 14), we are more hopeful. To that end we suggest that any claim that the actions of either Sea Shepherd or Greenpeace are not consistent with a conservative interpretation of civil disobedience should be focused on arguing about their degree of civility. It should not be focused on the transnational aspect of their policy change ambitions.

The emerging literature on global citizenship is not without its critics. For example, it has been argued that it constitutes nothing more than an attitude, and that moral hazard pervades as activists can take policy positions that do not affect them directly (Pallas 2012). More optimistically, Pallas (2012, pp. 169–170) recognises that ‘It establishes a theoretical connection between distant and disparate peoples on the basis of shared interests and common humanity, and uses such connections to legitimate transnational activism and intervention in matters that would previously have been considered the exclusive domain of nation-states and their citizens’. Armstrong (2006) posits three components of global citizenship: a global human rights discourse; global citizen responsibilities; and global civil society. Yet unlike stricter interpretations of the civility criterion within the civil disobedience literature, Armstrong recognises disrespecting ‘civility’ and cooperation with vested interests is how many NGOs contribute to global ‘civil’ society. Nonetheless, globalisation is here, it is significant, and it should inform how we understand the work of organisations such as Sea Shepherd and Greenpeace.

Conclusion

In seeking to view the at-sea anti-whaling activities of both Sea Shepherd and Greenpeace through the prism of civil disobedience we have found that in both cases their actions are undertaken for genuinely conscientious reasons. While the civility of Sea Shepherd activity in particular is problematic, the notion of civility is itself somewhat contestable, given the inherent element of coercion in any act of civil disobedience. Of more interest is the extent to which the actions of both groups might be said to focus on changing the law. In the case of Sea Shepherd, their early efforts at legal change were almost entirely dependent on the extent to which shifts in public opinion achieved through publicity campaigns and highlighted by outlets such as *Whale Wars* may generally result in policy change. In the case of Greenpeace, policy change has been very much at the centre of their anti-whaling campaigning. However, they have primarily been seeking to change Japanese policy. That makes their actions quite different to those envisaged by Rawls, and even by more contemporary interpretations of civil disobedience.

However, while this may not be how civil disobedience has been understood in the past, this study sheds light on those who consider it their moral duty to bring about legal change in relation to any activity they view as unethical, wherever it may be enacted around the globe. This mode of thinking, often referred to as cosmopolitanism, is quite distinctive from the way in which Rawls would have perceived citizenship and legal change. That in turn raises the question, are concepts such as civil disobedience specific to a certain time and place, or should they too move forward? If the answer is ‘yes’, then it is quite possible that we need to begin

to see civil disobedience as something that one person can pursue in relation to any law, regardless of the dissident's nationality or the state responsible for the morally dubious law.

Acknowledgements The authors would like to thank the University of Melbourne's Human Rights and Animal Ethics (HRAE) Research Network for their support, in particular Professor Barbara Creed. We would like to thank Felix Gedye for assisting with the interviews, as well as all the volunteers and staff (past and present) of Sea Shepherd, Greenpeace and the Australian branch of HSI who allowed us to interview them. This article would not have been possible without their support. We would also like to thank numerous colleagues from around the world who spoke to us about this paper and who provided us with useful feedback along the way. In particular we would like to thank Terry Macdonald, Robyn Eckersley and Tony Milligan. Finally, we would like to thank the anonymous referees at *Res Publica* for their insightful feedback and encouragement.

References

- Anton, Donald K. 2010. Dispute Concerning Japan's JARPA II Program of 'Scientific Whaling' (Australia v. Japan). *ASIL Insights* 14(20).
- Armstrong, Chris. 2006. Global civil society and the question of global citizenship. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations* 17: 349–357.
- Bedau, Hugo A. 1961. On civil disobedience. *Journal of Philosophy* 58 (21): 653–661.
- Bedau, Hugo A. (ed.). 1991. *Civil disobedience in focus*. London: Routledge.
- Bennett, W. Lance. 2010. Communicating Global Activism. *Information Communication & Society* 6 (2): 143–168.
- Brenton, Scott, Clare McCausland and Siobhan O'Sullivan. 2013. Piracy, animals and democratic engagement: The limits of civil disobedience at sea. In *Australian Political Studies Association (APSA) conference 2013*.
- Broder, John M. 2010. U.S. leads new bid to phase out whale hunting. *New York Times*. April 14. <http://www.nytimes.com/2010/04/15/science/earth/15whale.html>. Accessed 20 June 2015.
- Brownlee, Kimberley. 2009. Civil disobedience. *The Stanford Encyclopedia of Philosophy*. <http://plato.stanford.edu/archives/spr2010/entries/civil-disobedience/>. Accessed 16 September 2012.
- Cabrera, Luis. 2008. Global citizenship as the completion of cosmopolitanism. *Journal of International Political Theory* 4 (1): 84–104.
- Cuff, David, and Andrew Goudie. 2009. *The Oxford companion to global change*. Oxford: Oxford University Press
- Devall, Bill. 1991. Deep ecology and radical environmentalism. *Society & Natural Resources* 4 (3): 247–258.
- Dowling, Siobhan. 2012. Paul Watson skips bail in Germany. *The Guardian*, 27 July. <http://www.guardian.co.uk/environment/2012/jul/26/paul-watson-skips-bail-germany>. Accessed 26 July 2013.
- Eckersley, Robyn. 2004. *The green state: Rethinking democracy and sovereignty*. Cambridge, MA: The MIT Press.
- Garner, Robert. 2003. Animals, politics and justice: Rawlsian liberalism and the plight of non-humans. *Environmental Politics* 12 (2): 3–22.
- Greenawalt, Kent. 1991. Justifying nonviolent disobedience. In *Civil disobedience in focus*, ed. Hugo A. Bedau, 170–188. London: Routledge.
- Greenpeace. 2008. Opinion poll on research whaling. *Greenpeace International*. <http://www.greenpeace.org/international/en/publications/reports/japanese-opinion-whaling-2008/>. Accessed 24 June 2013.
- Greenpeace. 2009. Questions about greenpeace in general. *Greenpeace International*. http://www.greenpeace.org/international/en/about/faq_old/questions-about-greenpeace-in/. Consulted 29 June 2015.
- Greenpeace. 2011–2013. 国際環境NGOグリーンピース <<http://www.greenpeace.org/japan/ja>>. Consulted 26 July 2013.
- Greenpeace. 2014. Free the arctic 30. <http://www.greenpeace.org/international/en/campaigns/climate-change/arctic-impacts/Peace-Dove/Arctic-30/>. Consulted 13 March 2014.
- Greenpeace International. 2015. What we do. http://www.greenpeace.org/international/en/campaigns/climate-change/our_work/protests/. Consulted 23 February 2016.

- Harter, John-Henry. 2004. Environmental justice for whom? Class, new social movements, and the environment: A case study of Greenpeace Canada, 1971–2000. *Labour Le Travail* 54: 83–119.
- Hoek, Andrew. 2010. Sea Shepherd Conservation Society v. Japanese Whalers the showdown: Who is the real villain. *Stanford Journal of Animal Law and Policy* 3: 159–193.
- Kriwoken, Lorne K., Julia Jabour, and Alan D. Hemmings. 2007. *Looking south: Australia's Antarctic agenda*. Annandale: Federation Press.
- McCausland, Clare, Scott Brenton, and Siobhan O'Sullivan. 2013. Trespass, animals and democratic engagement. *Res Publica* 19 (3): 205–221.
- Milligan, Tony. 2013. *Civil disobedience: Protest, justification, and the law*. New York, NY: Bloomsbury.
- Morreall, John. 1991. The justifiability of violent civil disobedience. In *Civil disobedience in focus*, ed. Hugo A. Bedau, 130–143. London: Routledge.
- Natzgaam, Gerry, and Pete Lentini. 2007. Vigilantes on the high seas?: The Sea Shepherds and political violence. *Terrorism and Political Violence* 20 (1): 110–133.
- O'Sullivan, Siobhan. 2011. *Animals, equality and democracy*. Basingstoke: Palgrave Macmillan.
- Pallas, Christopher L. 2012. Identity, individualism, and activism beyond the state: Examining the impacts of global citizenship. *Global Society* 26 (2): 169–189.
- Rawls, John. 1996. *Political liberalism*. New York, NY: Columbia University Press.
- Rawls, John. 1999. *A theory of justice*. Cambridge, MA: The Belknap Press of Harvard University Press. (Revised edition).
- Raz, Joseph. 2009. *The authority of law*, 2nd edn. New York, NY: Oxford University Press.
- Sea Shepherd Australia. 2014. *Who we are*. <http://www.seashepherd.org.au/who-we-are/>. Accessed 11 March 2014.
- Simons, Daniel. 2011. Is breaking the law always illegal? In *Greenpeace international*. <http://www.greenpeace.org/international/en/news/Blogs/makingwaves/is-breaking-the-law-always-illegal/blog/32276/>. Accessed 6 June 2015.
- Singer, Peter. 1991. Disobedience as a plea for reconsideration. In *Civil disobedience in focus*, ed. Hugo A. Bedau, 122–129. London: Routledge.
- Singer, Peter. 1993. *Practical ethics*, 2nd edn. New York, NY: Cambridge University Press.
- Smart, Brian. 1991. Defining civil disobedience. In *Civil disobedience in focus*, ed. Hugo A. Bedau, 189–211. London: Routledge.
- Southwell, Clair. 2014. Whaling in the Antarctic: A summary of the International Court of Justice decision regarding Japan's Antarctic whaling program. *Lawyers for Animals*. <http://lawyersforanimals.org.au/projects/whaling/>. Accessed 6 June 2015.
- Szerszynski, Bronislaw. 1997. The varieties of ecological piety. *Worldviews: Global Religions, Culture, and Ecology* 1 (1): 37–55.
- The Institute of Cetacean Research. 2011b. *Greenpeace harassment—Arctic Sunrise rams the Nisshin Maru*. <http://www.icrwhale.org/collision0.html>. Accessed 6 June 2015.
- Valentini, Laura. 2011. Global justice and practice-dependence: Conventionalism, institutionalism, functionalism. *Journal of Political Philosophy* 19 (4): 399–418.
- Welchman, Jennifer. 2001. Is ecosabotage civil disobedience? *Philosophy & Geography* 4 (1): 97–107.
- Weyler, Rex. 2014. Civil disobedience: Why direct action is necessary. *Greenpeace International*. <http://www.greenpeace.org/international/en/news/Blogs/makingwaves/civil-disobedience-why-direct-action-is-necessary/blog/48294/>. Accessed 6 June 2015.
- Watson, Paul. 2011. We be Pirates! Sea Shepherd. <http://www.seashepherd.org.au/commentary-and-editorials/2011/07/08/we-be-pirates-466>. Accessed 6 June 2015.
- Whish-Wilson, Peter. 2014. The real reason behind the whaling backflip. *The Drum, Australian Broadcasting Corporation*. <http://www.abc.net.au/news/2014-01-10/whish-wilson-whaling/5193554>. Accessed 14 March 2014.
- Willacy, Mark. 2010. The Catch. *ABC News: Foreign Correspondent*, <http://www.abc.net.au/foreign/content/2010/s2921893.htm>. Accessed 29 June 2015.
- Willacy, Mark. 2012. Sea Shepherd accuses whalers of sabotage. *ABC*. <http://www.abc.net.au/news/2012-03-06/sea-shepherd-accuse-whalers-of-sabotage/3871984>. Accessed 26 July 2013.
- Willacy, Mark. 2013. US court declares Sea Shepherd pirates. *ABC*, 27. <http://www.abc.net.au/news/2013-02-27/us-court-declares-sea-shepherd-pirates/4543370>. Accessed 19 July 2013.
- Yuhas, Alan. 2013. Sea Shepherd Conservation Group declared 'pirates' in US court ruling. *The Guardian*. <http://www.guardian.co.uk/environment/2013/feb/27/sea-shepherd-pirates-us-court>. Accessed 17 May 2013.