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# Beyond (and Before) the Transnational Turn

## *Recovering Civil Disobedience as Decolonizing Praxis*

Erin Pineda

►► **Abstract:** Can civil disobedience be transnationalized? This question presumes civil disobedience to be a fundamentally domestic concept—one constitutively tied to both the nation-state and the normative underpinnings of liberal, constitutional democracies. This article shows how this assumption mistakes one version of civil disobedience’s twentieth-century intellectual history for the whole of it, and risks reproducing binaries (domestic vs. international, democracies vs. non-democracies) that trouble attempts to theorize the transnational. Turning to an alternative intellectual history—a network of civil rights and anticolonial activists—reveals a novel theory of civil disobedience as decolonizing praxis, as well the stakes of these binaries: the disavowal of white supremacy as pervasive and durable global structure of governance, linking the domestic to the international, and democratic rule to domination.

►► **Keywords:** anticolonialism, civil disobedience, civil rights movement, Gandhi, John Rawls, liberal democracy, Martin Luther King, Jr., transnational

### Civil Disobedience and the Transnational Turn

Can civil disobedience be transnationalized? This is the urgent question posed by scholars about the current landscape of grassroots dissent, as people across the globe confront poverty, violence, and statelessness; the unaccountable power of exploitative and extractive global industries; and ecological crisis at a truly planetary scale. From unauthorized border-crossings to transnational labor solidarity to climate change activism, the very *movement* of contemporary movements transgresses state boundaries and the challenges the logics of citizenship, civility, obligation, and popular sovereignty that are frequently attached to civil disobedience. Consequently, the attention of theorists of civil disobedience



has recently – and increasingly – turned toward the transnational, in order to address struggles over immigration and migrant criminalization, against austerity and the unaccountability of supranational financial and governance institutions, and in the midst of political inaction to address the climate crisis (Aitchison 2021; Allen 2011, 2017; Cabrera 2010; Celikates 2015, 2019; Cooke 2021; Niesen 2019; Ogunye 2015; O’Sullivan, McCausland & Brenton 2017; Scheuerman 2015, 2018, 2019; Smith 2017; Smith and Cabrera 2015; Volk 2019).

Yet within this scholarship the application of civil disobedience to transnational struggles presents a puzzle: civil disobedience, though long deployed by activists across and beyond state boundaries, appears normatively tied to the form of the nation-state – and in particular to the justificatory logics, membership conditions, and civic life of liberal, constitutional democracies. Within this framework, civil disobedience is a disruptive, dramatic, but ultimately democratic practice that relies on the ties between fellow citizens and each other (such that civil disobedients address themselves to those with whom they share civic relations and the status of free, equal members) as well as between citizens and the state (such that civil disobedients position themselves as among the rightful, collective authors of legitimate laws and policies). The problem, as Peter Niesen suggests, is that civil disobedience was “specifically tailored for statist polities,” and formulated as a way to address “citizens’ disagreement with existing law” (Niesen 2019: 37). Thus, the question is not simply whether civil disobedience can operate transnationally (it plainly and obviously does), but how it can be justified and more fully conceptualized in this global context given the its specifically, meaningfully domestic, normative logic.

This article is an invitation to question the assumptions that produce the question of transnationalizing civil disobedience as a question at all – the idea that civil disobedience is, in some fundamental way, a constitutively domestic concept that now requires spatial and normative stretching so that it can step beyond borders, and out of its nation-state containers. This assumption, while familiar and even unremarkable to political philosophers, is striking in the context of a history of civil disobedience – as deployed by activists around the world – that has long been transnational, as activists travelled to, strategized with, and adapted from one another, and as they conceptualized and sat within structures of worldwide scope. Similarly, it stands in stark contrast to decades of empirical political science and sociology research on the strategies, norms, and dynamics of transnational activism, which has included amongst its “repertoires of contention” direct action, nonviolent resistance, and civil disobedience (e.g., Keck and Sikkink 1998; Khagram, Riker, and Sikkink

2002; Olesen 2005, 2011; Tarrow 2012). Why has this transnational, intellectual inheritance not mattered more, or featured more prominently, in accounts which attempt to attend to contemporary global structures of injustice, or movements which cut across polities and borders?

In what follows, I suggest that the dilemma of transnationalization encountered by normative theorists of disobedience is, at least in part, a manufactured one—a product of the practices and assumptions of political philosophy rather than a necessary entailment of the concept itself. I contend that theorists have implicitly constructed civil disobedience within a “Westphalian frame” (Fraser 2009; Scheuerman 2015) that shapes the concept’s context, role, and justification. In part, they have done so by prioritizing one particular intellectual history of the concept of civil disobedience (its development out of a liberal Rawlsian framework) over and against an under-explored alternative (its development of civil disobedience through an interconnected network of civil rights and anticolonial activist praxis). The particularities of the former—structured by sharp distinctions between the domestic and the international and between liberal democratic states and non-liberal-democratic states—produce civil disobedience as a particular kind of domestic concept, one that both stands in need of transnationalization and also resists it. In this way, the reliance on a (broadly) Rawlsian starting point for conceptualizing civil disobedience stymies efforts to think the transnational in two ways: first, by ignoring a rich intellectual history of activist praxis as a source of political theoretic insight; and second, by reproducing and implicitly solidifying the very binaries (domestic/international; democratic/non-democratic states) that an account of transnational disobedience must scrutinize and destabilize.

To trouble these binaries and multiply the conceptual resources available for transnationalizing civil disobedience, I suggest that we pluralize its history of political thought, taking seriously the idea that disobedient activists themselves produce political theories of their own—whose orienting frameworks, motivating questions, and normative vocabularies may depart significantly from those adopted by scholars, even those scholars writing about them (on this, see e.g., Celikates 2015; Inouye 2021; Kelley 2003; Livingston 2018; Pineda 2015, 2021).<sup>1</sup> I then provide one example of how we might go about this pluralization, by revisiting the way that civil rights and anticolonial activists moved across seemingly disparate contexts to construct a world in motion against linked structures of racist imperialism, colonial rule, apartheid, and Jim Crow, producing a novel account of civil disobedience. Across decades of exchange and transit, civil disobedience emerged as a *decolonizing praxis*—a form of action that could liberate oneself and others from the fear and violence

that defined global white supremacy, and transform the structures and relations of racist, colonial domination. Rather than producing a domestic concept that needs to be stretched to accommodate an era of transnational activism, this alternative lineage offers novel resources for the theory and practice of civil disobedience in the present.

## From Domestic to Transnational

How is the concept of civil disobedience contained within and defined by the political form of the nation-state? What history of political thought produces the nation-state as the presumed, proper context for interpreting and justifying civil disobedience? At the broadest level, contemporary theories of civil disobedience have been informed by the same “Westphalian political imaginary” that Nancy Fraser identifies in public sphere theory more generally: theorists of disobedience have “tacitly assumed the frame of a bounded political community with its own territorial state” (Fraser 2009: 77; see also Dryzek 2012). As one variant of a broader “methodological nationalism” (Wimmer and Schiller 2002) that remains pervasive in political science, this Westphalian frame provides the normative context within which civil disobedience appears as a problem in need of philosophical investigation, and shapes the core pieces of its political role and justification. While theories of civil disobedience are many and varied, many presume that the locus of public political authority lies within the sovereign state, and that disobedient protesters are acting in their capacity as citizens addressing one another and the state. Moreover, it is only where laws are presumed to be the product of legitimate processes of collective, democratic decision-making that their violation in protest becomes normatively troubling and requires special defense. Thus, not just the nation-state, but the domestic liberal-democratic order, supplies the proper context for constructing the problem of disobedience (law-breaking that violates a citizen’s obligation to follow the same rules as their fellow citizens) and for understanding its democratic resolution (constructing civil disobedience such that it supports rather than destabilizes legitimate public authority and democratic decision-making).

We can better appreciate how this operates by examining one particularly influential form of this argument. Over the past fifty years, scholarship on civil disobedience has often proceeded by arguing with and against the influential “liberal model” developed in mid-century Anglo-American political philosophy, most notably, in the work of John Rawls.<sup>2</sup> For Rawls, the state is not just one political institution or association among others; due to its coercive capacities and primacy over other

associations, the state's legal order can be said to have "final authority over a certain well-defined territory." As he writes in *A Theory of Justice*, "What distinguishes a legal system is its comprehensive scope and its regulative powers with respect to other associations. The constitutional agencies that it defines generally have the exclusive legal right to at least the more extreme forms of coercion" (Rawls 1971, 236). The state not only wields these "more extreme" coercive powers over us, but also provides a set of "public rules" that regulate individual conduct in order to enable and maintain the conditions of social cooperation. In this way, states put citizens into particular relations with each other: the legal order of states "constitute grounds upon which persons can rely on one another and rightly object when their expectations are not fulfilled" (ibid. 235). It is, in part, because the state "permanently impacts our life prospects more decisively than other institutions," William Scheuerman notes of Rawls, that "politics ultimately concerns the question of how best to shape government and its laws" (Scheuerman 2018: 71). Civil disobedience, then, is a means of last resort for citizens to engage in this question – how to *reshape their government and its laws* – under conditions of injustice.

Yet the state is more than a merely coercive entity; it is also, for Rawls, a normative one. Although a wide range of states may lay claim to *primacy* – the ability, if not the right, to exercise final, coercive power over other forms of association – it is a particular kind of state that can lay claim to exercising *legitimate authority*. It is in these settings that civil disobedience becomes a question at all – a morally intelligible, potentially effective form of action that nevertheless requires special justification. "The problem of civil disobedience," as Rawls puts it, "arises *only* within a more or less just democratic state for those citizens who recognize and accept the legitimacy of the constitution" (Rawls 1971: 363). In states that are "well-ordered for the most part" – those that largely protect the fundamental interests and basic rights of free and equal citizens, and secure the terms of fair social cooperation between them, however imperfectly – citizens have an obligation to obey the law, owing to the natural duty to maintain and support just institutions. These states are marked by a dual nature: on the one hand, they are mostly just, and so cultivate in citizens a "commonly shared conception of justice" (ibid. 365) and an identification with core, constitutional principles that express that sense; on the other hand, "some serious violations of justice nevertheless do occur," including sustained and systemic violations of basic rights and liberties (ibid. 363, 365–66). It is because of the latter possibility that breaking the law in protest can be justified, and may indeed be crucial for the stability of just institutions over time; it is because of the former condition that civil disobedience can succeed at all, or be received as a significant moral

appeal worthy of its designation as “civil” – something more than a coercive effort on the part of a minority to override the democratic decisions of a majority.

In contrast to other theorists of political obligation and civil disobedience, Rawls does not tie the duty to obey the law to citizen’s membership in the polity but instead to a natural duty of justice. Even so, the boundaries of the liberal-democratic state fully define his view of civil disobedience – its proper objects (the domestic laws and policies of a largely well-ordered and bounded polity) as well as its rightful practitioners (citizens of the polity, bound by its laws and shaped by its institutions) and audiences (the majority of fellow citizens, as well as state officials, who mutually identify with the same constitutional ideals). This way of framing the philosophical question of civil disobedience – the contexts in which it does, and does not, pose a normative problem – likewise shapes the kinds of claims, the forms of action, and the normative vocabulary presumably available to disobedients within the constitutional nation-state, and sets the terms of their proper interpretation. Claims are limited, for Rawls, to laws that violate equal liberties and the principle of equal opportunity; and such claims are properly interpreted by citizens as well as theorists as appeals to the majority’s sense of justice, and to the principles of the constitutional order. Action is likewise limited: civil disobedience must express what Rawls famously called “fidelity to law,” or the idea that disobedient activists remain committed to the existing order and to the rule of law. Activists communicate this commitment “by the public and nonviolent nature of the act, by the willingness to accept the legal consequences of one’s conduct” (Rawls 1971: 366). Necessary transformations occur, in the wake of civil disobedience, because using these means, activists successfully appeal to the “sense of justice” of a democratic majority: disrupting politics-as-usual and dramatizing the gap between shared ideals and an unjust reality persuades majorities of the importance of the matter, while remaining nonviolent and demonstrating commitment to the rule of law distinguishes disobedient democrats from criminals and rebels alike. While Rawls alludes to the need for and potential justifiability of more militant forms of rebellion outside this context, whether in the international realm or in other kinds of states, he has little to say about these cases. For him, the “nearly just state” is a domestic condition as well as a liberal-democratic one, and it alone is the proper context for civil disobedience.

Though enormously influential, Rawls’s theory of civil disobedience has been criticized for its narrowness since its first publication (e.g., Arndt 1972; Singer 1973; Zinn 1968). Democratic theorists, in particular, have long taken issue with the limitations Rawls places on the kinds of

claims that can be made – ruling out disobedience over economic inequalities or the deficits of democratic institutions, for instance – as well as the role it can play – serving as a liberal check against democratic majorities rather than an expression of popular sovereignty or an avenue for democratic participation, contestation, and deliberative engagement (see, e.g., Habermas 1985; Markovits 2005; Smith 2004, 2015). Yet as Scheuerman (2018: 76) points out, many of the features of civil disobedience – its defining forms of action – at the heart of the Rawlsian theory remain central for many of these theorists, along with the statist assumptions underpinning them, albeit reformulated and meaningfully democratized. Indeed, some versions of democratic disobedience are *more firmly tied* to the domestic context of constitutional democracy than their Rawlsian alternative: by drawing on conceptions of political obligation that rely on the principle of fair play amongst participants in a democratic order (e.g., Singer 1973) or by linking the justifiability of civil disobedience to citizens’ authorship of laws or their right to participate in the deliberative processes that form them (e.g., Markovits 2005; Smith 2004, 2015), many democratic theorists have explicitly made civil disobedience a question for the *demos* as such. What matters for these theorists is not simply membership within a particular political community bound by law, but the specific ties that members of democratic communities enjoy with each other and the state – as joint authors and subjects of a law that is legitimate, and thus should not be violated but for good reason and in the right way (typically, nonviolently and with acceptance of legal punishment). In this way, as Niesen argues, “the term ‘civil’ in civil disobedience . . . seems to entail a membership condition: All and only members of the collective subjected to its laws are entitled to contest those laws in this function” (Niesen 2019: 37). Consequently, the challenge of the transnational context is that it remains unclear “whether constellations beyond states provide suitable, functionally equivalent status conditions” (ibid.).

This is the intellectual lineage that necessitates, but also structures, much of the “transnational turn” in civil disobedience theory. Even as it produces the need for a category of global or transnational civil disobedience, it simultaneously reaffirms the status of civil disobedience proper (free from globalizing modifiers) as a domestic, bounded concept with constitutive connections to liberal, constitutional democracies. In this way, many efforts to globalize civil disobedience are marked by dual strategies of *extension* and *discontinuity*, which together maintain the binaries between the domestic and inter- or transnational liberal democracy and non-liberal democracy that shaped the Rawlsian theory.<sup>3</sup> Below, I show how the logic of extension and discontinuity both require and undercut each other.



## Extension and Discontinuity

The logic of extension operates by first reaffirming the core features of the liberal-democratic account of domestic disobedience, and then finding plausible analogues at the global level. In the absence of a singular, shared, global legal and political order, the fit is never exact; there is no transnational equivalent to the sovereign state or democratic constitution, and there can be no strong assumptions about a globally shared political culture, identity, or “sense of justice.” Even so, the strategy builds on the credibility and legitimacy of the domestic account to try to assemble a convincing set of close-enough equivalents beyond the state. William Smith’s (2017) theory of civil disobedience as “transnational disruption” is illustrative here.<sup>4</sup>

After rehearsing the Rawlsian account and noting its statist assumptions, Smith traces the challenges for conceptualizing transnational disobedience, given the institutional, normative, and political complexity of the international realm. As he argues, at the inter- and transnational level, societies – and the peoples who live within them – are interrelated through webs of treaties, networks, and international institutions, through the movement of people and capital flows across borders, and through shared (but uneven) vulnerability to “global risks such as climate change, devastation of ecosystems, transnational crime and terrorism, and cross-border financial and economic activity and instability” (Smith 2017: 480). Owing to this complexity, Smith adapts the dynamics of domestic disobedience to suit these internationalized and multilayered conditions: where domestic disobedience is directed toward a national majority’s sense of justice, transnational disobedience can speak to multiple publics at different scales (national, international, global); where domestic disobedience dramatizes a failure to live up to constitutional principles at the heart of a liberal democratic order, transnational disobedience appeals to the normative values implicit in the “treaties, conventions or other regulatory norms” (ibid. 500) that are the “appropriate source of authority in international or global contexts” (ibid. 485). While Smith makes other adjustments, he nevertheless retains Rawls’s definition of civil disobedience (a “public, nonviolent, conscientious and unlawful mode of address”) (Smith 2017: 479), and likewise positions transnational disobedience as an expression of “fidelity to law” – an appeal to global and international norms still in formation, which provide “latent resources that can be tapped by social critics to facilitate self-correction, progress and reform” (ibid. 485–486).

Thus, the strategy of extension produces a concept of transnational disobedience that functions in near-parallel ways to its domestic counterpart

and is consequently justifiable for analogous reasons. This enables Smith and others to piggyback off of the widely accepted legitimacy of civil disobedience in the domestic, liberal-democratic case in order to make an argument for legitimacy in the transnational one. But note that this strategy also entails imposing *discontinuities* between the domestic/democratic and the transnational: Where the international order is a complex web of states, non-state institutions, peoples, publics, and processes whose interactions produce multi-scalar, overlapping, and often conflicting sources of norms and authority, the domestic democratic order remains simple: a single society oriented around a singular source of normative authority (the democratic state and its laws), comprised of a singular public, and sharing in a singular set of public, political principles. The dynamics of globalization and what Smith calls “internationalization” have not disturbed the straightforward, Rawlsian interpretation of domestic disobedience, nor the straightforward Rawlsian interpretation of the state. Just as Temi Ogunye (2015) preserves the “nearly just state” as the proper interpretive and political context for domestic disobedience in order to extend a reformulated notion of this concept into the international sphere, Smith imagines transnational disobedience from the perspective “of persons in society that are internally structured on more or less democratic lines,” and which are then embedded in relations with other societies internationally (Smith 2017: 480). Though Smith does not clarify why he theorizes the international order as comprised of democratic states, this move serves an important, if unstated, purpose: it reaffirms the necessary connection between civil disobedience and the particular context of the liberal-democratic state, so that the theoretical, normative resources provided by the account of domestic disobedience can be both preserved and projected (in modified fashion) into a non-democratic international realm. At the same time, the problem of transnationalization as it is understood – *how to take a democratic, domestic concept and apply it to a non-democratic international context?* – demands that the domestic and the international (as well as the democratic and non-democratic) be conceptualized as discontinuous.<sup>5</sup>

As Christian Volk argues, the contemporary “transnational constellation” necessarily disrupts the bases for these discontinuities, and – I would argue – renders the prospects of extension equally suspect. “Today, the globalized financial economy,” Volk writes, following Manuel Castells (2003: 236), “operates through *and* beyond distinct spatial settings, dissolves traditional and well-established binary patterns and boundaries (local vs global, territorialized vs de-territorialized, digital vs non-digital, institutionalized vs non-institutionalized), and establishes translocal topographies of financial-economic action around the world” (Volk 2019:

102). The nature of state authority, domestic citizenship, and the rule of law – crucial linkages between Rawlsian civil disobedience and the domestic context – have been thoroughly transformed, producing new forms of domination within and across states.<sup>6</sup> At the same time, and owing to these same transformations, we might be skeptical of transnationalized Rawlsian conceptions of disobedience because of the way they tend to prospectively constitutionalize the international, pegging the legitimacy of transnational disobedience to its approximate correspondence to constitutionalized domestic disobedience. Such approaches partake in and reinforce what Merve Fejzula has called “methodological republicanism,” or the “tendency to see constitutional, liberal democratic republican state forms” – or their suitably cosmopolitanized equivalents – “and their attendant political imaginaries as the primary expression” of transnational activism and struggles for decolonization (Fejzula 2021: 479).<sup>7</sup>

If one set of objections to this form of the transnational turn focuses on the peculiar conditions of contemporary global financialization, we might similarly note how the twentieth-century Rawlsian account of domestic disobedience was already inadequate to the shape of the world it purported to theorize. While disobedience theorists of the transnational turn sometimes proceed as if globalization and transnational movements were new phenomena that have only recently forced a problematization of the assumptions of a Westphalian frame, global interdependence, transnational networks, and cross-border activism are not at all new (Rucht 1999). Rawls theorized a politics internal to well-ordered, bounded liberal democratic states, yet he theorized amidst a world that had been structured not just by sovereign, democratic nation-states and according to constitutional principle, but by different configurations of empire and according to the techniques of racialized colonial rule and racial-capitalist logics of extraction and exploitation (Mills 1997; Getachew 2019). While this mismatch – between the Rawlsian frame of the nearly just domestic order and the movements against segregation and colonialism contemporary to its development – has been well-noted by recent scholarship (see, e.g., Celikates 2016; Livingston 2018; Lyons 1998; Pineda 2021), the logic of extension and discontinuity outlined above has the odd effect of re-entrenching the domestic frame even while attempting to move beyond it. The puzzle of “transnationalizing civil disobedience” domesticates the past so that the present can be transnationalized – but transnationalized through an extension of a familiar, domestic logic.

In what follows, I turn to an alternative source of theorizing civil disobedience through the networks of activist praxis linking Black civil rights activists in the United States to anti-colonial activists across multiple continents, across four decades of the twentieth century.<sup>8</sup> It is

my contention that revisiting this history of political thought reveals not just a novel theory of civil disobedience – what I label *decolonizing praxis* – but also provides insight into a distinctly anticolonial practice of transnational theorizing, one which helps us identify and challenge the ideological purpose of the binaries that drive the logic of extension and discontinuity: the disavowal of white supremacy as a pervasive and durable global structure of governance, linking the domestic to the international and democratic rule to domination. What is at stake, therefore, is both the form of action thought to be constitutive of civil disobedience – the modes of comportment, proper targets, and theory of change – as well as the normative frame and epistemologies through which we make sense of it.

## Empires of Fear and Violence

From within the horizons of civil disobedience theory as I have detailed it here, it would seem that the civil rights movement would be an unlikely place to look for an account of transnational disobedience, given that it is typically taken to be “the definitive case of domestic civil disobedience,” its connections to Gandhi notwithstanding (let alone Gandhi’s connections to South Africa and beyond) (Allen 2011: 135; see also Markovits 2005). That assessment has a long political history but is in part driven by the subsumption of civil rights activism within the Rawlsian theory and liberal-democratic theory more generally – the way it has been taken up (and quite literally domesticated) as an example of “fidelity to law,” public reason, deliberation, or constitutional patriotism (Pineda 2021). While the connection between the movement and Gandhi is often acknowledged as contributing to a distinctive form of nonviolent activism, the fact that Gandhi’s campaigns were anticolonial ones does not seem to matter at all: the movement may have adapted Gandhian “repertoires” of nonviolence, but it is portrayed as acting firmly within domestic boundaries, and entirely within its presumed normative context of the liberal-democratic state. Indeed, as Nikhil Pal Singh (2004: 42–43) has argued, this domestication of the movement has served to disavow “the recurrent force of white supremacy” in the United States by situating civil rights activists and Black radical intellectuals as operating wholly within the discursive, ideological, and political boundaries of US civic nationalism and “American universalism.” This maneuver both misconstrues the content and form of Black activism while also severing the US from “the genealogy of domination and resistance produced by the expansion of colonial (and neocolonial) capitalism” (Singh 2004: 53).

What follows challenges this presentation, in the spirit of Singh's critique and in the footsteps of scholars who have reconstructed the transnational and anticolonial character of Black activism in the US (e.g., Getachew 2019; Horne 2008; Kelley 2003; Shilliam 2015; Singh 2004; Slate 2011; Tillery 2011). Below, I place the movement within a shared world constituted by civil rights and anticolonial activists, out of which emerged a new frame for thinking about civil disobedience – not political obligation or the justifiability of law-breaking, but the transformation of subjects and relations defined by global structures of racialized domination. In doing this work, activists could not appeal exclusively or even primarily to the normative resources already provided by a national or international legal-political order, as those had been constitutively shaped by imperialism, violence, and racism. Instead, they looked to the transformative practice of civil disobedience itself as emancipatory and world-building action.

To see this, it is crucial to understand the “problem-space” – the “ensemble of questions and answers around which a horizon of identifiable stakes (conceptual as well as ideological-political stakes) hangs” – within which civil rights and anticolonial activists engaged with the question of civil disobedience (Scott 2004: 4). In the twentieth century, the conversation about whether civil disobedience should be used to fight Jim Crow in the United States began in earnest, at a national level, with the Indian non-cooperation campaign of 1920. The Indian independence movement was a matter of sustained, decades-long interest amongst Black Americans, as news frequently circulated through the African American press, generating considerable debate about the relevance of Gandhi's campaigns of nonviolent resistance and civil disobedience for the racial order in the United States (Kapur 1992). Gandhi had proposed mass non-cooperation as a response to the April 1919 massacre at Amritsar, in which British colonial officers fired on thousands of demonstrators convened in violation of a ban against political gatherings, killing hundreds. In the months after the massacre, the Indian National Congress adopted *swaraj* – self-rule – as its goal for the first time, and Gandhi announced the launch of a large-scale noncooperation campaign, marking a final shift away from “an internal critique of British rule on grounds of exclusion and inequality” to a more radical critique of the “pathologies resulting from the very fact of empire,” and a more expansive vision of emancipation (Mantena 2016: 318–319). In concert with the Congress and the Islamic Khalifat movement, Gandhi devised a multi-stage program of withdrawal from British-controlled institutions: beginning with the surrender of titles and offices and the boycott of foreign and imported goods; followed by mass resignation from jobs with the government, military, and police; and concluding, if necessary,

with society-wide tax revolt and other forms of civil disobedience. When Gandhi issued the call to escalate the campaign to its final stage of tax disobedience in early 1922, demonstrators in Chauri Chaura clashed with police, who opened fire. In response, thousands of villagers descended on the police station and burned it, killing the policemen trapped inside. Gandhi and the Congress immediately suspended the campaign. The British colonial government, meanwhile, arrested Gandhi in March for his role in leading noncooperation, and sentenced him to a six-year term. The movement was, for the time being, over.

Even so, Indian non-cooperation generated widespread interest in the United States, as news circulated through the mainstream and Black presses, igniting a conversation about its relevance for the problem of American racial hierarchy. The deadly violence wielded by the British was all too familiar to Black Americans, who encountered the news through the lens of their own vulnerability to racial terror – both state violence and sanctioned (tacitly or explicitly) white civilian violence. A few years prior, William J. Simmons had announced – with cross aflame – the revival of the Knights of the Ku Klux Klan, timed with the release of D.W. Griffith’s paean to the old Klan in *The Birth of a Nation*, a film famously screened at the White House and praised by Woodrow Wilson. By 1922, the Klan boasted over a million members, and its ranks would only continue to swell (Rothman 2016). The same set of years were marked by enormous anti-Black violence – some of it at the hands of Klansmen, some not. As Indian subjects of the Raj were facing down deadly gunfire at Amritsar, what civil rights activist James Weldon Johnson would later dub the “Red Summer” of 1919 was well underway in the United States – a months-long wave of white supremacist violence across more than a dozen cities, comprised of massacres, lynching, and white mob action, euphemistically reported and remembered as “race riots” (Johnson 1935: 341). With one eye on the flow of blood in Black neighborhoods across the country, and another on anticolonial agitation in India and Ireland, Johnson mused in the pages of *New York Age* about the consequences should Gandhi prove successful: “it will mean a new hope for independence and self-determination on the part of those peoples and groups who are prohibited the possession of the implements of force.” The triumph of nonviolent resistance over the British in India could signal nothing less than the end of white domination: “If non-cooperation brings the British to their knees in India,” he concluded, “there is no reason why it should not bring them to their knees in Africa, nor is there any reason why it should not bring the white man to his knees in the South” (Johnson 1922: 4).

There were, of course, notable differences between the Indian context and the United States that raised doubts about the applicability of

Gandhi's methods to the "empire of Jim Crow" – though they were not the differences that we might expect (Horne 2008: 17). What worried commentators like sociologist E. Franklin Frazier was not that India was a colony and America a democracy, but that by comparison to the regular excesses of Jim Crow violence, the British Raj appeared both measured and restrained. What would mass nonviolence do, Frazier worried, but loudly announce that Black Americans would not defend themselves from physical attacks and assaults – that they were voluntarily abdicating a right to defend themselves? How else, he asked, "are we to meet the attitude of those supposedly civilized intellectuals of the South, who, according to Frank Tannenbaum, would resort to a general slaughter of Negroes rather than give them justice, but show a greater reluctance in the face of the growing disposition on the part of Negroes to retaliate?" (Frazier 1924: 58). Frazier's reference here is to *Darker Phases of the South*, Tannenbaum's 1922 investigation of the rise of the new Ku Klux Klan in which he argued that white racial violence was based on a deep-seated fear. "There is an underlying current of apprehension that the South will be outstripped in population by the colored against the white," Tannenbaum wrote in that work. "It is fear of losing grip upon the world, of losing caste, of losing control. . . . It is the factor that underlies much of the talk of inferiority – of pointing a moral why it [desegregation] must not, why it cannot, why it may not happen" (Tannenbaum 1922: 162). In Tannenbaum's estimation, it was this bedrock fear that animated the persistent racial terror of Klan rule – a fear so powerful and yet so disconnected from social reality that it continually overwhelmed the potential of moral suasion, education, or law to restrain it. As he reported, "I recall talking to a man – a man of high standing in his State, a scholar of much learning, and he said to me: 'We will paint this State red before we paint it black'" (Tannenbaum 1922: 162–163).<sup>9</sup>

It was this precise coupling of fear and violence that convinced Frazier of the inadequacy of nonviolent resistance and civil disobedience: "Suppose," he granted, "there should arise a Negro Gandhi to lead Negroes without hate in their hearts to stop tilling the fields of the South under the peonage system; to cease paying their taxes to States that keep their children in ignorance; and to ignore the iniquitous disenfranchisement of Jim-Crow laws" (Frazier 1924: 59). The result, Frazier suggested, would not be freedom or even reform, but a bloodletting of unrivaled brutality: "I fear we would witness an unprecedented massacre of defenseless black men and women in the name of Law and Order and there would scarcely be enough Christian sentiment in America to stay the flood of blood" (ibid.). In the midst of decades of lynch law and witnessing a virulent Klan revival, Frazier's concerns were certainly weighty. The

plausibility of nonviolent struggle in the context of the American racial order – with its nightrider vigilantes and official acceptance of extreme anti-Black violence – was neither obvious nor inevitable. Frazier’s pressing concern demanded an answer: if white Americans fundamentally feared Black power, and that fear routinely led to violence, how could nonviolence offer a way to press demands without leaving Black communities thoroughly disarmed in the face of reprisals? Making the case for mass civil disobedience akin to Gandhi’s *satyagraha* would require a significant amount of work in order to establish a basic commonality between the plight of Indians and African Americans: a common state of subjection to racialized oppression, and thus mutual participation in a task that was “world wide,” as another commentator put it (Jackson 1921: 16). It required activists to imagine, create, and sustain a shared world.

## A Decolonizing Praxis

In a 1959 article for *Ebony* magazine, Martin Luther King, Jr. – newly returned from a trip to India – recounted the warm reception he received there in the following terms: “We were looked upon as brothers with the color of our skin as something of an asset.” This seemingly simple statement of racial fraternity in fact reflected years of forged solidarities, experimental activism, and political exchange between Black America and India. King’s statements tapped into an idea of a shared struggle against linked problems – making common cause against a common cause – that had been decades in the making. As he continued in his article, “[t]he strongest bond of fraternity was the common cause of minority and colonial peoples in America, Africa, and Asia who now struggle to throw off racialism and imperialism.” While referencing, in brief, the potential structural differences between “minority” and “colonial” peoples, King nevertheless depicted them as united, joined in a common fight against a shared set of problems: “racialism” and “imperialism.” King was one of a long line of prominent African American leaders to think in these terms; many perceived in the Indian independence movement “a struggle that was also theirs” (Kapur 1992: 70). For King, moreover, the lessons of this bond were clear: “I left India more convinced than ever before that non-violent resistance is the most potent weapon available to oppressed people in their struggle for freedom” (King 2005: 65).

King’s statements are reflective of what historian Nico Slate has called “colored cosmopolitanism,” a project that linked African Americans and Indians from the First World War through Indian independence. In these years, as Slate argues, “African Americans and Indians helped engineer



one of the most creative and politically significant redefinitions of racial borders in the twentieth century – the invention of the colored world” (Slate 2011: 65). Even so, the story is also more complicated than a direct line between Black America and India might suggest. King’s statements about the “common cause” reflect not a simple lineage, but a further widening of the world of anticolonial struggle in the years after World War II, and a shift of its center of gravity from Asia to Africa. King’s imagination of the world of nonviolent struggle thus came not just from India, but through the circuits of transit and exchange between the United States, South Africa, and Ghana that occurred throughout the 1950s – transit that refashioned the identification of African Americans to Africa, enabling a reconstruction of colonization and Jim Crow as related conditions, and sustaining the idea of nonviolent civil disobedience as a viable means of transforming both.

Through these circuits of transit – which reflected not merely the diffusion of tactics or strategies, but the construction of a transnational context and so, *an entirely new world* – figures like Benjamin Mays, Bayard Rustin, and ultimately King developed an analysis of “racialism” and “imperialism” as domination sustained through fear and violence, and developed an understanding of mass civil disobedience as a form of action that alone could confront and transform those conditions. When, for example, Benjamin Mays, dean of Howard’s School of Religion and later president of Morehouse College, returned from India in 1937, he focused on the effect of Gandhi’s efforts on racial pride and moving a subject population past fear. “Mr. Gandhi has gone a long way towards making the Indian people proud of their race and proud of their great history,” freeing them from years of domination and imposed racial inferiority, Mays wrote – a lesson that “Negroes in America can understand and appreciate” (Mays 1937c: A9). Mays argued in a series of articles that this newfound pride stemmed from the “new conception of courage” that comes from breaking free of the “imperialism built on racialism” that defined the British presence in India, and learning “to face death, to die, to go to jail for the cause without fear and without resorting to violence.” Moreover, because the “problem of race is world-wide,” as Mays put it (echoing Jackson before him), the Indian example had special pertinence for the “natives of South Africa and the Negroes of the United States” who were subject to the most violent forms of “race prejudice.” According to him, therefore, the lesson that the world ought to learn from “India’s little Brown man” is plain: “when an oppressed race ceases to be afraid, it is free” (Mays 1937a: 140–142).

In drawing on the language of fear, fearlessness, and pride, Mays presented nonviolent action as a demanding choice of the courageous – a means of asserting dignity, racial pride, and strength while contesting

injustice – rather than the default weapon of the weak. Building a non-violent movement entailed conquering fear of violence, fear of reprisal, fear of death; it entailed identifying and calling out white supremacy as an empire of fear, maintained as much through the frightened cruelty of the oppressor as through the frightened acquiescence of the oppressed. In a world built on racist violence, Mays suggested, the nonviolent might, in fact, have the strategic edge: “the world is accustomed to dealing with men who strike back physically, men who are mentally cruel and men who are saturated with fear” (Mays 1937b: 8). Mays’ analysis traveled some distance in supplying an answer to the concern that nonviolent direct action only left the vulnerable open to outright massacre, and located non-violence within an empowering and resonant language of self-liberation: for him, the Indian example demonstrated how powerful the seemingly powerless could be when organized along Gandhian lines, wielding non-violence against the twinned evils of colonialism and segregation. If the language here sounds like Martin Luther King, it is likely not accidental; Mays would later become one of King’s key advisors, beginning with his years at Morehouse and extending through the end of his life.

This analysis was deepened and extended through engagement with the escalation of the South African antiapartheid struggle in the early 1950s, in the form of the 1952 Defiance Campaign. As political scientist Alvin Tillery has argued, in that moment South Africa became “an important flashpoint in the global confrontation between white supremacy and black equality” (Tillery 2011: 110) – one that held particular significance for African Americans interested in nonviolence. The case suggested that civil disobedience had force beyond the Indian context; and that it had potential applicability under conditions that looked far more like Jim Crow than anything African Americans saw in the British Raj. Analogies between Jim Crow and apartheid seemed rather straightforward to make – as journalists, activists, and politicians routinely cemented the comparability of the South African and US Southern systems of white supremacy by rendering “apartheid” as “Jim Crow” in countless headlines and articles throughout the years.<sup>10</sup> The South African government’s apartheid policies were, after all, easily cognizable as Jim Crow segregation statutes. At a deeper level, however, many identified in apartheid something quite familiar to African Americans: the bedrock of white anxiety – the deep-seated fear of losing power – that motivated racial hierarchy and its violent enforcement. As Rustin would later write of the Mississippi Delta, “Fear in the Delta is Kenya’s fear; reaction to fear in the Delta is South Africa’s reaction” (Rustin 1956: 2).

What activists and organizers like Bayard Rustin (later, the force behind the 1963 March on Washington and a crucial advisor to King) saw

through the window of the Defiance Campaign was a continent in motion against the racial order of colonial rule – and a constellation of movements waging the fight non-violently. As Rustin reported to the readers of the *Baltimore Afro-American* upon returning from his trip to Africa: “The continent of Africa is afire. From the Suez Canal to the Cape of Good Hope, colonial imperialists face unrest, threats, arson, and open rebellion. Their often proclaimed promise of ‘freedom in time’ is as suspect throughout Africa as the ‘time-will-take-care-of-it’ theory is among the masses of colored Americans” (Rustin 1952: A5). Though Rustin acknowledged the diversity of tactics being employed on the continent in the fight for “freedom now,” in writing that the methods “range from Ghandi-like [*sic*] non-violence to murder and burning” (*ibid.*) – the former, a reference to the Defiance campaign; the latter, the armed struggle of the Mau Mau rebellion in Kenya – Rustin made his preferences for the South African-style of struggle clear. Sounding notes that would be repeated, all but verbatim, to describe the sit-ins that spread throughout the American South less than a decade later, Rustin pointed to the use of non-violence in South Africa:

Hundreds of men and women, singing a song of freedom, go willingly to prison. They refuse to pay fines. In a well-disciplined campaign of civil disobedience and non-co-operation, they dare to challenge the oppressive Malan government. Yes, from the Mediterranean to the Cape, Africa is afire. (Rustin 1952: A5)

For Rustin, as for Benjamin Mays before him, nonviolent direct action offered the possibility of rising up against a militarily-strong oppressor, while minimizing the risk of either brutal annihilation or an ever-escalating cycle of retaliatory violence. Challenging racial hierarchy, colonial power, and the entrenched interests of white supremacy, Rustin believed, would inevitably provoke violence; even the use of non-violence could not eliminate this probability. But buoyed by the success of the Indian example and its apparent reverberations through South Africa, Rustin thought that mass civil disobedience might shift the terms of the struggle off of the familiar ground of offensive and defensive violence – the ground that segregationists and colonial powers understood and anticipated – while opening space for liberation (see D’Emilio 2003: 166–167). Issuing a reply to Frazier’s worries three decades before, Rustin intimated that white fear was the ultimate source of racist, retaliatory violence – and that white fear of armed black movements would only exacerbate this violence. But nonviolent direct action also addressed and transformed an equally important form of fear integral to the maintenance of white supremacy: the fear of the oppressed, made to acquiesce to oppression or face the costs of

violence unto death (Livingston 2018; Pineda 2015). Nonviolence was not submission but defiance in the face of the threat of death – an active, assertive means of action that could both confront and diffuse white racist fear; a decolonizing praxis that acted directly on the psychological and relational bases of white supremacy in order to transform them.

Thus, the world built by anticolonial and civil rights activists produced a novel epistemological frame for understanding civil disobedience – for interpreting its forms of action and defining its logic of change. What later looked to Rawls like “fidelity to law” and an appeal to the principles of a democratically-constituted domestic order, was something else entirely. The enactment of civil disobedience offered a means of self-emancipation – a way of transforming the colonized self by enacting defiance and courage, even in the very spaces that most viscerally defined the problem of colonization: spaces of incarceration and confinement, spaces of racial terror and control, spaces of routine humiliation and deference. At the same time, civil disobedience would do its decolonizing work outwardly, on white structures, relations, and persons: intervening in practices of domination, disrupting daily functioning, arresting public attention, and disclosing the otherwise ignored realities of systemic, violent, racial rule, so that white citizens were forced to confront their complicity. Given white material and psychic investments in hierarchy, activists knew that any form of defiance would meet with resistance, and likely violent resistance. Yet, guided by the frame of nonviolence as a tool of anticolonial liberation, civil disobedience offered a means of using the inevitability of this violence against itself. The provocation of civil disobedience, met with a disproportionate and brutal reaction, would reveal white rule to itself – shattering the veneer of democratic legitimacy and moral integrity that stabilized the political life of the US’s particular form of white supremacy.

This is not to say that South Africa – or India, for that matter – was particularly on Rosa Parks’s mind when she initiated a year-long rebellion against Montgomery, Alabama’s segregated public transit in 1955 – though both she and E. D. Nixon, one of the organizing forces behind the Montgomery Improvement Association, did have their own individual links to Gandhian initiatives to use civil disobedience and direct action against Jim Crow. Though while anticolonial struggle did not cause an American uprising against Jim Crow, Parks and others acted in the midst of an “entire world in motion,” as A. Philip Randolph (1942) once put it, in which debates played out publicly through the course of decades over the terms of anticolonial struggles elsewhere in the world and their relationship to the fight at home. The anticolonial frame was not a theoretical construct devised and imposed entirely by movement leaders from

above, but a live context that connected the domestic grassroots to related fields of action across a world constructed through this action. This context shaped the way that many activists talked about nonviolence and disobedience, the way they imagined a universe of global struggle – and located their own place within it. They were situated in and active producers of an imaginary that linked the two as individual pieces of a larger conflict over the fate of white supremacy in all its forms. The question that this imaginary provokes is, at some basic level, about what we take civil disobedience to be – the logic of it, as well as its point. Is it an answer to the dilemma generated by purposeful lawbreaking in a well-ordered democracy, within the political context as we already take it to be constituted? Or can it be, as Volk (2019) has likewise suggested, a world-building activity – as well as a means for the dominated to confront and transform domination on their own terms?

## Conclusion

There was always some irony in the insistence that civil disobedience, a form of action popularly identified with an idiosyncratic, transtemporal, transnational constellation linking King to Gandhi, Thoreau, and Socrates, is inherently domestic and necessarily tied to liberal democracies (on this constellation, see Livingston 2018). As I have argued, activists of the civil rights movement encountered civil disobedience through transnational linkages with anticolonial movements; it was those connections that constituted the world in which civil disobedience appeared as a meaningful, transformative form of action. The domestication of the civil rights movement has long served an ideological function: by containing the civil rights movement within the geographic boundaries of the United States, severing it from the anticolonial struggles with which activists identified, the movement is more readily interpretable as an agenda for domestic reform within the boundaries of an already largely well-ordered democracy. This interpretation preserves and further shores up the idea that white supremacy was always only exceptional to the deep structure of American political life – an idea that remains politically relevant and widely in use today (Mills 1997; Singh 2004; Pineda 2021).

At a more abstract level, severing the domestic from the international, and liberal democracies from other political orders, imposes a particular set of interpretive frames – ones so widely accepted and naturalized so as to appear less like an interpretive choice and more like a neutral description of what is – without accounting for the loss entailed by doing so. What frames and interpretive possibilities are ruled out, and

with them, alternative practices of theorizing and conceptual resources? The dynamics of extension and discontinuity that I identified within some efforts to transnationalize civil disobedience reinforce and reinscribe this problem – preserving “liberal democracy” as a fount of normativity untouched by global structures of imperialism, white supremacy, and capitalism, so that its logics can be scaled upward and outward to tame (or should we say, domesticate?) the transnational. In response, I have offered an alternative: an attempt to reconstruct one site of transnational theorizing, and with it, an alternative set of questions about the logic of civil disobedience itself. Operating across what we might assume to be radically different political contexts (a liberal democracy, on the one hand, and a colonial order, on the other) calling for vastly different political projects (integration and reform versus decolonization), civil rights and anticolonial activists nevertheless found common cause and constructed a world in which their problems and their struggles were shared ones. Their histories of political thought challenge some of political theory’s well-worn assumptions about the scale of democratic politics, its proper normative context and constitutive vocabularies, and the very shape of the world activists move within.

My point is not that civil disobedience should be, everywhere and always, understood as decolonizing praxis, or that the transnational practices of the activists I reference here provide the magic key for interpreting contemporary transnational activism. Rather, and much more modestly, I turn to this example to understand the stakes of reaffirming the binaries in play, and in order to pluralize the intellectual resources that are taken to be the stuff of political theory, and to which we might turn in the face of an entire world in motion.

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## ► NOTES

1. As will become clear, my critique of political theories of civil disobedience is directed primarily at theories emerging out of mainstream liberal-democratic political philosophy/theory. This familiar but discipline-specific use of

“political theory” and “history of political thought” to refer to works operating within what empirical social scientists describe as “normative theory” is not meant to suggest that *political theorizing* about civil disobedience occurs only within this subfield. Indeed, a different avenue for an article such as this would be to explore how “normative” accounts of civil disobedience would have to change if they were to engage with empirical social movement work as part of its histories of political thought, though I cannot pursue that here. Excellent examples of what such work might entail include Hayward (2020) and Woody (2015, 2022).

2. See Forrester (2019, Chapter 2) for one account of how Rawls’s account of civil disobedience became one of the most predominant ones within contemporary political philosophy. While in this article I examine Rawls to illustrate how a “Westphalian” imaginary haunts efforts to transnationalize civil disobedience, the problem is not limited to Rawls. As Fraser (2009) illuminates, it also characterizes Jurgen Habermas’s influential work on the public sphere and deliberative democracy (and thus deliberative readings of civil disobedience).
3. My use of “extension” and “discontinuity” here builds on McKean’s critique of liberal egalitarian theories of global justice that rely on a “marked discontinuity between domestic and international justice” (McKean 2020: 190).
4. I draw on Smith here, but Ogunye’s (2015) reinterpretation of the global order as a “piecewise just society” and Cooke’s (2021) reformulation of civility and civil society function in similar ways. On a “piecewise just society” and its relationship to Rawls’s notion of the nearly just state, see Sabl (2001).
5. This discontinuity likewise seems implicit in work that sets (Rawlsian/liberal) civil disobedience aside as inappropriate or inapt for cases of transnational activism, but preserves it as a sufficient framework for particular domestic cases.
6. McKean (2020) makes a similar case for understanding the contemporary conditions of neoliberalism.
7. This dynamic is similar to what Volk (2019: 113–114) identifies as a “public law bias” in Niesen’s (2019) turn to constituent power. We can likewise see it in Scheuerman’s (2019) reading of a “fidelity to law” in the context of post-nationalization. In this way, the frame of methodological republicanism appears not just within Rawlsian accounts but within some radical-democratic and critical theory ones as well.
8. The following two sections are adapted from material within Pineda (2021, Chapter 2) and appear by permission of Oxford University Press.
9. Frazier also connects the logic of racial rule in the American South with racialized colonial domination in India, Ireland, and the Belgian Congo, as well as the genocidal settler colonialism of the United States.
10. E.g., “Capetown Commuting on ‘Jim Crow’ basis,” *The New York Times*, 17 August 1948, page 8; “Segregation Protested: South Africans Demonstrate against Jim Crow Law,” *The New York Times*, 6 September 1948, page 3; Albion Ross, “Johannesburg Like Home to American,” *The New York Times*, 2 February 1953, page 8.

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