Academic Boycotts*

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With rare exceptions, the progress of science and scholarship—academic work—relies heavily on the free exchange of ideas (and sometimes of materials) between researchers. Academic workers have for many years taken it as axiomatic that, in exchanging research materials, refereeing articles or grant applications, choosing collaborators and issuing invitations to professional meetings, they should make no distinction between colleagues on the basis of their ethnic origin, country of residence, religion or any other factor that is irrelevant to their academic merit. This practice is so ingrained in the academic tradition that it is seldom made explicit. However, a formal statement of the principle does exist for scientists, in Statute 5 of the International Council of Science (ICSU). ICSU, founded in 1931, is an organisation composed both of national academies of science (such as the National Academy of Sciences of the USA and the UK-based Royal Society) and of single-discipline international scientific unions (such as the International Union of Physiological Sciences); it is the nearest that experimental scientists have to an international representative body. Its Statute 5 enunciates the axiom in what it calls the Principle of the Universality of Science:1

The principle of the Universality of Science is fundamental to scientific progress. This principle embodies freedom of movement, association, expression and communication for scientists as well as equitable access to data, information and research materials. In pursuing its objectives in respect of the rights and responsibilities of scientists, the ICSU actively upholds this principle, and, in so doing, opposes any discrimination on the basis of such factors as ethnic origin, religion, citizenship, language, political stance, gender, sex or age.

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1For reasons we will explain below this principle might also be referred to as “the Principle of Non-Discrimination” in science.
So far as we are aware, there is no equivalent explicit statement that applies to scholars in non-scientific fields; nonetheless, as we shall explain below, the reasoning that underlies the Principle of Universality in the natural sciences also applies in part (and with appropriate modification) to the social sciences and the humanities. We shall therefore refer to the Principle of the Universality of Science and Learning (or simply the Principle of Universality), which we take to refer to all the academic fields collectively.

Uncontroversial though it seems, the Principle of Universality clearly stands in tension with the practice of academic boycotts. An academic boycott consists in the systematic withholding of normal professional relations from academics as a means to achieving some goal, typically either punishment or the bringing about of some change in behaviour or policy. An example of a proposed boycott—in this case of Israeli academics—was a motion (eventually dropped after the receipt of legal advice) passed by the Annual Congress of the University and College Union (UCU) in the United Kingdom in 2007. Similar motions were passed by UCU Annual Congresses in 2008 and 2009.

Our purpose in this paper is to assess the moral permissibility of academic boycotts. Our conclusion will be that there is a strong presumption against such boycotts. However, this presumption is ultimately defeasible, and we shall provide an explicit discussion of its defeasibility conditions. First, however, we need to clarify the content of the Principle of the Universality of Science and in particular to examine what rights it embodies.

Richard Roe is a senior scientist with a large laboratory and many co-workers. He is the chief editor of a prestigious learned journal, and chairman of the Organizing Committee of a forthcoming international conference. Jane Doe is a relatively junior scientist in the field, working in a different country. It is important to realise that the Principle of Universality of Science does not confer on Jane Doe any right to collaborate with Roe, to have her work published in Roe’s journal or to be invited to the conference he is organizing. Professional activity necessarily involves judgement and discrimination, and professional academics such as Roe routinely make discriminating judgements about peers: they chose whether to appoint or promote, whether to provide opportunities to present results at conferences or in journals, and whether to engage in research.

2 The International Human Rights Network of Academies and Scholarly Societies, founded in 1993, has a few academies of Sciences and the Arts (or the equivalent) amongst its members; however, many prominent academies for the humanities, like the British Academy, do not belong to it, and in practice the large majority of its members are academies of natural sciences. The International Human Rights Network has stated that “moratoria on scientific exchanges based on nationality, race, sex, language, religion, opinion and similar factors thwart the network’s goals. They would deny our colleagues their rights to freedom of opinion and expression; interfere with their ability to exercise their bona fide academic freedoms; inhibit the free circulation of scientists and scientific ideas; and impose unjust punishment. They would also be an impediment to the instrumental role played by scientists and scholars in the promotion of peace and human rights”. See Anon., Nature, 417 (2002), 690.

3 The motion can be found at: <www.ucu.org.uk/index.cfm?articleid=2555>.
collaborations. Such discrimination can clearly be morally appropriate, and it is
entirely consistent with the Principle of the Universality of Science.

What the Principle of Universality requires is for Roe to consider Doe on her
professional merits on an equal basis to her peers and not to discriminate against
her on morally inappropriate grounds, for example because she is a woman,
Black, of the Muslim faith or a citizen of a country whose government Roe
dislikes. Moreover, the Principle of Universality does not confer immunity from
punishment for professional wrong-doing. As we shall see below, a boycott can
sometimes be an appropriate form of professional discrimination if it is a
response to the violation of professional norms by an individual or an institution.
This interpretation of the Principle of Universality is based on an understanding
of academic research as a professional practice bounded by shared norms. It is by
reference to these norms that we are able to distinguish appropriate from
inappropriate forms of discrimination in academic conduct: in general terms,
professional discrimination is appropriate when it is based upon and conforms to
the accepted ethical norms and criteria for excellence within the profession.
Discrimination is inappropriate when it is based on considerations extraneous to
these ethical norms and criteria for excellence. We must point out that the norms
that help to constitute the academic profession include certain moral norms no
less than norms relating to the academic quality of research.

Boycotts may take a number of forms and it is worth distinguishing them
clearly. First, they may differ in their relationship to the target or object of
boycott action. Direct boycotts seek to punish or change the behaviour or policy
of those who are the object of the boycott—the individual academics or academic
institutions from whom contact is withheld. Indirect boycotts seek to punish or
bring about a change in the behaviour or policy of some other party, for example
the state that hosts the academics. In an indirect boycott, academics are the
immediate targets of boycott action, but they are not its real or ultimate target.

We may further distinguish between boycotts in which the object of boycott
action is taken to be responsible for the wrongful action that is the motivation for
the boycott, and boycotts in which the object is not taken to be so responsible.
Typically direct boycotts target those taken to be responsible for the wrongful
action, whereas indirect boycotts do not necessarily assume responsibility on the
part of the immediate targets.

Secondly, boycotts may differ in their mode of implementation. There are three
overlapping distinctions. A boycott may be official (endorsed by a relevant
academic organisation such as a trade union, staff association or university) or it
may be unofficial (undertaken by individual academics on their own initiative
and without the endorsement of any relevant academic organisation). If a boycott
is official it may be either mandatory (creating a binding obligation on members
of the academic organisation) or it may be non-mandatory. The strongest form of
mandatory boycott is one enforceable by sanctions such as expulsion or financial
penalties. Boycotts (either official or unofficial) may be either public or private. In
a public boycott both the boycotting policy and the reasons for the boycott are
publicly disclosed. In a private boycott, academic contact is withheld without
publicly disclosing the policy or the reasons for it. There is thus a spectrum of
cases ranging from official mandatory and public action on the one hand to
unofficial private action undertaken by individual academics on the other, with
various intermediate combinations.

Finally, academic boycotts may involve different measures. Boycott action may
include refusing to attend conferences or engage in collaboration; withholding
data or results; refusing requests from universities to comment on applications
for promotion of university staff; refusing to referee or consider articles
submitted to learned journals; or refusing applications for university posts.
Boycotts need not be limited to withholding academic relations. They may also
involve subverting such relations: for example academics might purportedly
agree to act as an editor or a referee but, in practice, sabotage consideration of the
article or the request for a reference.

I. THE VALUE OF SCIENCE AND LEARNING

As is suggested by the ICSU statute, the Principle of Universality is morally
grounded in two forms of consideration: the contribution Universality makes to
the value of science and learning, and the rights of individual researchers and
research institutions to be free from inappropriate forms of discrimination. Each
consideration suggests potential defeasibility conditions: conditions under which
the Principle may be disregarded and boycotts may be permissible. We explore
both considerations, and comment on some of the interrelations between them.

Advances in science and learning are fundamental human goods. As we
explain below, they are both instrumental goods, serving as the means to other
valuable—indeed indispensable—human goals, and intrinsic goods, having value
in themselves.

The instrumental value of research in the natural sciences is relatively obvious.
Although the sciences have led to discoveries that have destroyed human
wellbeing (most notably in the creation of weapons and of technologies that harm
the environment), these harmful discoveries are on balance greatly outweighed by
the contributions of science to human welfare. Obvious examples are the
advances in our understanding of agriculture and husbandry, which have helped
to feed hundreds of millions of people, and the development of antibiotics and
other life-saving drugs. Official statistics tell their own story: for example,
between 1900 and 2005 life expectancy at birth in the U.K. rose from 48.5 to
77.0 years for males and from 52.4 to 81.2 for females. Universally feared
diseases either have disappeared entirely (like smallpox) or are already eliminated
from developed countries and greatly reduced elsewhere (like diphtheria and
polio). It is true, of course, that these gains in human welfare are unevenly
distributed among the global population, but there can be no doubt that
remarkable improvements in human wellbeing have been achieved in the last two
or three centuries which would have been impossible without advances in the
theoretical and applied sciences.

It is a particular feature of science that the long-term theoretical and practical
value of any discovery is unpredictable, and that any contribution that a given
discovery makes may lie in a field very remote from that in which it was
generated. DNA restriction enzymes, for example, were discovered in the course
of academic research into the interaction of certain bacteria with the viruses that
prey on them; but the discovery has subsequently proved indispensable to
recombinant DNA technology, which has generated, among many other fruits,
pharmaceuticals of vast importance. The majority of scientific discoveries,
although they contribute to our understanding of the world, make little or no
practical contribution to other forms of human welfare. On the other hand, a few
discoveries are enormously valuable in practical terms. But we cannot know in
advance which these will be, nor how long it will take before their instrumental
value is realised. In addition, the exploitation of scientific discoveries involves
collaborations that stretch across different areas of science and learning. For
example the effective delivery of a vaccine in the developing world may draw
upon research not only in immunology, microbiology, and so on, but also in such
social sciences as geography, ethnography, politics, gender studies and social
psychology.

The instrumental value of the social science and humanities, though perhaps
less obvious, is still important. Advances in economics and management studies,
in concert with technological developments, have enabled the creation of great
material wealth. Literary studies, history and philosophy enrich the lives of
countless numbers of people. Appropriately researched history may be of value in
enabling statesmen and policy makers to draw useful analogies from past events.
The development of legal science and jurisprudence enables citizens to feel secure,
and enhances the development of complex social structures that permit wealth to
be created and voluntary associations to be formed. Law itself is founded on
certain philosophical principles and techniques of argument. Indeed, philosophy
plays a role in establishing rational modes of argument in all social and political
discourse, and helping to identify prejudice and false analogy.

In addition to being instrumental goods, science and learning are also intrinsic
goods. While the instrumental value of the hard sciences is easier to discern than
that of the social sciences and humanities, both have intrinsic value. The intrinsic
value of science and learning stems from the kinds of being we are. The human
mind has a distinctive capacity to investigate the world around it. The activity of
attaining knowledge and understanding about the world and transmitting it to
others represents one of the fundamental modes of human fulfilment, as
important as such other intrinsically valuable forms of human activity as
friendship, love, parenting, pastoral care or artistic creation. An essential
property of this intrinsic good is that it is social and collaborative in nature. It is
not simply that the acquisition of knowledge and understanding is facilitated by
interaction with others, rather that the human goods of learning and knowledge
include, as crucial features, their sharing and their transmission.

A. THE PRINCIPLE OF UNIVERSALITY AND THE VALUE OF SCIENCE
AND LEARNING

Given the value of science and learning, the first ground of the Principle of
Universalisability is obvious. Boycotts are presumptively ruled out because they
diminish or destroy the value inherent in science and learning. As the ICSU
statute says: “The principle of the Universality of Science is fundamental to
scientific progress”.

Boycotts of researchers stand to hamper the progress of science and learning,
for two reasons. First, they undermine objectivity in science and learning. A
critical component of objectivity is the principle that academic research should be
judged purely on its merits, rather than on the basis of factors irrelevant to the
criteria for excellence inherent in the discipline. This objectivity is clearly
important for instrumental reasons: objectivity in research is a crucial
pre-condition for the attainment of truth. But objectivity, understood as
independence from overt political and social interference, is also part of what
makes science and learning intrinsically valuable. It is only within an autonomous
and independent framework of enquiry that the human good of voluntary
collaboration in pursuit of knowledge and understanding can be fully realised.

Secondly, science and learning flourish when their practitioners are able to
communicate and collaborate with one another. Boycotts intentionally impede
communication and collaboration, and thus constitute a barrier to scientific
progress and its related goods.

The harm of a boycott may go beyond its immediate effects, since a decision
to boycott may lead to the proliferation of boycotts more generally. As we shall
discuss in the next section, the moral principle of universalisability creates a
potentially binding precedent to apply boycotts in all relevantly similar
circumstances, which could rapidly multiply the disruptive effects of allowing a
boycott.

There is, in addition, a significant risk of the misapplication or deliberate
distortion of the precedent effects of a boycott. Because the justification criteria

4A possible objection to this point is that advances can sometimes be made by scientists working
in comparative isolation (the cases of Mendel and Einstein come to mind). To see whether isolates of
this kind frequently occur nowadays, we have studied 50 papers published consecutively in Nature
(probably the best known international journal that covers a wide range of scientific disciplines) in
October 2009. For each of them we identified, from the citations in the paper, one or more earlier
articles without which it would have been impossible to carry out the work described. (We accept that
there is a measure of subjectivity in this identification.) We found that 48 out of the 50 depended on
work published in the past eight years; for 15 of them the year of publication of the most recent
indispensable paper was 2008 and for another 14 it was 2007. We conclude that it is very rare
nowadays for scientific research to be performed by social isolates.
for boycotts are not codified and are necessarily imprecise, any boycott may be cited as a precedent by less principled actors to support other politically motivated and unjustified boycotts. Judicial systems use case precedent to strengthen and clarify legal rules by submitting precedent reasoning to strict rules of interpretation and application. But in a highly contested political environment with no internationally recognised authority, precedents may have the opposite effect. Precedents can render unclear, and weaken consensus on, moral distinctions and thereby create opportunities for harmful forms of action. In this context the endorsement of any boycott may make it more difficult to oppose unjustified and harmful boycotts in future circumstances.\(^5\)

It might be argued that because science consists in the discovery of objective truth, the boycotting of a particular group of scientists will not impede progress in the long run; the relevant discoveries will simply be made by others at a different time. Moreover if academic work in a particular boycotted country is weak the boycott might be expected to have a negligible effect on the overall progress of science and learning.

But these objections rest on a misunderstanding of the ways in which science and learning contribute to human welfare. Even if progress is only delayed, such a delay may have serious consequences for welfare: a delay in the development of a new drug may lead to thousands of avoidable deaths. Furthermore, as we saw above, the effects of a given piece of research are unpredictable in the long term; therefore the removal of even a small group of researchers from collaborative scientific activity might have a disproportionately harmful effect on progress. In addition, since (as we have also seen) delivery of the fruits of discovery can involve experts from a range of research fields, even a targeted boycott that excludes the most obviously welfare-generating fields like medicine and the applied sciences risks disproportionately grave consequences for the advance of human wellbeing.

Another objection is that in practice limitations to expression and communication among researchers already exist, and that these appear not substantially to hamper the advancement of research. For example, the fact that scientific discoveries can sometimes be patented seems at first sight to constitute an important exception to the norms of expression and communication among scientists. But the exception is more apparent than real: patents are themselves published, and a patent will not be granted unless the discovery (or “invention”,
as patent law calls it) is described in enough detail to enable the work to be reproduced. Moreover, it is not a violation of the patent (at least under UK law) to repeat the work described therein “for experimental purposes relating to the subject-matter of the invention”. Hence researchers are free to use the patented method as a starting point for their own investigations, just as they do with any other published method.

Perhaps of greater concern is research undertaken by private corporations and the military that is not made public (or even patented) but simply kept secret for commercial or military advantage. It might be contended that the existence of such private research shows the Principle of Universality to be naïve and out of tune with the realities of research practice. We do not believe that this is the case. Rather it shows how the Principle of Universality in part reflects a conception of what will best facilitate the valuable contribution of science and learning over the long term. It is true that the secrecy of private commercial and military research degrades the free flow of information and collaboration on which progress in research depends. But it is equally true that without the right to keep results secret some commercial and most military research would not be conducted at all, and that even research whose results are closely guarded secrets can make a contribution to human welfare in the long run. Private commercial research enables innovative products to be brought to market, and military research can contribute spectacularly to scientific progress when it is declassified. The Principle of Universality embodies a particular set of rights and obligations that reflects, at least in part, a tacit compromise between the value-creating role of free academic interaction and the marginal contribution of private research endeavours that would not otherwise be undertaken.

**B. Defeasibility Conditions I**

As the previous discussion already suggests, insofar as the presumption in favour of the Principle of Universality is based on the value of science and learning, it is subject to an obvious limitation or defeasibility condition. Deviations from the Principle may be justified on value-based criteria if a particular boycott generates more value and human welfare than it destroys or impedes (taking into account potential precedent effects).

But how is this defeasibility condition to be interpreted in practice? We propose that three tests be used when judging whether the probable welfare contribution of a proposed boycott is sufficient to outweigh the harms and risks

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6Section 60 (5) (b) of the Patents Act 1977.
7There is of course an additional moral reason for keeping military research secret: the fact that military technologies can be extremely dangerous if they are widely proliferated.
8This is not to say that the current configuration of rights and obligations make this compromise in an optimal or even a satisfactory way. There has been much criticism of the terms under which private entities can patent discoveries. Our claim is simply that the content and limitations of the Principle of Universality reflects in this instance some compromise of this kind.
described above (in other words whether the boycott is likely to be proportionate in value terms). The three tests are that the boycott be likely to succeed, that it be necessary, and that it be an exceptional response to a grave moral evil.

Where should the burden of proof lie in applying these tests? Given that boycotts are a deviation from a moral principle which we have argued is well grounded, we suggest that the burden of proof should reasonably fall on those who propose and support boycott measures.

i. A Boycott Must Have a Reasonable Prospect of Success

The first condition for a boycott to be justified is that it would have to be likely to succeed in addressing the moral evil to which the boycott is a response. If it did not succeed, the boycott would breach the Principle of the Universality of Science and Learning, with the costs and risks attendant on that breach, for no commensurate benefit.9

In some cases a boycott may have a reasonable chance of success only in combination with other measures. It is then the likely success of the combined strategies that must be assessed, though careful attention must be paid to whether an academic boycott is a necessary component or whether the other measures would be successful without it.10

As we suggested above, the burden lies with those who support a boycott to demonstrate reasonable prospect of success. It is not enough merely to assume that an academic boycott will “pressure” the perpetrators or others into addressing the evil. Rather, a realistic mechanism by which the boycott may be expected to work must be established.11 It is not easy to see what this mechanism will be in standard cases. Academics, as a group, do not generally have significant political power. Unlike access to trade, armaments and finance, the advancement of science and learning is not critical to the survival of regimes in the short term. There is scant evidence that previous academic boycotts have substantially contributed to the termination of grave evils. The academic boycott of South Africa, which has sometimes been cited in this context, has been shown to have

9By contrast, Igor Primoratz, “Boycott of Serbian intellectuals”, *Public Affairs Quarterly*, 10 (1996), 267–78, has argued that boycotts can be justified in terms of their expressive function even if they are not likely to bring about an end to the evil. He argues that sanctions against Serbia, which included *inter alia* the suspension of cultural, scientific and technical contacts, were “morally legitimate, indeed necessary, as an expression of emphatic moral condemnation by the civilized world of Serbia’s crimes, whether they proved useful as a means of political pressure on the Serbs or not” (p. 267, emphasis in the original).

10See the discussion of necessity below.

11The mechanism may include reference to the particular constitution of the boycotting and boycotted state. Avia Pasternak, “Sanctioning liberal democracies”, *Political Studies*, 57 (2009), 54–74, discussing economic boycotts, suggests that the boycott of one liberal democracy by another may be effective when a similar boycott of a non-democracy may be ineffective, because liberal democracies may be more sensitive to the symbolic message of boycott by another democracy, and the citizens of democracies typically have a greater capacity to affect the policy of their government. While difficult to assess in practice, this kind of consideration would certainly be relevant to the effectiveness of boycotts.
made little contribution to the end of apartheid, although it may have been partly responsible for what Neville Alexander a few years later called “the scholarly backwardness of South Africa today”.

On the contrary, there are risks that an academic boycott may be counterproductive of the goals it seeks to achieve. Counterproductive effects may be generated in several ways. First, academics are often among the most liberal voices within their society and are inclined to oppose the abuses that may have given rise to calls for a boycott. Measures that impede their professional activities and standing may simply weaken the effectiveness of their criticism.

Secondly, the fact that scientists and scholars can cooperate in their work even though the countries in which they live may be in dispute can be a symbol of, and an impetus to, the breakdown of hostility. Two well-documented examples of the beneficial effects of professional cooperation between scientists from countries that were at odds are the collaboration of Argentinean and Brazilian scientists in nuclear physics, and the collaboration of Egyptian and Israeli scientists in agriculture.

Thirdly, by boycotting a state or organisation we risk isolating it from precisely the reasoned criticism and debate which liberals have long believed lie at the heart of sound political decision making. A boycott may replace reasoned engagement, which attempts to change attitudes and behaviour by means of superior argument, with a coercive mode of engagement which frequently generates resentment and intransigence. “Reasonable prospect of success” therefore places a significant constraint on the potential justification of academic boycotts.

ii. A Boycott Is Only Permissible If It Is Necessary

An act is necessary in the relevant sense if there is no other course of action that could be reasonably expected to bring about the desired results with fewer moral costs. If alternative strategies seem likely to ameliorate the moral evil with fewer harmful consequences, then obviously these should be pursued in preference to a

14Alexander Keynan and Dany Shoham, “Scientific cooperation in agriculture and medical research as a means of normalizing relations between Egypt and Israel”, Scientific Cooperation, State Conflict: The Role of Scientists in Mitigating International Discord, ed. A. L. C. de Cerreño and A. Keynan (New York: New York Academy of Sciences, 1998), pp. 165–83, and Paulo Wrobel and John Redick “Nuclear cooperation in South America”, Scientific cooperation, state conflict, ed. de Cerreño and Keynan, 182–208, respectively. Studies of these cases have suggested that in each country the relevant community of scientists facilitated an approach to their counterparts in the other country, thus enabling contacts to be established at governmental level that would not otherwise have been formed. This beneficial result of international collaboration, though collateral to the advance of science and learning, constitutes a further consequentialist argument in favour of the Principle of Universality.
boycott. Boycotts would not be justified until such plausible lower-cost strategies have been reasonably attempted and shown to fail. For example, rather than boycotting conferences in a country guilty of seriously wrongful actions, academics could use the occasion to challenge morally offensive policies—for example, by using a conference presentation to draw attention to the host government’s wrongdoing, by urging the conference to affirm basic moral principles including the Principle of Universality, and by demanding that appropriately qualified scholars representing the persecuted group be included.

How should academics assess alternative strategies that are not wholly within their power to achieve? For example, diplomatic negotiations, travel bans and the freezing of the financial assets of those directly responsible for abuses all have the potential to end humanitarian crises with fewer moral costs than an academic boycott. However, such measures are normally the preserve of states, not academic organisations. We suggest that academics have the obligation to employ their rights and powers as citizens to make the case to their governments for the alternative strategies before resorting to a boycott. However, if this advocacy is unsuccessful, then the existence of potentially less costly alternative strategies that are not being pursued does not in itself render a boycott unjustifiable.

iii. A Boycott Must Be an Exceptional Response to a Grave Moral Evil

Because the instrumental and intrinsic value of science and learning is great, and the costs of its disruption are potentially severe, we suggest that a boycott could be justified only if it is an exceptional response to a grave evil. We shall consider both the exceptionality and the gravity of the circumstances required to justify a boycott, as well as the connection between these two properties.

Justified boycotts must be exceptional. This is true in both a conceptual and a practical sense. Conceptually, the practice of a boycott can only have meaning against a background of substantially uninterrupted interaction and collaboration. The exceptionality of boycotts is therefore part of the logic of the concept. Moreover, if a boycott is to have any practical effect it must be viewed as an extremely rare sanction that marks out the object of the boycott as a genuine pariah. If boycotts were to be implemented in non-exceptional circumstances they would paralyse and degrade the entire system of collaborative science and learning. Boycotts, therefore, must be exceptional if they are not to become conceptually incoherent and practically ineffective.

There are difficult questions concerning how to identify and individuate different strategies and how to determine whether a strategy has been reasonably attempted. For a useful discussion of some of these issues see Timothy Chappell, “Option ranges”, *Journal of Applied Philosophy*, 18 (2001), 107–18.

Édouard Dain and Gideon Calder make a similar point in their article “Not cricket? Ethics, rhetoric and sporting boycotts”, *Journal of Applied Philosophy*, 24 (2007), 95–109, which discusses the proposed boycott by the English Cricket Board of a cricketing tour of Zimbabwe: “the impact of boycotts is, however imprecisely, proportionate to their rarity value” (p. 101).
In addition to being exceptional, the conditions for justifying a boycott must be consistent with the principle of universalisability, the moral requirement that like cases be treated alike. This principle can be understood in two different ways. On its stronger interpretation, universalisability imposes a moral obligation to engage in an academic boycott in every situation in which the justifying criteria for a boycott are met. A weaker interpretation of universalisability views the justifying conditions for boycotts as generating a discretionary liberty to boycott rather than an obligation to do so. On both interpretations, the threshold criterion for imposing a boycott will affect the incidence of boycotts, because even if we adopt the weaker interpretation we are committed to granting permission for others to boycott in relevantly similar cases. Moreover, considerations of justice may be relevant even in cases of a discretionary liberty. For example if X, Y and Z are similarly situated, so that I have a discretionary liberty to boycott each, but boycott only Z, then I may treat Z unjustly. These twin requirements (that boycotts be exceptional and that the criteria for imposing them be universalisable) together entail that boycotts be imposed only in grave circumstances. But how grave do the circumstances need to be? It is tempting to seek a descriptive formulation or numerical threshold in order to answer this question (we might for example borrow a formula from the jurisprudence of humanitarian intervention and assert that boycotts are justifiable only in the face of abuses that “shock the conscience of mankind”). But it is likely that any such specified threshold would be either imprecise or arbitrary or both.

We therefore propose an alternative way to interpret the gravity test. Rather than trying to reach consensus on a single definitional threshold of gravity, one ought to arrange all circumstances of evil which could potentially be addressed through an academic boycott, and which pass the tests already described (prospect of success and necessity), into an ordinal ranking of moral gravity. Clearly a ranking of this sort cannot be perfectly precise; some values and harms will not be readily commensurable, and information will often be unreliable or incomplete. Nonetheless it should be possible to produce a rough ranking of moral abuses currently afflicting the globe that would garner broad acceptance. Such a ranking would plausibly place instances of genocide or large-scale massacre at the most severe end of the scale. The unlawful occupation of foreign territories conducted without massacre or ethnic cleansing would rank nearer the middle, and the violation of important civil liberties, such as the right to privacy or the right to freedom of expression, would rank at the less severe end of the scale.

We contend that the basic principle governing boycotts should be a presumption that cases be tackled on the basis of “most severe first”. This principle presupposes that the candidate cases for boycott also meet the two criteria already discussed—reasonable prospect of success and necessity. Provided

17We are indebted to Jon Pike for this observation.
that they do, the most effective way to satisfy the exceptional gravity condition is to engage in a boycott only in response to those moral evils at the top of the ordinal ranking of gravity. An important practical corollary to this suggestion is that it is *unjustifiable* to boycott against evils of lesser moral gravity whilst abstaining from a boycott against actions higher on the scale. For example it would not be justifiable to engage in a boycott against an unlawful occupation while abstaining from boycott action against genocide (assuming that the tests of reasonable prospect and necessity have been met in both cases).  

The three criteria of reasonable prospect of success, necessity and exceptionality work in a mutually supportive way to ensure that a proposed boycott would, so far as possible, enhance rather than diminish welfare. Taken together the criteria constitute an important practical test of proportionality. They are not simple mechanical tests for the permissibility of a boycott, because each criterion requires contestable judgements about complex and often ambiguous issues. Nonetheless they provide a structured and helpful way for deliberating about the effects of boycott on human welfare.

II. THE RIGHT TO BE FREE FROM INAPPROPRIATE DISCRIMINATION IN ACADEMIC WORK

As we suggested at the outset, value-related considerations capture only part of the morality of academic boycotts. Academics, like other people, have the right not to be subject to morally inappropriate forms of discrimination in their professional activities. This right functions as an independent ground for the Principle of Universality and (as we shall see) generates additional restrictions on the practice of boycotts, even those that meet the consequentialist defeasibility conditions discussed above. At the same time these rights-based considerations may give rise to additional forms of justification for boycott. This is because researchers who engage in professional misconduct may become morally liable to boycott either as a form of punitive sanction or as a means to redress the misconduct.

The prohibition of inappropriate discrimination is central to all codes of professional ethics, but its moral foundation lies deeper than simple professional norms. It is, rather, a local application of a more general right to be free from arbitrary discriminatory treatment, particularly where such treatment causes

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18This corollary has clear application to proposals for the boycott of Israeli academics.


20Here we have a clear example of the way in which the professional practice of academic research is bounded by norms that are explicitly moral.
harm or loss (as is clearly potentially the case with academic boycotts). This moral right receives legal codification in numerous domestic anti-discrimination laws, as well as in international legal instruments such as the United Nations Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and the Declaration on the Elimination of All Forms of Discrimination against Women.

A. RIGHTS AND THE CONSEQUENTIALIST DEFEASIBILITY CONDITIONS

In general, rights should not be contravened as a means to achieving the ends of others, even if those ends involve considerable aggregate gains in welfare. In Dworkin’s famous metaphor, rights generally “trump” general utility. This suggests that a proposed boycott, although satisfying the defeasibility conditions discussed above, may still be impermissible because it violates the rights of researchers not to be subject to inappropriate discriminatory treatment. This is particularly likely to be the case when the issue that the boycott is intended to address is one for which the boycotted academics are not morally responsible.

Admittedly, very few rights are absolute. In exceptional cases it may be justifiable to contravene a right in order to prevent overwhelming harm to others. (This is sometimes referred to as “infringing” or “overriding” a right in contrast to violating it.) Examples of justifiably infringing a right include well-known cases such as the farmer who burns a neighbour’s field to prevent a wild fire from engulfing a town, or a man who breaks down the door of a house belonging to a third party to rescue a child trapped in a fire.

There are, however, two distinctive features of such cases. The first is that, as in the above two examples, the rights infringed are normally property rights, as opposed to the more stringent rights that protect personal security and human dignity. It is true that the right not to be subject to inappropriate discrimination is not of the highest category of stringency (as for instance are the peremptory rights not to be tortured or enslaved). Nonetheless it is a right of considerable importance and stringency. It is certainly difficult to imagine any case in which the right to be free of inappropriate discriminatory treatment is justifiably infringed for the welfare of others. Secondly, when rights are justifiably infringed for consequentialist reasons there is a residual requirement for the right infringer to render redress or compensation to the right holder. The requirement to compensate signifies the continuing nature of the right, even if we recognise the necessity of infringing it in exceptional circumstances.

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22 Positive discrimination practices may be thought to be precisely such an example. Yet these measures are intended to neutralise pre-existing discriminatory practices which are thought to give certain ethnic populations an unfair advantage. They are thus intended to create an environment free of improper discrimination for all persons. Whether they succeed in this intention, or are morally justified at all, remains highly controversial.
Attending to the rights of researchers does not entirely preclude justifying a boycott on welfare grounds. But it does considerably raise the threshold of justification. Boycotts not only damage the public interest by impairing science and learning, they also violate the rights of researchers to be free of improper discrimination. It follows that the defeasibility conditions identified above are inadequate: the probable net welfare gains of a proposed boycott must not only be proportionate, they must be sufficiently high to outweigh, or override, the right of researchers not to be subject to inappropriate discrimination, at least if one takes a threshold deontological view of this right. Moreover, researchers whose rights have been justifiably infringed in a boycott will presumably require compensation. It is not clear how the duty to compensate could be fulfilled, and the impracticality of honouring this duty provides a further consideration against the practice of boycott.

B. DEFEASIBILITY CONDITIONS II: LIABILITY TO BOYCOTT DUE TO PROFESSIONAL MALPRACTICE

We have said that a boycott violates the rights of researchers when it discriminates against them on grounds extraneous to the ethical norms and criteria for excellence within their profession. But not all boycotts discriminate on inappropriate extraneous grounds. If a researcher has committed a grave professional malpractice in violation of these norms, then a boycott designed to address this malpractice may constitute an entirely appropriate form of discrimination. This is because gross forms of misconduct can generate a moral liability to sanctions such as punishment and boycott. We can thus develop a second and independent set of defeasibility conditions for the Principle of Universality.

Consider an extreme, and therefore incontrovertible, case. From May 1943 to January 1945 Joseph Mengele was medical officer at Auschwitz concentration camp, where he conducted numerous medical experiments on inmates which routinely involved the torture and murder of subjects. Most notably he conducted barbarous experiments on 1,500 pairs of twins, of whom only 200 survived. Clearly, an academic boycott of Mengele would have violated none of his rights and would indeed have been entirely morally justified.

There are two independent moral grounds for boycott in such a case. First, Mengele had made himself morally liable to a boycott through his outrageous behaviour. The justification for withholding academic contacts from Mengele is not extraneous to the norms and standards of the profession. Indeed it is a paradigm instance of the application of professional standards.

For the purposes of this article “x is liable to boycott by y” means that x has no claim right against y not to be boycotted. In other words y has a Hohfeldian liberty to boycott x. See Wesley Newcomb Hohfeld, *Fundamental Legal Conceptions as Applied to Judicial Reasoning*, ed. W. W. Cook (New Haven: Yale University Press, 1919).
Secondly, a boycott of Mengele would have been justified because any research collaboration with him would have constituted a form of complicity in his criminal malpractice. Every professional has an obligation not to be complicit in acts that breach professional standards, and every human being has an obligation not to be complicit in moral crimes. To have knowingly shared information with Mengele, invited him to present results, or accepted an invitation to collaborate with his activities in any way, would have constituted such complicity. These two normative features of the case are complementary. While the liability to boycott creates a liberty, or permission, for others to withhold academic contacts, the obligation to avoid complicity with a professional breach or moral crime creates a positive duty to withhold contacts.

Consider now a less extreme case. Imagine a racist scientist who refuses to collaborate with Black researchers or employ them in his laboratory. Such discrimination is clearly a significant breach of professional ethics, and it may give rise both to the scientist’s liability to boycott, and to an obligation on other researchers not to be complicit in this racist practice by collaborating with him.

Interestingly, liability and obligation to boycott is generated only when a moral fault manifests itself in professional malpractice. A researcher who observes all professional norms but evades income tax, shop lifts, or exhibits other immoral behaviour would not be liable to academic boycott (though in the case of criminal behaviour he may be liable to judicial sanction). It is grave professional misconduct or malpractice that generates liability to boycott, not moral character flaws or wrongdoing in other spheres of life.

Paradigm cases will be helpful in marking out the domain of liability to boycott. Grave breaches of research ethics (for example failure to obtain informed consent, or failure to ensure the safety of subjects or the confidentiality of data) are clearly the kind of malpractice that, if sufficiently grave, may give rise to liability to a boycott. As we have already seen, inappropriate discrimination such as racism or sexism is also a clear potential ground for a boycott. Moreover, since an unjustified boycott is itself an inappropriate form of discrimination, engaging in an unjustified boycott may generate liability to a counter-boycott. This dual status—boycotts may be both an appropriate sanction, and a basis of liability for sanction—generates important questions about who has authority to declare a boycott. We will discuss these in the final section.

The examples we have given involve individuals, but groups or institutions may become liable to boycott in a similar way. An academic body that breaches widely accepted professional norms (for example a national academy of science that adopts a racially discriminatory constitution) may make itself liable to boycott in precisely the same way as the racist scientist in the example above. But academic institutions may also become liable to boycott through certain forms of omission. Institutions such as universities and academies of science and learning typically have specific duties to ensure that their members (be they individuals or
institutions) conform to proper standards of professional conduct. If an institution manifestly fails in this obligation, for example by refusing to investigate or censure a grave professional breach by one of its members, then the institution itself may become liable to boycott by reason of its complicity with a professional malpractice.24

An important question concerns the liability of academic researchers to boycott when the products of their research are used by others to commit grave wrongs. For example if a state utilises the products of academic research to commit a grave wrong such as ethnic cleansing, genocide or unjust war, are the academic researchers liable to boycott? Certain points seem clear: simply conducting research within a state engaged in wrongdoing, accepting research funding from such a state, or working in research activities that facilitate the legitimate activities of a state, even if that state is involved in rights violations, is insufficient to generate liability to boycott. A necessary condition for such liability is that the research work itself make a direct contribution to the wrong, for example if a state uses demographic data to plan for ethnic cleansing, or uses chemical research to facilitate gas attacks on civilians.

But making a direct contribution to a significant wrong conducted by another party is not in itself sufficient for liability. To establish liability, we must consider the moral responsibility of the researchers with respect to the contribution their research makes to the moral evil. The clearest case is one in which a researcher knowingly and intentionally contributes to the wrongful acts of others: such action would plainly generate liability to boycott. But limiting liability to cases of direct intention may be too narrow. It may be that a researcher’s contribution to the wrongs of others is so direct and important that recklessness or negligence as to how his research would be used is sufficient to generate liability to boycott. A reckless researcher pursues a research project foreseeing that there is a significant risk that the research will directly contribute to the wrongdoing of others, even though he does not directly intend that wrong. A negligent researcher does not foresee the unjustified risk of contributing to grave wrongdoing by others, but ought morally to have foreseen and avoided this risk. In both cases the fact of culpable contribution to the wrongs of others generates potential liability to boycott. A researcher whose work contributes to wrongdoing, but where the contribution is neither intentional, reckless or negligent does not become liable to boycott no matter how direct the contribution, just as a cutler is not held responsible if his knife is used for murder.

24The suggestion that institutions can be liable to punitive sanctions or boycott raises familiar and difficult questions of how to reconcile individual and collective liability. For example, is it reasonable to engage in acts that inflict harms on members of a group who did not support, or actively oppose, the wrongful actions of the group? We note the importance of this and related questions, but leave them to one side in this discussion.
C. LIABILITY TO BOYCOTT AND HARM TO OTHERS

We have argued that academics who engage in professional malpractice may become liable to academic boycott, since the boycott would violate none of their rights, would be an appropriate application of professional norms and would not constitute an inappropriate form of discrimination. Yet a boycott of morally liable academics or academic institutions would still have the welfare-destroying effects described in the earlier sections of this paper. This raises two important questions. First, can a boycott of liable academic researchers be morally justified, all things considered? Second, are the liability-based defeasibility conditions for the Principle of Universality really independent of the welfare-based defeasibility conditions?

It might seem at first sight that one could approach these questions by invoking the doctrine of double effect. This states that it can be permissible to bring about harmful effects as a foreseen but unintended side-effect of action, when it would not be permissible to bring about those harmful effects as an end in itself or a means to some other end, provided that the unintended side-effects are both necessary and proportionate. In the case we are considering, the harm inflicted by the disruption of science and learning is an unintended side-effect of boycotts that aim to redress a professional malpractice by targeting morally liable academics. This unintended harm is clearly necessary, but is it also proportionate to the good the action is intended to achieve? We argued earlier that boycott action is proportionate in welfare terms only if it meets the value-based defeasibility criteria discussed above (that the boycott have a reasonable prospect of success, that it be necessary, and that it be an exceptional response to a grave moral evil). The doctrine of double effect would imply that any boycott justified on the basis of the liability-based defeasibility conditions would also need to meet these value-based defeasibility criteria.

Clearly this view, which combines the value-based and liability-based criteria as preconditions for justifiable academic boycott, generates an extremely rigorous test for the justification of boycotts.25 Many readers will consider that the test is too onerous. In particular it seems obvious that a researcher whose professional malpractice has made him liable to boycott ought not to escape boycott action simply because of the welfare-generating possibilities of his research, just as a criminal ought not to

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25The conditions may be even more stringent than suggested here. Michael Walzer, Just and Unjust Wars (New York: Basic Books, 1977), p. 155, has argued that it is not sufficient on double effect grounds that the collateral harm be proportionate to the good achieved. The actor must in addition take active steps to minimise the collateral harm inflicted on innocent others, even to the point of assuming additional risks and costs to do so. It is not clear how boycotters could meet this additional condition. One theoretical possibility would be to require boycotters to set aside money to fund additional research to offset the disruption to research generated by the boycott. But it is difficult to see how such a scheme could be implemented, and, as we argued earlier, the unpredictable way in which research contributes to human welfare would make it difficult to offset boycotting action reliably.
escape incarceration simply because he is engaged in welfare-generating work. We therefore propose an alternative approach to the problem of collateral harm inflicted by boycotts. We suggested above that a boycott of academics who have engaged in professional malpractice has two distinguishable moral grounds: a liberty to boycott based on the liability of errant academics, and a duty to boycott based on the obligation not to be complicit in the malpractice or crimes of others. We would argue that the obligation not to be complicit in grave wrong-doing is more stringent than the obligation not to bring about disproportionate unintended harms. It would then sometimes be permissible to engage in a boycott of malpractising academics, even if the boycott brought about disproportionate harmful consequences to others. This claim is most plausible when the malpractice in question is extremely grave. For example, suppose that Mengele’s research had been making a vital contribution to a medical breakthrough of overwhelming importance (as was manifestly not the case with the real Mengele). It seems reasonable that a boycott of Mengele would have been permissible (indeed mandatory) even if the likely collateral harm of disrupting the research exceeded the harm inflicted on Mengele’s victims. On this view it will be permissible to boycott an academic, or academic institution, that has engaged in serious wrong-doing even if the welfare-based defeasibility conditions have not been met.

It is apparent from this discussion that the moral basis of the Principle of the Universality of Science and Learning is strong. It is based both in the obligation not to diminish or destroy the welfare-generating effects of academic work, and in the rights of academic workers to be free from inappropriate forms of discrimination. Both moral grounds of the Principle contain within them implicit defeasibility conditions, which create the potential for morally justified academic boycotts. Yet the defeasibility conditions, once properly spelled out, create a high justificatory burden.

III. AUTHORIZATION OF A BOYCOTT

In any particular case, who may properly determine whether the defeasibility conditions for the Principle of Universality have been met? In other words, who has the authority to initiate a boycott? There are particular difficulties involved in making judgements about the appropriateness of boycotts that must be recognised and, so far as possible, mitigated. The judgements are themselves highly complex: applying the first set of defeasibility conditions, those concerning future welfare, requires a great deal of empirical information which is difficult to obtain and interpret. Moreover, calls for boycott most often occur in a context that is both international and highly contested. This introduces particular epistemic challenges. First, there is a significant danger that our judgement will be clouded by prejudice and national animosities. Secondly, if a boycott is not generally viewed as based on a fair and impartial assessment of the case, there is
significant risk of a spiralling succession of tit-for-tat actions that could gravely
damage science and learning.

The obvious solution to these challenges would be an institutional authority
specifically charged to determine whether the conditions for a boycott have been
met in a given case. Such an authoritative body would gain its legitimacy from
operating procedures designed to ensure its impartiality, fairness and epistemic
reliability. Unfortunately, no suitable authority currently exists. For those who
believe that boycott has a role to play in regulating academic practice, there is a
strong moral imperative to investigate how such a body might be established.

In its absence, how should individual academics and institutions deliberate
about boycotts? Our discussion of the second set of defeasibility conditions, those
based on liability, can provide some guidance here. We suggested that there are
two moral motivations implicit in the liability account of boycotts. The first is
punitive; boycott may be an appropriate form of punitive redress to professional
misconduct. This idea strongly suggests the requirement to defer to an impartial
authority, since we generally believe that punishment requires authority and that
private acts of punishment are not legitimate. But the second motivation for
boycott, we argued, is the requirement not to participate or be complicit in
significant professional misconduct or wrongdoing. This model addresses
individual agents in a more direct way, and does not seem to require mediation
by external authority in the way that the punitive motivation does.

These competing considerations must be balanced in our response to
professional misconduct that could potentially lead to liability to boycott. A
plausible way of achieving this balance is to adopt a principle of deferring to the
authoritative bodies that already exist at a local level—until such time as those
bodies have manifestly failed in their obligations to address professional
misconduct. The reasoning here is that existing authoritative bodies, however
imperfect, should be expected to play a role in the declaration of boycotts,
particularly where boycott is recognised as a punitive or redress mechanism.
Departments, faculties and universities have the obligation and the authority to
prevent and punish misconduct among their employees. If they fail to do so, then
national agencies such as the ministry of education, national academies or
funding agencies would be expected to sanction both the individual academics
and the institutions that have failed to fulfil their obligations of oversight. If the
relevant national authorities were also unwilling to act, one might conclude that
the normative values of the national academic community had broken down and
that there was now a *prima facie* case for an academic boycott of the country
concerned. In the absence of a duly constituted international body, authorisation
of a boycott might then come from an *ad hoc* coalition of national academies. To
the extent that this coalition constituted a large number of academies from a
broad spectrum of countries, it could be regarded as having sufficient legitimacy
to act in authorising an academic boycott (the higher the number and the
professional standing of the academies, the greater the legitimacy).
This sketch describes and extrapolates from the established mechanisms of academic professional oversight. Although it falls short of an internationally recognised and legitimate body mandated to authorise and oversee academic boycotts, the intersecting roles of local, national and international agencies clearly create a system with some legitimacy and epistemic reliability.

But what if an individual academic or group of academics reaches a conviction that strong moral reasons exist to engage in a boycott but neither local nor national agencies nor a coalition of international academies are willing and able to address the problem? The conviction may be based either on the belief that a boycott will generate more welfare than it destroys, as described in our first set of defeasibility conditions, or on the obligation not to be complicit in serious professional misconduct, as described for our second set.

In the former case the absence of consensus among national and international agencies would presumably compromise the boycott’s prospects of success, which (as we saw) is one of the necessary conditions for justifying a boycott on welfare-generating grounds. But the latter case is more ambiguous. How should responsible persons act when they are convinced that to do anything other than engage in a boycott would make them complicit in serious wrongdoing, but there is no broad agreement on this assessment?

Clearly, the first imperative for anyone in this situation is to reflect very carefully on why it has been impossible to construct a broad coalition or consensus: may it not be that the apparent moral grounds for boycott are less compelling than they appear? If, however, an academic’s belief in the moral necessity of boycott survives this process of reflection, then clearly he must follow his conscience, despite the lack of authorisation provided by a broad consensus of responsible institutions. However, two provisos must be noted. First, anyone engaging in a boycott in such circumstances should publicly declare and explain his action. Undeclared acts of professional discrimination can rarely if ever be justified. Secondly, taking part in an unauthorised boycott involves assuming a significant moral risk. Boycotts are intended to redress wrong, but a boycott that fails to satisfy the criteria of moral justification is itself a serious moral wrong. The risk of committing such a wrong is greatly heightened in the absence of authorisation.
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