

## 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:<sup>1</sup>

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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<sup>1</sup>For reasons we will explain below this principle might also be referred to as “the Principle of Non-Discrimination” in science.

1 So far as we are aware, there is no equivalent explicit statement that applies to  
2 scholars in non-scientific fields;<sup>2</sup> nonetheless, as we shall explain below, the  
3 reasoning that underlies the Principle of Universality in the natural sciences also  
4 applies in part (and with appropriate modification) to the social sciences and the  
5 humanities. We shall therefore refer to the Principle of the Universality of Science  
6 and Learning (or simply the Principle of Universality), which we take to refer to  
7 all the academic fields collectively.

8 Uncontroversial though it seems, the Principle of Universality clearly stands in  
9 tension with the practice of academic boycotts. An academic boycott consists in  
10 the systematic withholding of normal professional relations from academics as a  
11 means to achieving some goal, typically either punishment or the bringing about  
12 of some change in behaviour or policy. An example of a proposed boycott—in  
13 this case of Israeli academics—was a motion (eventually dropped after the receipt  
14 of legal advice) passed by the Annual Congress of the University and College  
15 Union (UCU) in the United Kingdom in 2007.<sup>3</sup> Similar motions were passed by  
16 UCU Annual Congresses in 2008 and 2009.

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

23 Richard Roe is a senior scientist with a large laboratory and many co-workers.  
24 He is the chief editor of a prestigious learned journal, and chairman of the  
25 Organizing Committee of a forthcoming international conference. Jane Doe is a  
26 relatively junior scientist in the field, working in a different country. It is  
27 important to realise that the Principle of Universality of Science does not confer  
28 on Jane Doe any right to collaborate with Roe, to have her work published in  
29 Roe's journal or to be invited to the conference he is organizing. Professional  
30 activity necessarily involves judgement and discrimination, and professional  
31 academics such as Roe routinely make discriminating judgements about peers:  
32 they chose whether to appoint or promote, whether to provide opportunities to  
33 present results at conferences or in journals, and whether to engage in research  
34

35 <sup>2</sup>The International Human Rights Network of Academies and Scholarly Societies, founded in  
36 1993, has a few academies of Sciences and the Arts (or the equivalent) amongst its members; however,  
37 many prominent academies for the humanities, like the British Academy, do not belong to it, and in  
38 practice the large majority of its members are academies of natural sciences. The International Human  
39 Rights Network has stated that “moratoria on scientific exchanges based on nationality, race, sex,  
40 language, religion, opinion and similar factors thwart the network's goals. They would deny our  
41 colleagues their rights to freedom of opinion and expression; interfere with their ability to exercise  
42 their bona fide academic freedoms; inhibit the free circulation of scientists and scientific ideas; and  
43 impose unjust punishment. They would also be an impediment to the instrumental role played by  
44 scientists and scholars in the promotion of peace and human rights”. See Anon., *Nature*, 417 (2002),  
45 690.

46 <sup>3</sup>The motion can be found at: <[www.ucu.org.uk/index.cfm?articleid=2555](http://www.ucu.org.uk/index.cfm?articleid=2555)>.

1 collaborations. Such discrimination can clearly be morally appropriate, and it is  
2 entirely consistent with the Principle of the Universality of Science.

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

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

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

35 Secondly, boycotts may differ in their mode of implementation. There are three  
36 overlapping distinctions. A boycott may be official (endorsed by a relevant  
37 academic organisation such as a trade union, staff association or university) or it  
38 may be unofficial (undertaken by individual academics on their own initiative  
39 and without the endorsement of any relevant academic organisation). If a boycott  
40 is official it may be either mandatory (creating a binding obligation on members  
41 of the academic organisation) or it may be non-mandatory. The strongest form of  
42 mandatory boycott is one enforceable by sanctions such as expulsion or financial  
43 penalties. Boycotts (either official or unofficial) may be either public or private. In

1 a public boycott both the boycotting policy and the reasons for the boycott are  
2 publicly disclosed. In a private boycott, academic contact is withheld without  
3 publicly disclosing the policy or the reasons for it. There is thus a spectrum of  
4 cases ranging from official mandatory and public action on the one hand to  
5 unofficial private action undertaken by individual academics on the other, with  
6 various intermediate combinations.

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

## 16 17 I. THE VALUE OF SCIENCE AND LEARNING

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

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

29 The instrumental value of research in the natural sciences is relatively obvious.  
30 Although the sciences have led to discoveries that have destroyed human  
31 wellbeing (most notably in the creation of weapons and of technologies that harm  
32 the environment), these harmful discoveries are on balance greatly outweighed by  
33 the contributions of science to human welfare. Obvious examples are the  
34 advances in our understanding of agriculture and husbandry, which have helped  
35 to feed hundreds of millions of people, and the development of antibiotics and  
36 other life-saving drugs. Official statistics tell their own story: for example,  
37 between 1900 and 2005 life expectancy at birth in the U.K. rose from 48.5 to  
38 77.0 years for males and from 52.4 to 81.2 for females. Universally feared  
39 diseases either have disappeared entirely (like smallpox) or are already eliminated  
40 from developed countries and greatly reduced elsewhere (like diphtheria and  
41 polio). It is true, of course, that these gains in human welfare are unevenly  
42 distributed among the global population, but there can be no doubt that

1 remarkable improvements in human wellbeing have been achieved in the last two  
2 or three centuries which would have been impossible without advances in the  
3 theoretical and applied sciences.

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

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

34 In addition to being instrumental goods, science and learning are also intrinsic  
35 goods. While the instrumental value of the hard sciences is easier to discern than  
36 that of the social sciences and humanities, both have intrinsic value. The intrinsic  
37 value of science and learning stems from the kinds of being we are. The human  
38 mind has a distinctive capacity to investigate the world around it. The activity of  
39 attaining knowledge and understanding about the world and transmitting it to  
40 others represents one of the fundamental modes of human fulfilment, as  
41 important as such other intrinsically valuable forms of human activity as  
42 friendship, love, parenting, pastoral care or artistic creation. An essential  
43 property of this intrinsic good is that it is social and collaborative in nature. It is

1 not simply that the acquisition of knowledge and understanding is facilitated by  
2 interaction with others, rather that the human goods of learning and knowledge  
3 include, as crucial features, their sharing and their transmission.

4  
5 **A. THE PRINCIPLE OF UNIVERSALITY AND THE VALUE OF SCIENCE**  
6 **AND LEARNING**

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

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

23 Secondly, science and learning flourish when their practitioners are able to  
24 communicate and collaborate with one another.<sup>4</sup> Boycotts intentionally impede  
25 communication and collaboration, and thus constitute a barrier to scientific  
26 progress and its related goods.

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

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

35 <sup>4</sup>A possible objection to this point is that advances can sometimes be made by scientists working  
36 in comparative isolation (the cases of Mendel and Einstein come to mind). To see whether isolates of  
37 this kind frequently occur nowadays, we have studied 50 papers published consecutively in *Nature*  
38 (probably the best known international journal that covers a wide range of scientific disciplines) in  
39 October 2009. For each of them we identified, from the citations in the paper, one or more earlier  
40 articles without which it would have been impossible to carry out the work described. (We accept that  
41 there is a measure of subjectivity in this identification.) We found that 48 out of the 50 depended on  
42 work published in the past eight years; for 15 of them the year of publication of the most recent  
43 indispensable paper was 2008 and for another 14 it was 2007. We conclude that it is very rare  
44 nowadays for scientific research to be performed by social isolates.

1 for boycotts are not codified and are necessarily imprecise, any boycott may be  
2 cited as a precedent by less principled actors to support other politically  
3 motivated and unjustified boycotts. Judicial systems use case precedent to  
4 strengthen and clarify legal rules by submitting precedent reasoning to strict rules  
5 of interpretation and application. But in a highly contested political environment  
6 with no internationally recognised authority, precedents may have the opposite  
7 effect. Precedents can render unclear, and weaken consensus on, moral  
8 distinctions and thereby create opportunities for harmful forms of action. In this  
9 context the endorsement of any boycott may make it more difficult to oppose  
10 unjustified and harmful boycotts in future circumstances.<sup>5</sup>

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

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

29 Another objection is that in practice limitations to expression and  
30 communication among researchers already exist, and that these appear not  
31 substantially to hamper the advancement of research. For example, the fact that  
32 scientific discoveries can sometimes be patented seems at first sight to constitute  
33 an important exception to the norms of expression and communication among  
34 scientists. But the exception is more apparent than real: patents are themselves  
35 published, and a patent will not be granted unless the discovery (or “invention”,  
36

37 <sup>5</sup>For instance, those who favour a boycott of Israeli academics often cite the precedent of the  
38 boycott of South African universities in the 1980's (see for example Salim Vally, “The South African  
39 boycott experience”, *Academe*, 92 (2006), 64–8, who in writing “to support an academic boycott of  
40 Israeli institutions” claims that “[the] situation [of Palestinians] seems very close to that of South  
41 Africans under apartheid” (p. 65). In his article “Zionism and apartheid: the analogy in the politics  
42 of international law”, *Engage*, 2 (2006), <[www.engageonline.org.uk/journal/index.php?journal\\_id=](http://www.engageonline.org.uk/journal/index.php?journal_id=10&article_id=34)  
43 [10&article\\_id=34](http://www.engageonline.org.uk/journal/index.php?journal_id=10&article_id=34)> (last accessed July 29, 2010), John Strawson has argued persuasively that the  
44 analogy between South Africa under apartheid and Israel is “casual, unhistorical, and ultimately  
45 unhelpful”.

1 as patent law calls it) is described in enough detail to enable the work to be  
2 reproduced. Moreover, it is not a violation of the patent (at least under UK law)  
3 to repeat the work described therein “for experimental purposes relating to the  
4 subject-matter of the invention”.<sup>6</sup> Hence researchers are free to use the patented  
5 method as a starting point for their own investigations, just as they do with any  
6 other published method.

7 Perhaps of greater concern is research undertaken by private corporations and  
8 the military that is not made public (or even patented) but simply kept secret for  
9 commercial or military advantage. It might be contended that the existence of  
10 such private research shows the Principle of Universality to be naïve and out of  
11 tune with the realities of research practice. We do not believe that this is the case.  
12 Rather it shows how the Principle of Universality in part reflects a conception of  
13 what will best facilitate the valuable contribution of science and learning over the  
14 long term. It is true that the secrecy of private commercial and military research  
15 degrades the free flow of information and collaboration on which progress in  
16 research depends. But it is equally true that without the right to keep results secret  
17 some commercial and most military research would not be conducted at all, and  
18 that even research whose results are closely guarded secrets can make a  
19 contribution to human welfare in the long run. Private commercial research  
20 enables innovative products to be brought to market, and military research can  
21 contribute spectacularly to scientific progress when it is declassified.<sup>7</sup> The  
22 Principle of Universality embodies a particular set of rights and obligations that  
23 reflects, at least in part, a tacit compromise between the value-creating role of free  
24 academic interaction and the marginal contribution of private research  
25 endeavours that would not otherwise be undertaken.<sup>8</sup>

## 26 27 **B. DEFEASIBILITY CONDITIONS I**

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

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

37 <sup>6</sup>Section 60 (5) (b) of the Patents Act 1977.

38 <sup>7</sup>There is of course an additional moral reason for keeping military research secret: the fact that  
39 military technologies can be extremely dangerous if they are widely proliferated.

40 <sup>8</sup>This is not to say that the current configuration of rights and obligations make this compromise  
41 in an optimal or even a satisfactory way. There has been much criticism of the terms under which  
42 private entities can patent discoveries. Our claim is simply that the content and limitations of the  
43 Principle of Universality reflects in this instance some compromise of this kind.



1 described above (in other words whether the boycott is likely to be proportionate  
2 in value terms). The three tests are that the boycott be likely to succeed, that it be  
3 necessary, and that it be an exceptional response to a grave moral evil.

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

8 *i. A Boycott Must Have a Reasonable Prospect of Success*

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

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

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

31 <sup>9</sup>By contrast, Igor Primoratz, “Boycott of Serbian intellectuals”, *Public Affairs Quarterly*, 10  
32 (1996), 267–78, has argued that boycotts can be justified in terms of their expressive function even  
33 if they are not likely to bring about an end to the evil. He argues that sanctions against Serbia, which  
34 included *inter alia* the suspension of cultural, scientific and technical contacts, were “morally  
35 legitimate, indeed necessary, as an expression of emphatic moral condemnation by the civilized world  
36 of Serbia’s crimes, whether they proved useful as a means of political pressure on the Serbs or not”  
37 (p. 267, emphasis in the original).

38 <sup>10</sup>See the discussion of necessity below.

39 <sup>11</sup>The mechanism may include reference to the particular constitution of the boycotting and  
40 boycotted state. Avia Pasternak, “Sanctioning liberal democracies”, *Political Studies*, 57 (2009),  
41 54–74, discussing economic boycotts, suggests that the boycott of one liberal democracy by another  
42 may be effective when a similar boycott of a non-democracy may be ineffective, because liberal  
43 democracies may be more sensitive to the symbolic message of boycott by another democracy, and the  
44 citizens of democracies typically have a greater capacity to affect the policy of their government.  
45 While difficult to assess in practice, this kind of consideration would certainly be relevant to the  
46 effectiveness of boycotts.

1 made little contribution to the end of apartheid,<sup>12</sup> although it may have been  
2 partly responsible for what Neville Alexander a few years later called “the  
3 scholarly backwardness of South Africa today”.<sup>13</sup>

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

10 Secondly, the fact that scientists and scholars can cooperate in their work even  
11 though the countries in which they live may be in dispute can be a symbol of, and  
12 an impetus to, the breakdown of hostility. Two well-documented examples of the  
13 beneficial effects of professional cooperation between scientists from countries  
14 that were at odds are the collaboration of Argentinean and Brazilian scientists in  
15 nuclear physics, and the collaboration of Egyptian and Israeli scientists in  
16 agriculture.<sup>14</sup>

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

25 *ii. A Boycott Is Only Permissible If It Is Necessary*

26 An act is necessary in the relevant sense if there is no other course of action that  
27 could be reasonably expected to bring about the desired results with fewer moral  
28 costs. If alternative strategies seem likely to ameliorate the moral evil with fewer  
29 harmful consequences, then obviously these should be pursued in preference to a  
30

31 <sup>12</sup>George Fink, “Did an academic boycott help to end apartheid?” *Nature*, 417 (2002), 690;  
32 Jonathan Hyslop, “The South African boycott experience”, *Academe*, 92 (2006), 59–64.

33 <sup>13</sup>Neville Alexander, “Academic boycotts: some reflections on the South African case”,  
34 *Perspectives on the Professions*, Fall 1995, <<http://ethics.iit.edu/perspective/v15n1%20perspective.pdf>> (last accessed July 29, 2010).

35 <sup>14</sup>Alexander Keynan and Dany Shoham, “Scientific cooperation in agriculture and medical  
36 research as a means of normalizing relations between Egypt and Israel”, *Scientific Cooperation, State  
37 Conflict: The Role of Scientists in Mitigating International Discord*, ed. A. L. C. de Cerreño and A.  
38 Keynan (New York: New York Academy of Sciences, 1998), pp. 465–84, and Paulo Wrobel and John  
39 Redick “Nuclear cooperation in South America”, *Scientific cooperation, state conflict*, ed. de Cerreño  
40 and Keynan, 482–99, respectively. Studies of these cases have suggested that in each country the  
41 relevant community of scientists facilitated an approach to their counterparts in the other country,  
42 thus enabling contacts to be established at governmental level that would not otherwise have been  
43 formed. This beneficial result of international collaboration, though collateral to the advance of  
44 science and learning, constitutes a further consequentialist argument in favour of the Principle of  
45 Universality.  
46

1 boycott. Boycotts would not be justified until such plausible lower-cost strategies  
2 have been reasonably attempted and shown to fail.<sup>15</sup>

3 For example, rather than boycotting conferences in a country guilty of  
4 seriously wrongful actions, academics could use the occasion to challenge  
5 morally offensive policies—for example, by using a conference presentation to  
6 draw attention to the host government’s wrongdoing, by urging the conference to  
7 affirm basic moral principles including the Principle of Universality, and by  
8 demanding that appropriately qualified scholars representing the persecuted  
9 group be included.

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

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

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

26 Justified boycotts must be exceptional. This is true in both a conceptual and a  
27 practical sense. Conceptually, the practice of a boycott can only have meaning  
28 against a background of substantially uninterrupted interaction and  
29 collaboration. The exceptionality of boycotts is therefore part of the logic of the  
30 concept. Moreover, if a boycott is to have any practical effect it must be viewed  
31 as an extremely rare sanction that marks out the object of the boycott as a  
32 genuine pariah.<sup>16</sup> If boycotts were to be implemented in non-exceptional  
33 circumstances they would paralyse and degrade the entire system of collaborative  
34 science and learning. Boycotts, therefore, must be exceptional if they are not to  
35 become conceptually incoherent and practically ineffective.

37 <sup>15</sup>There are difficult questions concerning how to identify and individuate different strategies and  
38 how to determine whether a strategy has been reasonably attempted. For a useful discussion of some  
39 of these issues see Timothy Chappell, “Option ranges”, *Journal of Applied Philosophy*, 18 (2001),  
40 107–18.

41 <sup>16</sup>Edmund Dain and Gideon Calder make a similar point in their article “Not cricket? Ethics,  
42 rhetoric and sporting boycotts”, *Journal of Applied Philosophy*, 24 (2007), 95–109, which discusses  
43 the proposed boycott by the English Cricket Board of a cricketing tour of Zimbabwe: “the impact of  
44 boycotts is, however imprecisely, proportionate to their rarity value” (p. 101).

1 In addition to being exceptional, the conditions for justifying a boycott must  
2 be consistent with the principle of universalisability, the moral requirement that  
3 like cases be treated alike. This principle can be understood in two different ways.  
4 On its stronger interpretation, universalisability imposes a moral obligation to  
5 engage in an academic boycott in every situation in which the justifying criteria  
6 for a boycott are met. A weaker interpretation of universalisability views the  
7 justifying conditions for boycotts as generating a discretionary liberty to boycott  
8 rather than an obligation to do so. On both interpretations, the threshold  
9 criterion for imposing a boycott will affect the incidence of boycotts, because  
10 even if we adopt the weaker interpretation we are committed to granting  
11 permission for others to boycott in relevantly similar cases. Moreover,  
12 considerations of justice may be relevant even in cases of a discretionary liberty.  
13 For example if X, Y and Z are similarly situated, so that I have a discretionary  
14 liberty to boycott each, but boycott only Z, then I may treat Z unjustly.<sup>17</sup> These  
15 twin requirements (that boycotts be exceptional and that the criteria for imposing  
16 them be universalisable) together entail that boycotts be imposed only in grave  
17 circumstances. But how grave do the circumstances need to be? It is tempting to  
18 seek a descriptive formulation or numerical threshold in order to answer this  
19 question (we might for example borrow a formula from the jurisprudence of  
20 humanitarian intervention and assert that boycotts are justifiable only in the face  
21 of abuses that “shock the conscience of mankind”). But it is likely that any such  
22 specified threshold would be either imprecise or arbitrary or both.

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

38 We contend that the basic principle governing boycotts should be a  
39 presumption that cases be tackled on the basis of “most severe first”. This  
40 principle presupposes that the candidate cases for boycott also meet the two  
41 criteria already discussed—reasonable prospect of success and necessity. Provided  
42

43 <sup>17</sup>We are indebted to Jon Pike for this observation.

1 that they do, the most effective way to satisfy the exceptional gravity condition  
2 is to engage in a boycott only in response to those moral evils at the top of the  
3 ordinal ranking of gravity. An important practical corollary to this suggestion is  
4 that it is *unjustifiable* to boycott against evils of lesser moral gravity whilst  
5 abstaining from a boycott against actions higher on the scale. For example it  
6 would not be justifiable to engage in a boycott against an unlawful occupation  
7 while abstaining from boycott action against genocide (assuming that the tests of  
8 reasonable prospect and necessity have been met in both cases).<sup>18</sup>

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

## 17 18 II. THE RIGHT TO BE FREE FROM INAPPROPRIATE DISCRIMINATION 19 IN ACADEMIC WORK

20 As we suggested at the outset, value-related considerations capture only part of  
21 the morality of academic boycotts. Academics, like other people, have the right  
22 not to be subject to morally inappropriate forms of discrimination in their  
23 professional activities.<sup>19</sup> This right functions as an independent ground for the  
24 Principle of Universality and (as we shall see) generates additional restrictions on  
25 the practice of boycotts, even those that meet the consequentialist defeasibility  
26 conditions discussed above. At the same time these rights-based considerations  
27 may give rise to additional forms of justification for boycott. This is because  
28 researchers who engage in professional misconduct may become morally liable to  
29 boycott either as a form of punitive sanction or as a means to redress the  
30 misconduct.

31 The prohibition of inappropriate discrimination is central to all codes of  
32 professional ethics, but its moral foundation lies deeper than simple professional  
33 norms.<sup>20</sup> It is, rather, a local application of a more general right to be free from  
34 arbitrary discriminatory treatment, particularly where such treatment causes  
35

36 <sup>18</sup>This corollary has clear application to proposals for the boycott of Israeli academics.

37 <sup>19</sup>We have described above what we understand by inappropriate discrimination. Important  
38 examples of inappropriate grounds for discrimination are those listed in the ICSU Statute on the  
39 Principle of Universality: "ethnic origin, religion, citizenship, language, political stance, gender or  
40 age". See ICSU, "Status and rules of procedures", *International Council for Science*, <[http://www.icsu.org/Gestion/img/ICSU\\_DOC\\_DOWNLOAD/216\\_DD\\_FILE\\_Statutes\\_October\\_2005.pdf](http://www.icsu.org/Gestion/img/ICSU_DOC_DOWNLOAD/216_DD_FILE_Statutes_October_2005.pdf)> (last  
41 accessed July 23, 2010).

42 <sup>20</sup>Here we have a clear example of the way in which the professional practice of academic research  
43 is bounded by norms that are explicitly moral.  
44

1 harm or loss (as is clearly potentially the case with academic boycotts). This  
2 moral right receives legal codification in numerous domestic anti-discrimination  
3 laws, as well as in international legal instruments such as the United Nations  
4 Declaration of Human Rights, the United Nations Declaration on the  
5 Elimination of All Forms of Racial Discrimination, and the Declaration on the  
6 Elimination of All Forms of Discrimination against Women.

#### 8 A. RIGHTS AND THE CONSEQUENTIALIST DEFEASIBILITY CONDITIONS

9 In general, rights should not be contravened as a means to achieving the ends of  
10 others, even if those ends involve considerable aggregate gains in welfare. In  
11 Dworkin's famous metaphor, rights generally "trump" general utility.<sup>21</sup> This  
12 suggests that a proposed boycott, although satisfying the defeasibility conditions  
13 discussed above, may still be impermissible because it violates the rights of  
14 researchers not to be subject to inappropriate discriminatory treatment. This is  
15 particularly likely to be the case when the issue that the boycott is intended to  
16 address is one for which the boycotted academics are not morally responsible.

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

24 There are, however, two distinctive features of such cases. The first is that, as  
25 in the above two examples, the rights infringed are normally property rights, as  
26 opposed to the more stringent rights that protect personal security and human  
27 dignity. It is true that the right not to be subject to inappropriate discrimination  
28 is not of the highest category of stringency (as for instance are the peremptory  
29 rights not to be tortured or enslaved). Nonetheless it is a right of considerable  
30 importance and stringency. It is certainly difficult to imagine any case in which  
31 the right to be free of inappropriate discriminatory treatment is justifiably  
32 infringed for the welfare of others.<sup>22</sup> Secondly, when rights are justifiably  
33 infringed for consequentialist reasons there is a residual requirement for the right  
34 infringer to render redress or compensation to the right holder. The requirement  
35 to compensate signifies the continuing nature of the right, even if we recognise the  
36 necessity of infringing it in exceptional circumstances.

37 <sup>21</sup>Ronald Dworkin, "Rights as trumps", *Theories of Rights*, ed. J. Waldron (Oxford: Oxford  
38 University Press, 1984), 153–67 at p. 153.

39 <sup>22</sup>Positive discrimination practices may be thought to be precisely such an example. Yet these  
40 measures are intended to neutralise pre-existing discriminatory practices which are thought to give  
41 certain ethnic populations an unfair advantage. They are thus intended to create an environment  
42 free of improper discrimination for all persons. Whether they succeed in this intention, or are morally  
43 justified at all, remains highly controversial.

1 Attending to the rights of researchers does not entirely preclude justifying a  
2 boycott on welfare grounds. But it does considerably raise the threshold of  
3 justification. Boycotts not only damage the public interest by impairing science  
4 and learning, they also violate the rights of researchers to be free of improper  
5 discrimination. It follows that the defeasibility conditions identified above are  
6 inadequate: the probable net welfare gains of a proposed boycott must not only  
7 be proportionate, they must be sufficiently high to outweigh, or override, the  
8 right of researchers not to be subject to inappropriate discrimination, at least if  
9 one takes a threshold deontological view of this right. Moreover, researchers  
10 whose rights have been justifiably infringed in a boycott will presumably require  
11 compensation. It is not clear how the duty to compensate could be fulfilled, and  
12 the impracticality of honouring this duty provides a further consideration against  
13 the practice of boycott.

14  
15 **B. DEFEASIBILITY CONDITIONS II: LIABILITY TO BOYCOTT DUE TO**  
16 **PROFESSIONAL MALPRACTICE**

17 We have said that a boycott violates the rights of researchers when it  
18 discriminates against them on grounds extraneous to the ethical norms and  
19 criteria for excellence within their profession. But not all boycotts discriminate on  
20 inappropriate extraneous grounds. If a researcher has committed a grave  
21 professional malpractice in violation of these norms, then a boycott designed to  
22 address this malpractice may constitute an entirely appropriate form of  
23 discrimination. This is because gross forms of misconduct can generate a moral  
24 liability to sanctions such as punishment and boycott.<sup>23</sup> We can thus develop a  
25 second and independent set of defeasibility conditions for the Principle of  
26 Universality.

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

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

39  
40 <sup>23</sup>For the purposes of this article “x is liable to boycott by y” means that x has no claim right  
41 against y not to be boycotted. In other words y has a Hohfeldian liberty to boycott x. See Wesley  
42 Newcomb Hohfeld, *Fundamental Legal Conceptions as Applied to Judicial Reasoning*, ed. W. W.  
43 Cook (New Haven: Yale University Press, 1919).

1 Secondly, a boycott of Mengele would have been justified because any research  
2 collaboration with him would have constituted a form of complicity in his  
3 criminal malpractice. Every professional has an obligation not to be complicit in  
4 acts that breach professional standards, and every human being has an obligation  
5 not to be complicit in moral crimes. To have knowingly shared information with  
6 Mengele, invited him to present results, or accepted an invitation to collaborate  
7 with his activities in any way, would have constituted such complicity. These two  
8 normative features of the case are complementary. While the liability to boycott  
9 creates a liberty, or permission, for others to withhold academic contacts, the  
10 obligation to avoid complicity with a professional breach or moral crime creates  
11 a positive duty to withhold contacts.

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

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

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

36 The examples we have given involve individuals, but groups or institutions  
37 may become liable to boycott in a similar way. An academic body that breaches  
38 widely accepted professional norms (for example a national academy of science  
39 that adopts a racially discriminatory constitution) may make itself liable to  
40 boycott in precisely the same way as the racist scientist in the example above. But  
41 academic institutions may also become liable to boycott through certain forms of  
42 omission. Institutions such as universities and academies of science and learning  
43 typically have specific duties to ensure that their members (be they individuals or



1 institutions) conform to proper standards of professional conduct. If an  
2 institution manifestly fails in this obligation, for example by refusing to  
3 investigate or censure a grave professional breach by one of its members, then the  
4 institution itself may become liable to boycott by reason of its complicity with a  
5 professional malpractice.<sup>24</sup>

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

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

38  
39 <sup>24</sup>The suggestion that institutions can be liable to punitive sanctions or boycott raises familiar and  
40 difficult questions of how to reconcile individual and collective liability. For example, is it reasonable  
41 to engage in acts that inflict harms on members of a group who did not support, or actively oppose,  
42 the wrongful actions of the group? We note the importance of this and related questions, but leave  
43 them to one side in this discussion.

1 C. LIABILITY TO BOYCOTT AND HARM TO OTHERS

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

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

28 Clearly this view, which combines the value-based and liability-based criteria  
29 as preconditions for justifiable academic boycott, generates an extremely rigorous  
30 test for the justification of boycotts.<sup>25</sup>

31 Many readers will consider that the test is too onerous. In particular it seems  
32 obvious that a researcher whose professional malpractice has made him liable  
33 to boycott ought not to escape boycott action simply because of the  
34 welfare-generating possibilities of his research, just as a criminal ought not to  
35

36 <sup>25</sup>The conditions may be even more stringent than suggested here. Michael Walzer, *Just and Unjust*  
37 *Wars* (New York: Basic Books, 1977), p. 155, has argued that it is not sufficient on double effect  
38 grounds that the collateral harm be proportionate to the good achieved. The actor must in addition  
39 take active steps to minimise the collateral harm inflicted on innocent others, even to the point of  
40 assuming additional risks and costs to do so. It is not clear how boycotters could meet this additional  
41 condition. One theoretical possibility would be to require boycotters to set aside money to fund  
42 additional research to offset the disruption to research generated by the boycott. But it is difficult to  
43 see how such a scheme could be implemented, and, as we argued earlier, the unpredictable way in  
44 which research contributes to human welfare would make it difficult to offset boycotting action  
45 reliably.

1 escape incarceration simply because he is engaged in welfare-generating work.  
2 We therefore propose an alternative approach to the problem of collateral harm  
3 inflicted by boycotts. We suggested above that a boycott of academics who have  
4 engaged in professional malpractice has two distinguishable moral grounds: a  
5 *liberty* to boycott based on the liability of errant academics, and a *duty* to boycott  
6 based on the obligation not to be complicit in the malpractice or crimes of others.  
7 We would argue that the obligation not to be complicit in grave wrong-doing is  
8 more stringent than the obligation not to bring about disproportionate  
9 unintended harms. It would then sometimes be permissible to engage in a boycott  
10 of malpractising academics, even if the boycott brought about disproportionate  
11 harmful consequences to others. This claim is most plausible when the  
12 malpractice in question is extremely grave. For example, suppose that Mengele's  
13 research had been making a vital contribution to a medical breakthrough of  
14 overwhelming importance (as was manifestly not the case with the real Mengele).  
15 It seems reasonable that a boycott of Mengele would have been permissible  
16 (indeed mandatory) even if the likely collateral harm of disrupting the research  
17 exceeded the harm inflicted on Mengele's victims. On this view it will be  
18 permissible to boycott an academic, or academic institution, that has engaged in  
19 serious wrong-doing even if the welfare-based defeasibility conditions have not  
20 been met.

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

### 30 III. AUTHORIZATION OF A BOYCOTT

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

1 significant risk of a spiralling succession of tit-for-tat actions that could gravely  
2 damage science and learning.

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

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

22 These competing considerations must be balanced in our response to  
23 professional misconduct that could potentially lead to liability to boycott. A  
24 plausible way of achieving this balance is to adopt a principle of deferring to the  
25 authoritative bodies that already exist at a local level—until such time as those  
26 bodies have manifestly failed in their obligations to address professional  
27 misconduct. The reasoning here is that existing authoritative bodies, however  
28 imperfect, should be expected to play a role in the declaration of boycotts,  
29 particularly where boycott is recognised as a punitive or redress mechanism.  
30 Departments, faculties and universities have the obligation and the authority to  
31 prevent and punish misconduct among their employees. If they fail to do so, then  
32 national agencies such as the ministry of education, national academies or  
33 funding agencies would be expected to sanction both the individual academics  
34 and the institutions that have failed to fulfil their obligations of oversight. If the  
35 relevant national authorities were also unwilling to act, one might conclude that  
36 the normative values of the national academic community had broken down and  
37 that there was now a *prima facie* case for an academic boycott of the country  
38 concerned. In the absence of a duly constituted international body, authorisation  
39 of a boycott might then come from an *ad hoc* coalition of national academies. To  
40 the extent that this coalition constituted a large number of academies from a  
41 broad spectrum of countries, it could be regarded as having sufficient legitimacy  
42 to act in authorising an academic boycott (the higher the number and the  
43 professional standing of the academies, the greater the legitimacy).

1 This sketch describes and extrapolates from the established mechanisms of  
2 academic professional oversight. Although it falls short of an internationally  
3 recognised and legitimate body mandated to authorise and oversee academic  
4 boycotts, the intersecting roles of local, national and international agencies  
5 clearly create a system with some legitimacy and epistemic reliability.

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

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

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

<b>Toppan Best-set Premedia Limited</b>	
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<i>Instruction to printer</i>	<i>Textual mark</i>	<i>Marginal mark</i>
Leave unchanged	... under matter to remain	Ⓟ
Insert in text the matter indicated in the margin	∧	New matter followed by ∧ or ∧ <sup>Ⓢ</sup>
Delete	/ through single character, rule or underline or ┌───┐ through all characters to be deleted	Ⓞ or Ⓞ <sup>Ⓢ</sup>
Substitute character or substitute part of one or more word(s)	/ through letter or ┌───┐ through characters	new character / or new characters /
Change to italics	— under matter to be changed	↙
Change to capitals	≡ under matter to be changed	≡
Change to small capitals	≡ under matter to be changed	≡
Change to bold type	~ under matter to be changed	~
Change to bold italic	≈ under matter to be changed	≈
Change to lower case	Encircle matter to be changed	≡
Change italic to upright type	(As above)	⊕
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Insert 'superior' character	/ through character or ∧ where required	Υ or Υ under character e.g. Υ or Υ
Insert 'inferior' character	(As above)	∧ over character e.g. ∧
Insert full stop	(As above)	⊙
Insert comma	(As above)	,
Insert single quotation marks	(As above)	Ƴ or ƴ and/or ƶ or Ʒ
Insert double quotation marks	(As above)	ƶ or Ʒ and/or Ʒ or ƶ
Insert hyphen	(As above)	⊥
Start new paragraph	┌	┌
No new paragraph	┐	┐
Transpose	└┘	└┘
Close up	linking ○ characters	Ⓞ
Insert or substitute space between characters or words	/ through character or ∧ where required	Υ
Reduce space between characters or words		↑