

“Boycott” – A proposed Legal Definition Put to Test

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Abstract

The definition of “boycott” attracts controversy in legislation, case law, and dictionaries. The paper questions what the worthy legal definition of “boycott” is. It examines and analyzes various sources on “boycott”. We conclude that the most distinctive characteristic of a “boycott” is omissions, such as refusal to provide services. The antithesis of omission is commission. Omissions signify allowing something to happen, whereas commissions signify causing it to happen. Because boycotts concern omissions, they entail less legislative interference with the boycotters’ right of autonomy. Yet, the autonomy of the boycotters should be restrained when they coerce the boycott’s targets; coerce others into boycotting; or target innocent third parties. We propose to adopt the following definition: a boycott is an intentional refusal to participate in a certain activity as a voluntary statement of disapproval that targets the disapproved-of party. It does not necessarily include coercion. It may be conducted in combination with others or individually. Simply labeling a certain behavior as a “boycott” does not make it one. It is critical to determine whether the protest in question is a boycott.

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