



Campus Hate Speech on Trial: Second Edition, Revised

Timothy C Shiell

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Ten years after publication of the first edition of Timothy Shiell's pathbreaking study, restrictions on faculty and student speech on college campuses continue to be hotly contested in the mainstream media, on the internet, in the journals of academic disciplines, in courtrooms, classrooms, and chatrooms. This revised edition adds substantial new material that updates cases and conflicts during the past decade, expands the original's coverage of the relevant literature, and dramatically reinforces Shiell's original argument.

In the first edition Shiell noted that, despite commitments to free speech and the open exchange of ideas, American colleges and universities had increasingly ignored such principles by implementing numerous hate speech codes designed to protect students from racial, sexual, and other forms of harassment. Taking their cue from Title VII of the Civil Rights Act, which guarantees the right to a non-hostile workplace environment, those regulations had posed seemingly unresolvable conflicts between the ideals of free speech and equal protection.

Shiell explored both sides of the fiery debate over campus hate speech codes to bring out their philosophical and legal underpinnings, clarifying classic free speech arguments as well as the ideas of harm and hostile environment, and analyzing numerous case histories. Pointing out that Title VII wasn't meant to apply to academia, Shiell also encouraged readers to consider the role of the courts in eliminating prejudice in this setting and presented a strong argument for the form the codes themselves should ideally take.

The new edition adds substantial new material on developments concerning the Deterrence Argument, the hostile environment approach, new judicial decisions, and the International Argument. It also updates the comprehensive bibliography and list of legal decisions, significantly increasing the value of both for scholars and policymakers alike.

Shiell eloquently makes the case that campus speech codes no matter how well grounded in history, law, or philosophy have tended to be overbroad, arbitrarily enforced, and used selectively to protect only certain groups at the expense of others. For that reason especially, his book will continue to challenge academics and general readers to reconsider how we deal with this important issue.

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