

Brief Course Outline

Course Title: **Philosophy of Law: Free Speech on Campus**

Course Number and Section:

PHILOSOP

4852G 550

Instructor Name(s): Dr. D. Conter

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Disclaimer: Information in the brief course outline is subject to change. The syllabus posted on OWL is the official and authoritative source of information for the course.

Course Description:

In 2025, the course will focus on the regulation of expression or speech on college and university campuses. A distinction will be drawn between the constitutional guarantee that prohibits the legal regulation of some kinds of speech on the campuses of some colleges and universities, and the broader non-legal ideal of freedom of expression that – controversially – some people feel should protect controversial expression on campuses. General topics will include: general philosophical arguments in favour of freedom of expression; arguments against censorship; the historical expansion of freedom of expression; and the harms associated with some kinds of expression. More specific issues to be dealt with will be: the protection public commentary by professors on political matters which may reflect back unfavourably on their own institutions; student engagement in social media, particularly when their postings have content related to sex or gender; hate speech involving race, religion, or ethnicity; group libel; threats; harassment; micro-aggressions; safe spaces; the powers of university governing bodies; and policy recommendations.

Learning Outcomes:

Students will learn to assess the seriousness of the philosophical issues that arise in connection with the legal ideal of freedom of expression or speech. In addition, they will develop the skills to make comparative assessments of various treatments to these problems offered by philosophers, lawyers, judges, and university administrators mostly working mainly in the last 10 years or so. By doing so, students should gain a basic knowledge of many of the central themes that have emerged in specialized and informed thinking about controversial speech in the academic environment, and in the legal treatment of this in contemporary philosophical and legal circles, both in Canada and the US.

Textbooks and Course Materials:

Erwin Chemerinsky and Howard Gillman, *Free Speech on Campus* (New Haven: Yale University Press, 2017).

Cass Sunstein, *Campus Free Speech: A Pocket Guide*, (Cambridge, Mass.: Harvard University Press, 2024)

John Palfrey, *Safe Spaces, Brave Spaces: Diversity and Free Expression in Education* (Cambridge, Mass.: The MIT Press)

Since students' assessments during the term and in the final exam period will consist of open-book tests, it is essential that students buy paper copies of these books, so that they can actually use them while writing their tests. Since they will be unable to resort to electronic devices during the tests, downloaded versions of the textbooks will be comparatively useless.

Methods Of Evaluation:

Assignment	Due Date mm/dd/yy	Weight - %
2 two-hour open-book essay tests in class		66 %
final examination		34 %

In solidarity with the Anishinaabe, Haudenosaunee, Lūnaapéewak, and Chonnonton peoples on whose traditional treaty and unceded territories this course is shared.

Monday, January 27, 2025