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**Discrimination and the foundation of justice: hate
speech, affirmative action, institutional opinions**
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Glossary

Discrimination: Differential treatment in the social sphere on account of (assumed) personal characteristics which is wrongful, i.e. it causes harm.

Fundamental Rights: The prevailing foundation of justice in liberal states. These rights are generally characterized as universal and individual. Fundamental rights encompass those rights enshrined in the currently existent international and national rights catalogues, but one can also imagine rights that are not yet codified. Because the interests underpinning liberalism and the modern human rights discourse might point to the need for rights that were overlooked during the codification process. The extent to which there are such overlooked rights depends on one's interpretation of the requirements of liberalism and the modern human rights discourse.

Harm: A setback with regard to the full enjoyment of one's fundamental rights and the adjacent (basic) capabilities.

Human Rights: The concept of rights *an sich*. Such concepts can also be exclusionary, i.e. human rights frameworks that pertain merely to some or function as a fig leaf for neo-patrimonial states and their authoritarianism.

Policy: Direction of government action or restraint and the reasoning that underpins such a direction. Political decisions that concern fundamental rights are a policy. As such, a policy can pertain to realizing universal and individual rights. But policies can also detract from this characterization, such as the policy to employ group-based approaches to discrimination.

Societal Salient Groups: Those well-known group identities that are often perceived as being some sort of a collective with certain specific interests in common, especially with regard to the right to be protected against discrimination. But one does not necessarily have to belong to such groups to be ill-treated on account of one's (assumed) personal characteristics.

Related Publications

This work was preceded by a number of publications which covered some of the same subject matter. Specifically the fundamentals of the ideas that I have conveyed in Chapter I, Chapter II, Chapter III, and Chapter V were already presented to the world and can be found in the following places.

SCHOLARLY PUBLICATIONS

- 2021 Dijkstra, Erwin. “Een Gemankeerde Wereld: Theorieën over (On)toegankelijkheid.” *Recht der Werkelijkheid* 42, no. 3 (2021): 69-78.
- 2021 Dijkstra, Erwin. “Addressing Problems Instead of Diagnoses: Reimagining Liberalism Regarding Disability and Public Health.” *Netherlands Journal of Legal Philosophy* 50, no. 1 (2021): 22-39.
- 2021 Dijkstra, Erwin. “Het Standstillbeginsel en de Uitvoering van het VN-Verdrag Handicap.” *Handicap & Recht* 6, no. 1 (2021): 21-27.
- 2020 Dijkstra, Erwin. “Wanneer je Leven Bepaald Wordt door de Wet: Over Handicap, Regelgeving en Identiteit.” *Handicap & Recht* 5, no. 2 (2020): 41-46.
- 2020 Dijkstra, Erwin. “De Coronacrisis Noopt tot Meer Expliciete Aandacht van de Nederlandse Staat voor het VN-Verdrag Handicap.” *NTM/NJCM-Bulletin* 45, no. 3 (2020): 377-80.
- 2020 Dijkstra, Erwin. “Laat Ouderen over de Toekomst Stemmen.” *Nederlands Juristenblad* 95, no. 16 (2020): 1151-55.
- 2019 Dijkstra, Erwin. “Het Versmade Strafrecht? Een Breder Perspectief op het Toevoegen van Geslachtskenmerken, Genderidentiteit en Genderexpressie aan de AWGB.” *Nederlands Juristenblad* 94, no. 17 (2019): 1239-45.

OTHER PUBLICATIONS

- 2020 Dijkstra, Erwin. “Mensenrechten als Vangrail: Het Liberalisme in Tijden van Corona.” *Leiden Law Blog* March 26th 2020.

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