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

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Propositions Relating to the Dissertation

Discrimination and the Foundation of Justice: Hate Speech, Affirmative Action, Institutional Opinions by Erwin Dijkstra

1. The universal and individual characterization of our fundamental rights is a very important safeguard against human cruelty.
2. If one takes the interests underlying the central tenets of liberalism and the foundation of the modern human rights discourse seriously and translates them into a sufficient minimum of capabilities for all citizens, then there may need to be more fundamental rights than there are currently enshrined in the existing international and national rights catalogues.
3. The universal and individual characterization of our fundamental rights is currently under pressure and one aspect of this pressure is constituted by the prevalence, in many liberal states, of group-based approaches to the right to be protected against discrimination.
4. A focus on injustice is more expedient than the current penchant for justice, if one aims to address those manifested vulnerabilities that are connected to discrimination in the relationship between citizens and that have the capacity to inhibit a dignified human life.
5. The second generation of economic, social, and cultural rights is as important for the facilitation of a commonly shared resilience against those manifested vulnerabilities that might inhibit a dignified human life, as the first generation of political and civil rights
6. Some form of a hate speech ban is necessary in any liberal state, but such statutes should not selectively protect certain delineated groups. They should instead focus on defining and prohibiting all harmful speech on account of one's (assumed) personal characteristics.
7. The interests underpinning most quota laws are relevant in any liberal state, but this instrument can – at best – only be a minor and limited part of an overall strategy to address these concerns.
8. Institutional opinions are a useful instrument to address the forms of exclusion and discrimination that elude more traditional anti-discrimination measures, but group-based approaches do not add to this use and can even detract from it.
9. A liberalism of fear presents the best chance to effectively address the worst of the everyday modern tragedies that human beings inflict on each other, including discrimination, within our lifetimes.
10. As recent research points to a northern Mesopotamian location for the legendary hanging gardens, they should henceforth and more accurately be known as the Hanging Gardens of Nineveh.