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**Sincerely believing in freedom: a reconstruction and comparison of the interpretation of the freedom of religion and belief on the Canadian Supreme Court, the South African Constitutional Court and the European Court of Human Rights**  
Theissen, F.H.K.

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## Propositions belonging to the dissertation

### SINCERELY BELIEVING IN FREEDOM

*A reconstruction and comparison of the interpretation of the freedom of religion and belief on the Canadian Supreme Court, the South African Constitutional Court and the European Court of Human Rights*

by Florian H. Karim Theissen

1. True belief depends on true freedom. Enforcement of religious precepts by state law renders all acts of obedience a-religious deeds. Acts of belief are performed out of free will by definition. (See Chapter 2.)
2. All sincere beliefs, pertaining a certain level of cogency, seriousness, cohesion and importance should be protected under the freedom of religion and belief, and only be limited when justifiable under the limitations clause. (See Chapter 5.)
3. Adherence to the methodology and purposes of judicial minimalism furthers optimal protection of believers in freedom of religion and belief cases. Where necessary in the interest of the purposes underlying judicial minimalism, wide and/or deep rulings are required after minimalist groundwork. (See Chapter 6.)
4. When judges (or other state officials) pass value judgements on beliefs or manifestations thereof or substitute the understanding of believers with their own, they commit a grave violation of the freedom of religion and belief, which is incompatible with institutional secularism. (See Chapter 4.)
5. State policies inspired by state-religion or state secularism (ideological secularism) are equally potentially intrusive for the freedom of religion and belief; they have to be assessed under the limitations-clause to determine whether they can be justified. (See Chapter 4.)
6. Tolerance requires some cognitive dissonance and even extends to the beliefs that others find bizarre and even threatening. (See Chapter 4.)
7. Irrespective of the responsibility of non-state actors to respect the freedom of religion and belief, state institutions cannot delegate their responsibility for the protection of the freedom of religion and belief to non-state actors, faith based or otherwise. (See Chapter 4.)
8. Freedom of religion and belief requires some flexible co-existence between state law and 'own'/'inside' law of faith-based communities and allowing for these communities to govern themselves. But this autonomy cannot be absolute either in a human rights-based system nor under liberal democratic constitutionalism. (See Chapter 4.)
9. The "right to be different", being one of the supporting principles of the South African standard interpretation of the freedom of religion and belief, benefits not only (religious) believers in the strict sense, but also LGBTQ+ people. They could thus rely on the freedom of religion and belief next to equality in for example same-sex family/marriage cases. (See Chapters 4 and 7.)
10. As acknowledged by all three courts that are the subject of this study (ECtHR, *Kokkinakis*; SCC, *Big M*; CCSA, *Prince*), open, truly free and pluralistic societies depend on the freedom of religion and belief and its judicial protection. (See Chapter 7.)
11. It is unfortunate that in spite of Bob Marley's popularity beyond the reggae scene, the spiritual messages of reggae music have largely gone unnoticed outside said scene.
12. It is often overlooked that collaborative governance always requires a balance of institutional, procedural and cultural governance.