

THE CONVENTION AND THE KINGDOM

How and why did the European Convention turn from a neglected legal tool into one of the most important human rights documents in legal practice? This book argues this remarkable development was not merely the result of a top-down movement initiated by the European Court but of a far more dynamic process in which the national and European spheres engaged in constant co-creation. Focusing on the Netherlands and uncovering little known archival sources, it lays bare how the Convention was received over time throughout the entire Kingdom. In doing so, it incorporates insight into how European human rights were perceived in Europe and beyond. A much more varied story comes to light in which contingency and interaction take centre stage and which uncovers the choices that continue to shape the character of the Convention as we know it today.

Wiebe Hommes is Assistant Professor in European Law and Legal History at the University of Amsterdam. His research revolves around the history of human rights and European integration, as well as the role of individuals in the creation of (international) law.

Cambridge University Press & Assessment
978-1-009-67681-6 — The Convention and the Kingdom
How the Netherlands Received the European Convention on Human Rights
Wiebe Hommes
Frontmatter
[More Information](#)

LAW IN CONTEXT

Series editors

Professor Kenneth Armstrong

University of Cambridge

Professor Maksymilian Del Mar

Queen Mary, University of London

Professor Sally Sheldon

University of Bristol and University of Technology Sydney

Editorial advisory board

Professor Bronwen Morgan

University of New South Wales

Emeritus Professor William Twining

University College London

Since 1970, the Law in Context series has been at the forefront of a movement to broaden the study of law. The series is a vehicle for the publication of innovative monographs and texts that treat law and legal phenomena critically in their cultural, social, political, technological, environmental and economic contexts. A contextual approach involves treating legal subjects broadly, using materials from other humanities and social sciences, and from any other discipline that helps to explain the operation in practice of the particular legal field or legal phenomena under investigation. It is intended that this orientation is at once more stimulating and more revealing than the bare exposition of legal rules. The series includes original research monographs, coursebooks and textbooks that foreground contextual approaches and methods. The series includes and welcomes books on the study of law in all its contexts, including domestic legal systems, European and international law, transnational and global legal processes, and comparative law.

Books in the Series

Acosta: *The National versus the Foreigner in South America: 200 Years of Migration and Citizenship Law*

Alaattinoğlu: *Grievance Formation, Rights and Remedies*

Ali: *Modern Challenges to Islamic Law*

Alyagon Darr: *Plausible Crime Stories: The Legal History of Sexual Offences in Mandate Palestine*

Anderson, Schum & Twining: *Analysis of Evidence, 2nd Edition*

- Ashworth: *Sentencing and Criminal Justice, 6th Edition*
 Barton & Douglas: *Law and Parenthood*
 Baxi, McCrudden & Paliwala: *Law's Ethical, Global and Theoretical Contexts: Essays in Honour of William Twining*
 Beecher-Monas: *Evaluating Scientific Evidence: An Interdisciplinary Framework for Intellectual Due Process*
 Bell: *French Legal Cultures*
 Bercusson: *European Labour Law, 2nd Edition*
 Birkinshaw: *European Public Law*
 Birkinshaw: *Freedom of Information: The Law, the Practice and the Ideal, 4th Edition*
 Blick: *Electrified Democracy: The Internet and the United Kingdom Parliament in History*
 Broderick & Ferri: *International and European Disability Law and Policy: Text, Cases and Materials*
 Brownsword & Goodwin: *Law and the Technologies of the Twenty-First Century: Text and Materials*
 Cane & Goudkamp: *Atiyah's Accidents, Compensation and the Law, 9th Edition*
 Clarke: *Principles of Property Law*
 Clarke & Kohler: *Property Law: Commentary and Materials*
 Collins: *The Law of Contract, 4th Edition*
 Collins, Ewing & McColgan: *Labour Law, 3rd Edition*
 Corrias, Law and Inhumanity: *Dehumanization, Silent Claims and Atrocity Crimes*
 Cowan: *Housing Law and Policy*
 Cranston: *Making Commercial Law Through Practice 1830–1970*
 Cranston: *Legal Foundations of the Welfare State*
 Darian-Smith: *Laws and Societies in Global Contexts: Contemporary Approaches*
 Dauvergne: *Making People Illegal: What Globalisation Means for Immigration and Law*
 David: *Kinship, Law and Politics: An Anatomy of Belonging*
 Davies: *Perspectives on Labour Law, 2nd Edition*
 Dembour: *Who Believes in Human Rights?: Reflections on the European Convention*
 de Sousa Santos: *Toward a New Legal Common Sense: Law, Globalization, and Emancipation*
 Diduck: *Law's Families*
 Douglas-Scott: *Brexit, Union, and Disunion: The Evolution of British Constitutional Unsettlement*
 Dowdle: *Transnational Law: A Framework for Analysis*
 Dupret: *Positive Law from the Muslim World: Jurisprudence, History, Practices*
 Emon: *Jurisdictional Exceptionalisms: Islamic Law, International Law, and Parental Child Abduction*
 Estella: *Legal Foundations of EU Economic Governance*
 Fortin: *Children's Rights and the Developing Law, 3rd Edition*
 Garnsey: *The Justice of Visual Art: Creative State-Building in Times of Political Transition*
 Garton, Probert & Bean: *Moffat's Trusts Law: Text and Materials, 7th Edition*
 Ghai & Woodman: *Practising Self-Government: A Comparative Study of Autonomous Regions*

Cambridge University Press & Assessment

978-1-009-67681-6 — The Convention and the Kingdom

How the Netherlands Received the European Convention on Human Rights

Wiebe Hommes

Frontmatter

[More Information](#)

Glover-Thomas: *Reconstructing Mental Health Law and Policy*

Gobert & Punch: *Rethinking Corporate Crime*

Goldman: *Globalisation and the Western Legal Tradition: Recurring Patterns of Law and Authority*

Haack: *Evidence Matters: Science, Proof, and Truth in the Law*

Harlow & Rawlings: *Law and Administration, 4th Edition*

Harris: *An Introduction to Law, 8th Edition*

Harris, Campbell & Halson: *Remedies in Contract and Tort, 2nd Edition*

Harvey: *Seeking Asylum in the UK: Problems and Prospects*

Herring: *Law and the Relational Self*

Hervey & McHale: *European Union Health Law: Themes and Implications*

Hervey & McHale: *Health Law and the European Union*

Holder & Lee: *Environmental Protection, Law and Policy: Text and Materials, 2nd Edition*

Jackson & Summers: *The Internationalisation of Criminal Evidence: Beyond the Common Law and Civil Law Traditions*

Jeutner: *The Reasonable Person: A Legal Biography*

Kennedy: *Inducing Intimacy: Deception, Consent and the Law*

Kostakopoulou: *The Future Governance of Citizenship*

Kreiczler-Levy: *Destabilized Property: Property Law in the Sharing Economy*

Kubal: *Immigration and Refugee Law in Russia: Socio-Legal Perspectives*

Lewis: *Choice and the Legal Order: Rising above Politics*

Likosky: *Law, Infrastructure and Human Rights*

Likosky: *Transnational Legal Processes: Globalisation and Power Disparities*

Lixinski: *Legalized Identities: Cultural Heritage Law and the Shaping of Transitional Justice*

Loughnan: *Self, Others and the State: Relations of Criminal Responsibility*

Lunney: *A History of Australian Tort Law 1901-1945: England's Obedient Servant?*

Maughan & Webb: *Lawyering Skills and the Legal Process, 2nd Edition*

McGaughey: *Principles of Enterprise Law*

McGlynn: *Families and the European Union: Law, Politics and Pluralism*

Mertens: *A Philosophical Introduction to Human Rights*

Miller: *An Introduction to German Law and Legal Culture: Text and Materials*

Moffat: *Trusts Law: Text and Materials*

Monti: *EC Competition Law*

Morgan: *Contract Law Minimalism: A Formalist Restatement of Commercial Contract Law*

Morgan & Yeung: *An Introduction to Law and Regulation: Text and Materials*

Nash: *British Islam and English Law: A Classical Pluralist Perspective*

Ng: *Political Censorship in British Hong Kong: Freedom of Expression and the Law (1842-1997)*

Nicola & Davies: *EU Law Stories: Contextual and Critical Histories of European Jurisprudence*

Norrie: *Crime, Reason and History: A Critical Introduction to Criminal Law, 3rd Edition*

Norrie: *Rethinking Criminal Justice: Punishment, Abolition and Moral Psychology*

O'Dair: *Legal Ethics: Text and Materials*

- Oliver: *Common Values and the Public–Private Divide*
 Oliver & Drewry: *The Law and Parliament*
 Palmer & Roberts: *Dispute Processes: ADR and the Primary Forms of Decision-Making, 1st Edition*
 Palmer & Roberts: *Dispute Processes: ADR and the Primary Forms of Decision-Making, 3rd Edition*
 Picciotto: *International Business Taxation*
 Pieraccini: *Regulating the Sea: A Socio-Legal Analysis of English Marine Protected Areas*
 Probert: *The Changing Legal Regulation of Cohabitation, 1600-2010: From Fornicators to Family, 1600-2010*
 Qiao: *The Authoritarian Commons: Neighborhood Democratization in Urban China*
 Radi: *Rules and Practices of International Investment Law and Arbitration*
 Reed: *Internet Law: Text and Materials*
 Richardson: *Law, Process and Custody*
 Roberts & Palmer: *Dispute Processes: ADR and the Primary Forms of Decision-Making, 2nd Edition*
 Rowbottom: *Democracy Distorted: Wealth, Influence and Democratic Politics*
 Sauter: *Public Services in EU Law*
 Scott & Black: *Cranston's Consumers and the Law*
 Seneviratne: *Ombudsmen: Public Services and Administrative Justice*
 Seppänen: *Ideological Conflict and the Rule of Law in Contemporary China: Useful Paradoxes*
 Siems: *Comparative Law, 3rd Edition*
 Stapleton: *Product Liability*
 Stewart: *Gender, Law and Justice in a Global Market*
 Tamanaha: *Law as a Means to an End: Threat to the Rule of Law*
 Taylor: *Fortin's Children's Rights and the Developing Law, 4th Edition*
 Tuori: *Properties of Law: Modern Law and After*
 Turpin & Tomkins: *British Government and the Constitution: Text and Materials, 7th Edition*
 Twining: *General Jurisprudence: Understanding Law from a Global Perspective*
 Twining: *Globalisation and Legal Theory*
 Twining: *Human Rights, Southern Voices: Francis Deng, Abdullahi An-Na'im, Yash Ghai and Upendra Baxi*
 Twining: *Jurist in Context: A Memoir*
 Twining: *Karl Llewellyn and the Realist Movement, 2nd Edition*
 Twining: *Rethinking Evidence: Exploratory Essays, 2nd Edition*
 Twining & Miers: *How to Do Things with Rules, 5th Edition*
 Varney: *Disability, Human Rights and Contract Law*
 Wan: *Film and Constitutional Controversy: Visualizing Hong Kong Identity in the Age of 'One Country, Two Systems'*
 Ward: *A Critical Introduction to European Law, 3rd Edition*
 Ward: *Law, Text, Terror*

Cambridge University Press & Assessment
978-1-009-67681-6 — The Convention and the Kingdom
How the Netherlands Received the European Convention on Human Rights
Wiebe Hommes
Frontmatter
[More Information](#)

Ward: *Shakespeare and Legal Imagination*

Watt: *The Making Sense of Politics, Media, and Law: Rhetorical Performance as Invention, Creation, Production*

Wells & Quick: *Lacey, Wells and Quick: Reconstructing Criminal Law: Text and Materials, 4th Edition*

Woodhead: *Caring for Cultural Heritage: An Integrated Approach to Legal and Ethical Initiatives in the United Kingdom*

Yeung and Ranchordás: *An Introduction to Law and Regulation: Text and Materials, 2nd Edition*

Young: *Turpin and Tomkins' British Government and the Constitution: Text and Materials, 8th Edition*

Zander: *Cases and Materials on the English Legal System, 10th Edition*

Zander: *The Law-Making Process, 6th Edition*

International Journal of Law in Context: A Global Forum for Interdisciplinary Legal Studies

The *International Journal of Law in Context* is the companion journal to the Law in Context book series and provides a forum for interdisciplinary legal studies and offers intellectual space for ground-breaking critical research. It publishes contextual work about law and its relationship with other disciplines including but not limited to science, literature, humanities, philosophy, sociology, psychology, ethics, history and geography. More information about the journal and how to submit an article can be found at <http://journals.cambridge.org/ijc>

THE CONVENTION AND THE KINGDOM

*How the Netherlands Received the European
Convention on Human Rights*

Wiebe Hommes

University of Amsterdam

Cambridge University Press & Assessment
978-1-009-67681-6 — The Convention and the Kingdom
How the Netherlands Received the European Convention on Human Rights
Wiebe Hommes
Frontmatter
[More Information](#)



Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
New Delhi – 110025, India

103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment,
a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of
education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781009676816

DOI: 10.1017/9781009676809

© Wiebe Hommes 2025

This publication is in copyright. Subject to statutory exception and to the provisions
of relevant collective licensing agreements, no reproduction of any part may take
place without the written permission of Cambridge University Press & Assessment.

When citing this work, please include a reference to the
DOI 10.1017/9781009676809

First published 2025

Cover image: *Misty Sea*, Jan Toorop (1858–1928), oil on canvas, 1899, on loan
from the Triton Collection Foundation, <https://id.rijksmuseum.nl/200100988>

A catalogue record for this publication is available from the British Library

A Cataloging-in-Publication data record for this book is available from the Library of Congress

ISBN 978-1-009-67681-6 Hardback

Cambridge University Press & Assessment has no responsibility for the persistence
or accuracy of URLs for external or third-party internet websites referred to in this
publication and does not guarantee that any content on such websites is, or will
remain, accurate or appropriate.

For EU product safety concerns, contact us at Calle de José Abascal,
56, 1°, 28003 Madrid, Spain, or email eugpsr@cambridge.org

Cambridge University Press & Assessment
978-1-009-67681-6 — The Convention and the Kingdom
How the Netherlands Received the European Convention on Human Rights
Wiebe Hommes
Frontmatter
[More Information](#)

To my parents

Contents

<i>Acknowledgements</i>	<i>page xiii</i>
Introduction	1
The Many Histories of the Convention	4
Writing a Reception History: Approach, Actors and Choices	6
Beyond Sleeping Beauty: Why History Matters	15
On Periodization.	17
1 1945–1954: Constructing the Moral Basis for European Integration.	21
1.1 Linking Human Rights and European Integration	24
1.2 Drafting: Creating the European Convention	33
1.3 Ratifying: Bringing the Convention into the Kingdom	52
2 1954–1962: The Open Beginning of the Convention	66
2.1 The Fears of Drees: Keeping Europe Out	69
2.2 Domestic Engagement: Defining the Meaning for Years to Come.	89
2.3 European Integration Frustrated: van Asbeck in the European Court	109
3 1962–1968: From European Rights to Human Rights	121
3.1 A New Society: New Human Rights?	123
3.2 The End of Empire and the Expansion of Human Rights	129
3.3 Engaging with the Convention	141
3.4 Turning Human Rights into Shared Concerns: The Impact of the Greek Case	156

CONTENTS

4	1968–1979: European Human Rights in the Age of Activism . . .	168
4.1	Building a Support Structure: The Intellectual Revolution	171
4.2	The Reappraisal of the European Court	188
4.3	Human Rights beyond Europe: A Different Disposition. . .	200
5	1979–1989: The Defining Decade: How the Convention Became ‘Mainstream’	217
5.1	‘The Universal Stance of Everyone towards Everything’: Human Rights in the 1980s	219
5.2	The Domestic Legal Revolution	229
5.3	The Emergence of Critique.	249
5.4	Into Europe: Challenging, Safeguarding and Reforming the System	259
6	1989–2022: From Permissive Consensus to Persistent Critique	276
6.1	Towards a Permanent Court	278
6.2	The Persistence of Political Doubts: How Concerns over the Power of the European Court Never Disappeared	295
6.3	The National Pushback	308
	Conclusion.	333
	<i>Bibliography</i>	342
	<i>Index</i>	362

Acknowledgements

This book is a revised version of a PhD conducted at the University of Amsterdam. I was often warned that doing a PhD would be a lonely, lonesome process, yet little did I know that the process I embarked on would in fact be an extremely enjoyable journey. Most thanks in that regard go to my supervisors, Christina Eckes and Marc de Wilde. Both have served as mentors and sources of inspiration throughout the process, and I couldn't have wished for a better set of people in moving the project forward.

Christina, the way you do and see research, critically and engaged, has not only taught me more than I could imagine but has also been a source of academic and personal inspiration throughout the years. Marc, your genuine intellectual curiosity and capability to engage with a wide variety of disciplines is something I aspire to.

I would wish to express my gratitude to the members of my doctorate committee, Yvonne Donders, Barbara Oomen, Leonard Besselink, Ronald Janse, Carla Zoethout and Antoine Vachez who took the time of reading a rather extensive study and providing constructive takes and critique, which were instrumental in moving the project forward.

At the University of Amsterdam, I joined a vibrant research community, not just intellectually, but also socially. Special thanks to Teresa, Jackson and Wim, who made the entire trajectory a joy to follow alongside. I cherish the time spent with Marta, Sophie, Debadatta and Filipe in 'our' room. I am grateful for Filipe for not just being an academic powerhouse but also – with Mariana – a great host and cook. Marta, your ability of being equal amounts busy and attentive continues to amaze. In the Graduate Studies Committee and Central PhD Council I was happy to

ACKNOWLEDGEMENTS

work alongside people who shared the ambition of making the university a better place. Small parts of this book have appeared in other form elsewhere: Section 3.4 on the importance of the Greek case has been based on a chapter in the edited volume *The 1969 Greek Case in the Council of Europe*. Section 4.2 builds on work put forward in the *European Law Open*.

My gratitude goes further to Ingo Venzke, who showed me it was actually possible to work on the history of international law using archival research and pointed out the opportunity for a PhD position when I was still wondering where to go next. Anniek de Ruijter was of great help when I needed insight into how ‘doing a PhD’ actually worked, even though she had to put up with my own stubbornness plenty of times. All the other colleagues on the tenth, and by now also the eight floor, thank you for having been of great help throughout the process. With Karin van Leeuwen I share an avid interest in the proper ‘history’ of law: I am looking forward to more interactions on the topic in the future. The group which is emerging around this direction in Oslo, with Brigitte Leucht, Morten Rasmussen, Mala Loth and Magnus Esmark is a source of fundamental intellectual stimulation. León Castellanos-Jankiewicz is to me an example of how to be an academic and simply a wonderful and generous person.

I look back with particular fondness at my stay at iCourts in Copenhagen, where the reception could not have been more welcoming and where the comments pushed me to explore new directions. All the people at Dutch Research Council made the Covid-months I spent there a pleasure, even though they were mostly spent behind a screen. I owe a distinct gratitude to Harold Zee from the Ministry of Foreign Affairs, whose help on accessing even the more recent files, tucked away in a small reading room in The Hague, was unwavering.

To my friends, you made this PhD possible in more ways than you know.

Ciska, thanks for being a constant factor of positivity: thank you Kick for all the small moments of self-evident understanding.

I owe everything to my parents. Pap, mam, the way you have always and continuously expressed interest and support, wherever I went, has been invaluable.