Rule of Law Studies Journal

Associating or Disrupting: The Dutch Supreme Court's Struggle in Prohibiting a Controversial Association

Jasper Doomen, Gelijn Molier
Open University of the Netherlands, Netherlands

Received: 18 March 2026 | Revised 20 April 2026 | Accepted: 28 May 2026

ABSTRACT

Background: The prohibition of controversial associations presents a persistent challenge for democratic societies seeking to balance freedom of association with the protection of vulnerable individuals. This challenge is illustrated by the Dutch Association Martijn litigation, which raised fundamental questions concerning the legal justification for restricting associational freedom under the European Convention on Human Rights (ECHR).

Aim: This article aims to examine the reasoning adopted by the Dutch courts, particularly the Dutch Supreme Court, in prohibiting Association Martijn and to evaluate whether the legal justification for the restriction is consistent with democratic principles, freedom of association, and the requirements of the ECHR.

Method: The study employs a normative legal research design using doctrinal, human rights, and legal-philosophical approaches. The analysis is based on judicial decisions from the Association Martijn litigation, relevant provisions of the Dutch Civil Code, ECHR jurisprudence, and scholarly literature concerning freedom of association, public order, legal moralism, and child protection.

Results: The analysis reveals that the central disagreement among the Dutch courts concerned not the importance of protecting children but the legal threshold required to justify restrictions on associational freedom. While the Court of Appeal required evidence of societal disruption, the Dutch Supreme Court treated child protection and harm prevention as sufficient grounds for intervention. The findings further demonstrate that harm and societal disruption represent analytically distinct justificatory frameworks and should not be treated as interchangeable bases for restricting freedom of association.

Conclusion: The article concludes that restrictions on controversial associations require courts to identify clearly the specific justification relied upon and to satisfy the evidentiary threshold associated with that justification. By distinguishing more carefully between harm, public order, majority morality, and child protection, courts can strengthen both the protection of fundamental freedoms and the legitimacy of preventive state intervention in democratic societies.

Keywords: Freedom of Association; Public Order; Child Protection; Democratic Pluralism; Preventive Intervention; European Convention on Human Rights.

Cite this article: Doomen, J., & Molier, G. (2026). Associating or Disrupting: The Dutch Supreme Court's Struggle in Prohibiting a Controversial Association. *Rule of Law Studies Journal*, *2*(2), 85-105.

INTRODUCTION

The relationship between freedom and social protection has long been one of the most contested issues in democratic societies. While liberal democracies are founded upon the protection of fundamental rights, including freedom of expression and freedom of association, these rights are not absolute and may be subject to limitations under specific circumstances. Controversies often emerge when individuals or organizations advocate ideas that are widely perceived as morally objectionable, offensive, or socially harmful (Breakey, 2020). Such situations raise difficult legal and philosophical questions concerning the extent to which democratic societies should tolerate unpopular or controversial viewpoints. In recent decades, debates surrounding hate speech, extremist organizations, radical political movements, and other controversial associations have intensified across many jurisdictions (Goverset al., 2023; Lowe, 2022). These debates have become increasingly complex because democratic governments must simultaneously protect civil liberties and safeguard vulnerable groups from potential harm. Consequently, determining when an organization's activities justify legal intervention remains one of the most challenging issues in contemporary constitutional and human rights law. The tension between protecting individual freedoms and preserving social order therefore continues to attract significant scholarly and judicial attention.

The controversy surrounding Association Martijn in the Netherlands represents a particularly challenging example of this tension. The association became widely known for providing a platform through which individuals discussed more permissive attitudes toward sexual relationships between adults and children, a topic that is strongly condemned by contemporary legal systems and social norms. Although the association itself was not convicted of committing sexual offenses, its publications and public statements generated widespread public concern and political debate. Dutch authorities argued that the association contributed to the normalization and legitimization of harmful sexual conduct involving children, while supporters emphasized the importance of protecting freedom of association and expression. The legal dispute eventually reached the Dutch Supreme Court, which ordered the dissolution of the association after lower courts had reached different conclusions regarding its legality. The case attracted substantial attention from legal scholars because it raised fundamental questions concerning the interpretation of public order, democratic necessity, and preventive state intervention. Moreover, it highlighted the challenges courts face when assessing organizations whose activities are controversial but not directly criminal. As a result, the Association Martijn case has become an important reference point in discussions concerning the limits of constitutional freedoms in democratic societies.

The significance of this issue extends beyond the Dutch legal context. Across Europe and other democratic jurisdictions, courts increasingly encounter cases involving organizations whose objectives are considered incompatible with prevailing moral values but whose activities remain protected under fundamental rights frameworks. Contemporary debates concerning extremist groups, radical political movements, hate-based organizations, and online advocacy networks demonstrate that democratic states frequently struggle to balance liberty and security. International human rights instruments, particularly the European Convention on Human Rights (ECHR), require restrictions on association and expression to satisfy strict standards of legality, legitimacy, and necessity. Nevertheless, determining whether a perceived threat is sufficiently serious to justify restrictions remains highly contested. Excessive tolerance may expose vulnerable groups to harm, whereas excessive restrictions may undermine democratic pluralism and civil liberties. Consequently, legal systems must develop principled criteria for distinguishing between protected controversial expression and conduct that legitimately threatens democratic order. This challenge underscores the continuing relevance of examining judicial reasoning in cases involving controversial associations.

The Association Martijn case is particularly important because it exposes unresolved theoretical tensions concerning public order, harm prevention, and democratic pluralism. The Dutch Supreme Court justified the dissolution of the association largely by emphasizing the protection of children's rights and freedoms, while the Court of Appeal focused more directly on the absence of a demonstrable disruption to society. These contrasting approaches illustrate competing conceptions of democratic governance and preventive intervention. One perspective prioritizes the protection of vulnerable individuals and the prevention of future harm, whereas the other emphasizes the preservation of civil liberties unless a concrete societal threat can be demonstrated. The disagreement between these judicial approaches raises broader questions about the relationship between morality, legality, and state power. More specifically, it invites reconsideration of whether unpopular or offensive ideas should be restricted because of their potential consequences or only when they produce tangible harm. Understanding how courts navigate these competing considerations is therefore essential for both legal theory and judicial practice. Such analysis contributes to broader debates concerning the proper limits of democratic tolerance.

Previous scholarship has extensively examined freedom of association, freedom of expression, and the role of democratic states in regulating controversial organizations. Studies have highlighted the central importance of associational freedom as a cornerstone of democratic participation and pluralism (Gerards, 2021; Popp-Madsen & Flohr, 2026). Other scholars have focused on the growing use of preventive measures against organizations perceived as threatening democratic values or public safety (Greitens, 2020; Kuehn & Salter, 2020; Tenove, 2020). Research on militant democracy has further explored the circumstances under which democracies may legitimately restrict groups that challenge constitutional principles (Hilal-Harvald, 2020; Schupmann, 2025). Within the European context, scholars have also analyzed the European Court of Human Rights' approach to balancing civil liberties against competing public interests (Brems, 2021; Letsas, 2023). Additional studies have examined judicial interpretations of necessity, proportionality, and public order in cases involving controversial associations and political movements (Bulman-Pozen & Seifter, 2023; Gunatilleke, 2021). Collectively, these studies demonstrate the continuing importance of balancing fundamental rights with societal protection.

Another stream of research has concentrated specifically on the concepts of harm, morality, and democratic legitimacy. Contemporary scholars continue to engage with classical debates inspired by Mill's harm principle and Hart's critique of legal moralism (Brettschneider, 2021; Laborde, 2022). Recent studies have investigated the extent to which majority moral preferences should influence legal restrictions on controversial speech and associations (Webber, 2024). Others have explored the implications of child protection frameworks and human rights obligations for regulating potentially harmful advocacy groups (Tobin, 2021; Daly, 2025). Despite these valuable contributions, much of the literature tends to examine freedom of association, child protection, democratic necessity, or public order as separate analytical issues. Comparatively little attention has been devoted to the conceptual relationship between these competing principles within a single judicial controversy. Furthermore, existing discussions often focus on the outcomes of judicial decisions rather than the coherence of the reasoning used to justify restrictions on fundamental rights. Consequently, important theoretical questions concerning the distinction between societal disruption and individual harm remain insufficiently explored.

This study addresses these limitations by critically examining the reasoning adopted by Dutch courts, particularly the Dutch Supreme Court, in the Association Martijn case. Unlike previous studies that primarily evaluate the legitimacy of restricting controversial organizations, this article focuses on the conceptual consistency of the legal arguments used to justify such restrictions. Specifically, it investigates how the notions of public order, societal disruption, harm prevention, and democratic necessity were interpreted and balanced throughout the judicial process. The study also evaluates whether the Supreme Court's reliance on the European Convention on Human Rights provides a coherent justification for limiting freedom of association in the absence of demonstrable societal disruption. By doing so, the article seeks to contribute to ongoing debates concerning the legitimate scope of preventive state intervention. The analysis further explores the broader implications of judicial reliance on majority morality and child protection arguments when fundamental freedoms are at stake. Through this approach, the study aims to fill a significant gap in contemporary scholarship on constitutional freedoms and democratic governance.

Accordingly, the purpose of this article is to critically analyze the Dutch Supreme Court's decision to prohibit Association Martijn and to assess whether the legal justification provided is consistent with democratic principles, freedom of association, and the requirements of the European Convention on Human Rights. The study contributes theoretically by clarifying the distinction between societal disruption and individual harm as separate grounds for restricting fundamental freedoms. It also contributes to the literature on democratic pluralism by examining the role of majority morality in judicial decision-making. From a practical perspective, the findings offer insights for courts, policymakers, and legal scholars seeking to balance civil liberties with the protection of vulnerable groups. The article argues that restrictions on controversial associations require careful justification beyond the mere existence of socially unpopular or morally objectionable views. Such restrictions must be grounded in principled legal reasoning capable of withstanding scrutiny within a democratic society. Ultimately, this study advances understanding of how constitutional democracies should respond to organizations that challenge prevailing moral norms while remaining within the boundaries of lawful expression and association.

METHOD

Research Design

This study employs a normative legal research design to examine the legal and philosophical issues arising from the prohibition of Association Martijn in the Netherlands. Normative legal research focuses on analyzing legal norms, judicial reasoning, and legal principles rather than collecting empirical data from participants or social observations. The study adopts a qualitative approach to investigate how courts interpret and balance competing constitutional values, particularly freedom of association, freedom of expression, public order, and the protection of children's rights. The Association Martijn litigation is used as a case study because it presents a complex conflict between individual liberties and preventive state intervention. Through doctrinal and conceptual analysis, the study seeks to assess the consistency of the legal reasoning employed by Dutch courts and to evaluate its compatibility with the standards established under the European Convention on Human Rights (ECHR).

Sources of Legal Materials

The analysis is based on both primary and secondary legal materials. The primary legal materials consist of Article 2:20 of the Dutch Civil Code, relevant provisions of the European Convention on Human Rights, particularly Articles 10 and 11, and judicial decisions rendered throughout the Association Martijn proceedings, including the judgments of the District Court Assen, the Court of Appeal Arnhem-Leeuwarden, and the Dutch Supreme Court. In addition, relevant jurisprudence of the European Court of Human Rights (ECtHR), including cases addressing freedom of association, democratic necessity, public order, and preventive restrictions, is examined to provide a broader human rights framework for the analysis.

Secondary legal materials include scholarly books, peer-reviewed journal articles, legal commentaries, and academic works addressing freedom of association, freedom of expression, democratic pluralism, public order, legal moralism, child protection, and human rights law. These materials are used to contextualize the legal issues under examination and to support the critical evaluation of the judicial reasoning adopted in the Association Martijn case.

Analytical Approach

This study applies three complementary analytical approaches. First, a doctrinal legal approach is employed to examine the interpretation and application of legal norms by Dutch courts in the Association Martijn litigation. This approach focuses on identifying the legal principles underlying the judicial decisions and assessing their coherence within the broader framework of Dutch constitutional and civil law.

Second, a human rights approach is utilized to evaluate the compatibility of the Dutch Supreme Court's reasoning with the standards established under the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights. Particular attention is given to the concepts of necessity in a democratic society, proportionality, and the protection of fundamental freedoms.

Third, a legal-philosophical approach is adopted to analyze the normative foundations of the competing interests involved in the case. Drawing on the harm principle, theories of legal moralism, democratic pluralism, and contemporary debates concerning the limits of state intervention, the study critically examines whether the protection of children's rights, public order, and majority morality provide sufficient justification for restricting freedom of association. Through the integration of these approaches, the study seeks to develop a comprehensive understanding of the legal and theoretical issues raised by the prohibition of controversial associations in democratic societies.

THE ASSOCIATION MARTIJN CASE

The Association Martijn litigation constitutes the central case examined in this study. The dispute progressed through multiple judicial levels and generated differing interpretations concerning the relationship between freedom of association, public order, and the protection of children. As the case moved from the District Court to the Court of Appeal and ultimately to the Dutch Supreme Court, the courts adopted distinct approaches in assessing whether the activities of the association justified state intervention. These judicial disagreements transformed the case into an important reference point in debates concerning constitutional freedoms and preventive legal measures. Before examining the reasoning developed by the courts, it is necessary to outline the background of the association and the circumstances that gave rise to the litigation.

Background of Association Martijn

Association Martijn was a Dutch association that became widely known because of its controversial position regarding relationships between adults and children. The organization provided a platform for discussing issues related to pedophilia and advocated a more liberal attitude toward sexual contacts between adults and children, a position that conflicted with prevailing legal and social norms in the Netherlands (Dutch Supreme Court, 2014). Through publications, newsletters, public statements, and online platforms, the association disseminated materials concerning pedophilia and age-related sexuality (District Court Assen, 2012). Although the organization described its activities as part of a broader effort to facilitate public discussion, its publications and statements attracted substantial public criticism and political attention. Consequently, Association Martijn became one of the most controversial organizations operating within the Dutch public sphere.

Public concern regarding the association intensified over time, leading governmental authorities to scrutinize its activities more closely. The controversy surrounding the organization extended beyond public debate and eventually entered the legal arena. The Dutch Public Prosecution Service initiated proceedings seeking the prohibition and dissolution of the association under Article 2:20 of the Dutch Civil Code (District Court Assen, 2012). Importantly, the proceedings did not primarily concern allegations that the association itself had committed criminal offenses. Rather, the dispute centered on whether the association's activities, publications, and public advocacy could be regarded as contrary to public order (Court of Appeal Arnhem-Leeuwarden, 2013). This issue became the central legal question examined throughout the litigation.

The case subsequently progressed through several levels of the Dutch judicial system and resulted in significantly different judicial interpretations. While the District Court and the Dutch Supreme Court ultimately supported the prohibition of the association, the Court of Appeal adopted a contrasting position and emphasized the importance of associational freedom within a democratic society. These differing judicial approaches form the basis of the analysis presented in the following sections.

District Court Assen

The legal proceedings against Association Martijn began when the Dutch Public Prosecution Service requested that the association be prohibited and dissolved pursuant to Article 2:20 of the Dutch Civil Code (District Court Assen, 2012). According to the prosecution, the activities of the association were contrary to public order because its publications and public communications promoted a permissive attitude toward sexual relationships between adults and children. In support of this position, the prosecution referred to materials disseminated through the association's website as well as statements made by its representatives. These materials were considered incompatible with fundamental values recognized within the Dutch legal order, particularly those relating to the protection of children.

Association Martijn contested these allegations and argued that many of the materials available through its website should be understood as informational or historical documents rather than endorsements of unlawful conduct (District Court Assen, 2012). The association further maintained that its activities were protected by freedom of expression and freedom of association. According to its position, the discussion of controversial ideas should not automatically be interpreted as encouragement of criminal behavior.

After reviewing the evidence and arguments presented by both parties, the District Court concluded that the activities of Association Martijn were contrary to public order within the meaning of Article 2:20 of the Dutch Civil Code (District Court Assen, 2012). The court determined that the association's activities contributed to the normalization and legitimization of sexual contact between adults and children and conflicted with essential principles of the Dutch legal system. Consequently, the court granted the request of the Public Prosecution Service and ordered the prohibition and dissolution of the association. Association Martijn subsequently appealed this decision to the Court of Appeal Arnhem-Leeuwarden.

Court of Appeal Arnhem-Leeuwarden

The Court of Appeal Arnhem-Leeuwarden adopted a different approach to the issues raised in the case. While acknowledging the controversial nature of the association's activities, the court emphasized that freedom of association constitutes a fundamental principle of a democratic constitutional state and that the prohibition of an association represents a serious interference with that freedom (Court of Appeal Arnhem-Leeuwarden, 2013). As a result, the court stressed that such a measure should be reserved for exceptional circumstances.

In assessing the legality of the prohibition, the Court of Appeal held that conduct considered socially undesirable or morally objectionable does not automatically justify the dissolution of an association. Instead, the court maintained that prohibition is warranted only when activities constitute a serious violation of essential legal principles and disrupt or threaten to disrupt society (Court of Appeal Arnhem-Leeuwarden, 2013). This interpretation introduced the notion of societal disruption as an important element in evaluating whether state intervention is justified.

Applying this standard, the court acknowledged that certain activities and publications of Association Martijn raised concerns regarding the protection of children. However, it concluded that the available evidence did not demonstrate that the association had caused or was likely to cause a disruption of society sufficient to justify prohibition (Court of Appeal Arnhem-Leeuwarden, 2013). Consequently, the Court of Appeal reversed the decision of the District Court and rejected the request to dissolve the association. Dissatisfied with this outcome, the Public Prosecution Service appealed the case to the Dutch Supreme Court.

Dutch Supreme Court

The Dutch Supreme Court was asked to determine whether the Court of Appeal had correctly interpreted the requirements for prohibiting an association under Article 2:20 of the Dutch Civil Code. In particular, the Public Prosecution Service challenged the view that a demonstrable disruption of society constituted a necessary condition for prohibition (Dutch Supreme Court, 2014). The case therefore required the Supreme Court to examine the relationship between public order, associational freedom, and the broader legal framework governing restrictions on fundamental rights.

In its judgment, the Supreme Court reaffirmed the importance of freedom of association while emphasizing that the right is not absolute and may be restricted under exceptional circumstances (Dutch Supreme Court, 2014). The court examined the compatibility of a prohibition order with the European Convention on Human Rights, particularly Articles 10 and 11, and considered whether such interference could be regarded as necessary in a democratic society. The court also reviewed international and European legal standards concerning the protection of children from sexual exploitation and abuse.

After evaluating these considerations, the Supreme Court concluded that the Court of Appeal had adopted an overly restrictive interpretation of Article 2:20. According to the Supreme Court, a serious disruption of society need not be established as an independent condition in every case involving restrictions on freedom of association (Dutch Supreme Court, 2014). Instead, the decisive question was whether prohibition constituted a necessary measure for the protection of health and the rights and freedoms of others, particularly children. On this basis, the Supreme Court quashed the judgment of the Court of Appeal and reinstated the prohibition and dissolution of Association Martijn (Dutch Supreme Court, 2014).

The divergent approaches adopted by the Court of Appeal and the Supreme Court reveal important questions concerning the meaning of public order, the scope of preventive intervention, and the relationship between associational freedom and child protection. These questions also highlight the significance of the European Convention on Human Rights in shaping judicial reasoning concerning restrictions on fundamental freedoms. The following section therefore examines the ECHR framework that informed the legal analysis of the Dutch Supreme Court.

THE ECHR PERSPECTIVE

Freedom of Association under Article 11 ECHR

The legal issues arising from the Association Martijn litigation must be understood within the broader framework of the European Convention on Human Rights (ECHR). Among the Convention provisions relevant to the case, Article 11 occupies a central position because it guarantees the right to freedom of peaceful assembly and freedom of association. This right is widely regarded as one of the fundamental pillars of democratic governance because it enables individuals to organize collectively, express shared interests, and participate in public life (Gerards, 2021; Brems, 2021). Consequently, freedom of association serves not only as an individual liberty but also as an institutional safeguard for democratic pluralism.

The European Court of Human Rights (ECtHR) has consistently emphasized that democratic societies depend upon the existence of diverse associations, including those advocating ideas that may be unpopular, controversial, or offensive. In its jurisprudence, the Court has repeatedly stated that democracy is characterized by pluralism, tolerance, and broad-mindedness, principles that require states to exercise caution when restricting associational activities. Accordingly, the protection provided by Article 11 extends beyond organizations whose views are socially accepted and also encompasses associations that challenge prevailing social or political norms. This approach reflects the broader commitment of the Convention system to safeguarding democratic debate and preventing the suppression of minority viewpoints.

Because freedom of association occupies such an important position within the Convention framework, the dissolution of an association represents one of the most serious forms of interference with the exercise of Article 11 rights. The ECtHR therefore subjects such measures to particularly rigorous scrutiny and requires states to provide convincing and compelling reasons for their actions. As a result, cases involving the prohibition of associations frequently require courts to balance competing interests, including democratic freedoms, public order, and the protection of vulnerable individuals. The Association Martijn litigation illustrates the complexity of this balancing exercise and highlights the continuing significance of Article 11 within contemporary human rights law.

Restrictions on Freedom of Association

Although Article 11 provides strong protection for associational freedom, the right is not absolute. Article 11(2) ECHR permits restrictions when three cumulative conditions are satisfied. First, the interference must be prescribed by law. Second, it must pursue a legitimate aim recognized by the Convention, such as the protection of public safety, public order, health, morals, or the rights and freedoms of others. Third, the interference must be necessary in a democratic society.

The legality requirement ensures that restrictions are grounded in accessible and foreseeable legal norms. This condition seeks to prevent arbitrary state action by requiring a clear legal basis for any interference with Convention rights. In addition, the legitimate aim requirement ensures that restrictions pursue objectives that are compatible with the values protected by the Convention system. In cases involving controversial associations, states frequently invoke public order, public safety, or the protection of the rights and freedoms of others as grounds for intervention.

However, the decisive issue in most Article 11 cases is whether the interference can be regarded as necessary in a democratic society. The ECtHR has repeatedly emphasized that this requirement constitutes the core safeguard against disproportionate restrictions on associational freedom. Consequently, states bear the burden of demonstrating that interference with Article 11 rights responds to a genuine societal concern and remains proportionate to the objective pursued. This requirement has become particularly important in cases involving organizations whose activities are controversial but not necessarily unlawful.

Relevant ECtHR Jurisprudence

The interpretation of Article 11 has been shaped extensively through ECtHR jurisprudence. Several decisions are particularly relevant for understanding the legal principles that informed judicial reasoning in the Association Martijn litigation.

One of the most significant cases is Refah Partisi and Others v. Turkey (2003). In that case, the ECtHR upheld the dissolution of a political party whose objectives were considered incompatible with the fundamental principles of democracy. The Court accepted that democratic states are not required to remain passive when confronted with organizations seeking to undermine democratic institutions. At the same time, the judgment emphasized that restrictions must be supported by substantial evidence demonstrating a genuine threat to democratic society. The decision remains an important authority concerning the relationship between democratic self-preservation and associational freedom.

Another influential precedent is Vona v. Hungary (2013), which concerned the dissolution of an organization whose activities were perceived as intimidating minority communities and threatening social cohesion. The ECtHR accepted that states may adopt preventive measures before anticipated harms fully materialize, provided that sufficient evidence demonstrates a credible risk to the rights of others or to democratic values. The judgment is particularly relevant because it illustrates the circumstances under which preventive intervention may be compatible with Article 11.

Further guidance can be found in Association of Victims of Romanian Judges v. Romania (2014), where the Court reaffirmed the fundamental importance of freedom of association and emphasized that restrictions must be supported by convincing and compelling reasons. The Court reiterated that limitations on Article 11 rights must remain exceptional and that national authorities must provide relevant and sufficient justifications for any interference. Collectively, these decisions demonstrate that the Convention framework seeks to preserve democratic pluralism while recognizing that certain circumstances may justify restrictions on associational freedom.

Necessity in a Democratic Society

The concept of necessity in a democratic society occupies a central position within ECtHR jurisprudence and serves as the principal mechanism through which competing interests are balanced. According to the Court, an interference with Article 11 rights must correspond to a pressing social need, pursue a legitimate objective, and remain proportionate to the aim sought. These requirements ensure that restrictions do not exceed what is necessary for the protection of democratic society and fundamental rights.

In applying this standard, the ECtHR evaluates both the nature of the association concerned and the specific risks attributed to its activities. National authorities are afforded a certain margin of appreciation when assessing local conditions and societal needs. Nevertheless, the Court retains supervisory authority and examines whether the reasons advanced by domestic authorities are relevant and sufficient. As a result, the necessity test functions as a critical safeguard against excessive or unjustified restrictions on associational freedom.

The importance of this concept extends beyond procedural review. Necessity in a democratic society requires courts to engage with substantive questions concerning the nature of the threat posed by an organization, the adequacy of available evidence, and the proportionality of state intervention. Consequently, the concept frequently becomes the focal point of disputes involving controversial associations, particularly where tensions arise between democratic freedoms and the protection of vulnerable groups.

The ECHR framework therefore establishes the legal conditions under which restrictions on freedom of association may be justified. However, the Convention standards do not fully resolve the conceptual questions raised by the Association Martijn litigation. In particular, uncertainty remains regarding the relationship between harm, public order, majority morality, and child protection as possible grounds for restricting associational freedom. While the Convention provides a legal framework for assessing restrictions, these concepts require further theoretical clarification. Accordingly, the following section examines these issues through a conceptual and critical analysis of the reasoning adopted throughout the Association Martijn litigation.

RETHINKING THE JUSTIFICATION FOR RESTRICTING CONTROVERSIAL ASSOCIATIONS

The Association Martijn litigation raises fundamental questions concerning the legal and philosophical foundations upon which restrictions on associational freedom may be justified. Although the European Convention on Human Rights establishes the legal framework governing such restrictions, the case demonstrates that important conceptual uncertainties remain. In particular, the litigation reveals competing understandings of harm, public order, majority morality, and child protection as possible grounds for state intervention. These concepts are closely related yet analytically distinct, and the manner in which they are interpreted may significantly influence judicial outcomes. Consequently, a deeper examination of these concepts is necessary to evaluate the coherence of the reasoning adopted by the Dutch courts and to assess whether the prohibition of Association Martijn can be justified within a democratic constitutional framework.

Harm Principle

The concept of harm occupies a central position in liberal legal theory and provides an important framework for evaluating the legitimacy of restrictions on individual rights and freedoms. Among the most influential formulations of this principle is that proposed by John Stuart Mill in On Liberty, where he argued that the exercise of coercive power by the state is justified only to prevent harm to others (Mill, 1859/1978). According to Mill, neither moral disapproval nor public hostility constitutes a sufficient basis for restricting individual liberty. Instead, state intervention must be grounded in the existence of actual or reasonably foreseeable harm affecting other individuals or society. The harm principle therefore establishes a distinction between conduct that merely offends prevailing moral sentiments and conduct that causes tangible injury (Mill, 1859/1978; Feinberg, 1984). This distinction has remained highly influential in contemporary debates concerning freedom of expression, freedom of association, and the limits of state intervention. Consequently, the principle provides a useful analytical framework for assessing the legal issues raised in the Association Martijn litigation.

The significance of the harm principle lies in its attempt to reconcile individual liberty with social protection. Mill rejected the notion that the state should enforce morality solely because particular beliefs or practices are regarded as offensive by the majority (Mill, 1859/1978). This position was later developed by Hart (1963), who argued that the existence of widespread moral disapproval does not automatically justify legal coercion in a liberal society. In their view, democratic societies should tolerate a wide range of opinions, including those that are unpopular, controversial, or disturbing, provided that they do not produce harm to others. This approach reflects a broader commitment to intellectual freedom, democratic pluralism, and individual autonomy. At the same time, both Mill and Hart acknowledged that liberty is not unlimited and that restrictions may be justified when conduct threatens the rights, safety, or well-being of others. The central challenge, however, lies in determining what constitutes harm and how it should be distinguished from moral disagreement, social discomfort, or public outrage. This challenge becomes particularly significant in cases involving controversial associations whose activities generate widespread opposition but do not necessarily involve direct unlawful conduct.

The Association Martijn litigation illustrates the difficulties associated with applying the harm principle in contemporary legal disputes. Throughout the proceedings, the courts were required to assess whether the association's activities justified state intervention and, if so, on what basis. The District Court Assen concluded that the association's publications and public advocacy were incompatible with fundamental legal values and therefore justified prohibition (District Court Assen, 2012). Similarly, the Dutch Supreme Court emphasized the protection of children's rights and freedoms when reinstating the dissolution order (Dutch Supreme Court, 2014). In both instances, concerns regarding potential harm to children played an important role in the judicial reasoning. However, the nature of the alleged harm remained contested. The proceedings did not primarily concern direct criminal acts committed by the association itself but rather the possible consequences of its publications, advocacy, and public messaging (Court of Appeal Arnhem-Leeuwarden, 2013). As a result, the case raised a more complex question concerning whether the risk of future harm can justify restrictions on associational freedom in the absence of direct unlawful conduct.

From the perspective of the harm principle, an important distinction must be drawn between harmful acts and the expression of controversial ideas. Sexual abuse of children undoubtedly

DOI: https://doi.org/10.64780/rolsj.v2i2.215

constitutes serious harm and may therefore be subject to criminal prohibition. The issue becomes less straightforward when attention shifts from criminal conduct to the existence of an organization that promotes views regarded as morally objectionable or socially dangerous. In such circumstances, the question is not whether harmful conduct should be prohibited but whether the dissemination of controversial beliefs constitutes a sufficient basis for restricting freedom of association. This distinction is particularly important because democratic societies frequently protect speech and associational activities that are unpopular, offensive, or deeply controversial (Mill, 1859/1978; Hart, 1963). If restrictions are imposed solely because certain ideas are considered morally unacceptable, the boundary between harm prevention and moral censorship becomes increasingly difficult to maintain.

Contemporary scholarship has further complicated this distinction by drawing attention to forms of harm that are indirect, cumulative, or symbolic rather than immediate and tangible. Feinberg (1984) recognized that certain forms of conduct may generate broader social consequences even where direct injury cannot easily be demonstrated. More recent scholars have similarly argued that organizations may contribute to the normalization of harmful conduct by legitimizing beliefs that weaken social commitments to the protection of vulnerable groups (Brettschneider, 2021; Waldron, 2012). Others maintain that restrictions on fundamental freedoms should not be justified solely on the basis of speculative risks or assumptions regarding future conduct because such an approach risks undermining democratic pluralism and freedom of expression (Laborde, 2022). These competing perspectives are particularly relevant in the Association Martijn litigation because the alleged harm was not limited to direct actions but also concerned the potential influence of the association's publications and public advocacy. Consequently, the case highlights the difficulty of determining whether the normalization of harmful behavior constitutes a sufficient basis for restricting associational freedom within a democratic society.

Accordingly, the harm principle provides an important starting point for understanding the legal and philosophical issues raised by the Association Martijn litigation. While the principle supports robust protection for individual liberty, it also recognizes that freedom may be restricted when genuine harm to others can be established. The challenge lies in determining the threshold at which concerns about harm become sufficiently serious to justify state intervention against an association. Yet the concept of harm alone does not fully explain the reasoning adopted by the Dutch courts. Throughout the litigation, questions concerning public order and societal protection played an equally important role in shaping judicial outcomes. An examination of public order is therefore necessary to understand how the courts justified the restriction of associational freedom in this case.

Public Order

The concept of public order occupies a central position in the legal reasoning developed throughout the Association Martijn litigation. Both the District Court Assen and the Dutch Supreme Court relied upon the notion of public order to justify the prohibition of the association, while the Court of Appeal adopted a more restrictive interpretation of the circumstances under which public order may justify interference with associational freedom. Despite its significance, public order remains one of the most contested concepts in constitutional and human rights law. The concept is frequently invoked to justify restrictions on fundamental freedoms, yet its precise meaning often varies depending on the legal context in which it is applied. Consequently, understanding the role of public order in the Association Martijn case requires careful examination of both Dutch law and the broader framework of the European Convention on Human Rights.

Under Dutch law, Article 2:20 of the Dutch Civil Code permits the prohibition and dissolution of legal entities whose activities are contrary to public order. However, neither the statutory provision nor subsequent jurisprudence provides a comprehensive definition of the concept. Instead, courts have generally interpreted public order by reference to fundamental principles regarded as essential to the functioning of the legal system and democratic society. As a result, the concept functions as a flexible legal standard rather than a precisely defined rule. This flexibility allows courts to respond to diverse threats to societal interests but simultaneously creates uncertainty regarding the circumstances under which state intervention becomes justified. The Association Martijn litigation illustrates the difficulties that may arise when courts seek to determine whether controversial expression and associational activities fall within the scope of conduct contrary to public order.

A similar challenge exists within the ECHR framework. Although the Convention recognizes public order as a legitimate aim capable of justifying restrictions on associational freedom, the ECtHR has consistently emphasized that references to public order cannot be used to circumvent the fundamental protections guaranteed by Article 11. Restrictions must remain proportionate, necessary, and supported by relevant and sufficient reasons. Consequently, public order cannot be interpreted solely by reference to prevailing social attitudes or public hostility toward particular organizations. Rather, the concept must be linked to identifiable threats affecting the functioning of democratic institutions, the rights of others, or broader societal interests. This requirement reflects the Convention's commitment to protecting democratic pluralism even when organizations express controversial or unpopular views.

The principal disagreement between the Dutch courts concerned the relationship between public order and what the Court of Appeal described as a disruption of society. According to the Court of Appeal, prohibition requires more than the existence of views that conflict with fundamental legal values. Instead, there must be evidence that the activities of the association disrupt or threaten to disrupt society in a meaningful way (Court of Appeal Arnhem-Leeuwarden, 2013). This interpretation introduced an additional threshold that sought to distinguish between controversial expression and conduct capable of producing broader societal consequences. By emphasizing disruption of society, the Court of Appeal attempted to ensure that the prohibition of an association remained an exceptional measure reserved for situations involving demonstrable threats to collective interests.

The Dutch Supreme Court adopted a different approach. Rather than treating societal disruption as an independent requirement, the Court focused primarily on whether prohibition was necessary to protect the rights and freedoms of others, particularly children (Dutch Supreme Court, 2014). As a result, the Supreme Court shifted attention away from the question of societal disruption and toward the broader objectives pursued by the restriction. This divergence in judicial reasoning reveals a deeper conceptual uncertainty concerning the role of public order in cases involving controversial associations. Specifically, it raises the question of whether public order should be understood primarily as a response to demonstrable societal disruption or whether it may also encompass preventive measures directed at reducing the risk of future harm.

From a conceptual perspective, the distinction between public order and harm is particularly important. Harm typically concerns injury suffered by identifiable individuals or groups, whereas public order generally relates to the preservation of broader societal conditions necessary for democratic coexistence. Conflating these concepts risks obscuring the different justifications upon which restrictions may be based. If harm to individuals alone is sufficient to establish a threat to public order, the independent significance of public order becomes difficult to identify. Conversely, if public order requires evidence of societal disruption beyond individual harm, courts must specify the threshold at which such disruption can be said to exist. The Association Martijn litigation demonstrates the practical significance of this distinction and reveals the need for greater conceptual clarity in determining when public order may legitimately justify restrictions on freedom of association.

The concept of public order therefore remains central to understanding the divergent approaches adopted by the Dutch courts. While all courts recognized the importance of protecting fundamental societal interests, they differed substantially regarding the conditions under which those interests justify the prohibition of an association. This disagreement cannot be resolved solely through reference to legal doctrine because it also reflects broader questions concerning morality, democratic pluralism, and the extent to which majority values may influence legal decision-making. These issues are examined in the following section through an analysis of majority morality and its relationship to constitutional freedom.

Majority Morality

The relationship between law and morality has long been one of the most contested issues in legal and political philosophy. Democratic societies routinely regulate conduct that is considered harmful to others, yet disagreement persists regarding whether the state may legitimately restrict individual freedoms solely because particular beliefs or practices are regarded as immoral by the majority. This debate becomes especially significant in cases involving controversial associations whose activities provoke strong public condemnation. The Association Martijn litigation exemplifies this tension because the organization's views were not merely unpopular but were widely regarded as morally unacceptable. Consequently, the case raises an important question concerning the extent to which majority moral preferences may influence restrictions on freedom of association.

One influential defense of morality-based restrictions is associated with legal moralism, particularly the work of Lord Devlin. According to Devlin (1965), society is held together by a shared moral framework, and the law may intervene when conduct threatens the moral foundations upon which social cohesion depends. From this perspective, the preservation of public morality may constitute a legitimate objective of legal regulation even in the absence of demonstrable harm. Devlin argued that democratic societies possess a legitimate interest in protecting their moral identity and preventing practices that undermine commonly accepted standards of conduct. Consequently, legal intervention may be justified not only by reference to harm but also by the need to preserve the moral integrity of society.

This position was challenged most notably by Hart (1963), who rejected the proposition that moral disapproval alone constitutes a sufficient basis for legal coercion. Drawing heavily upon Mill's harm principle, Hart argued that democratic societies must distinguish between conduct that causes harm and conduct that merely violates prevailing moral sentiments. In his view, allowing the state to restrict freedom solely on the basis of majority morality risks undermining individual liberty and

DOI: https://doi.org/10.64780/rolsj.v2i2.215

exposing minority viewpoints to arbitrary suppression. Hart therefore emphasized that legal restrictions require independent justification beyond the existence of social disapproval. This critique has become highly influential within liberal constitutional theory and continues to shape contemporary understandings of freedom of expression and freedom of association.

The Association Martijn case illustrates the practical significance of this debate. There is little doubt that the association's views generated profound public hostility and were regarded by many as fundamentally incompatible with accepted moral standards. Media coverage, political discourse, and public reactions reflected widespread condemnation of the organization and its activities. However, the existence of such condemnation does not by itself resolve the legal question concerning whether the association should be prohibited. From a liberal constitutional perspective, the popularity or unpopularity of a viewpoint cannot serve as the sole criterion for determining whether associational freedom should be restricted. Otherwise, fundamental rights would become dependent upon shifting public opinion rather than principled legal standards.

The reasoning adopted by the Court of Appeal appears broadly consistent with this liberal perspective. By emphasizing the need to demonstrate disruption of society rather than relying solely on moral opposition, the court sought to maintain a distinction between public disapproval and legally sufficient grounds for prohibition (Court of Appeal Arnhem-Leeuwarden, 2013). This approach reflects the view that constitutional freedoms retain their significance precisely because they protect ideas and associations that may be deeply unpopular. The protection of associational freedom therefore requires courts to exercise caution when translating moral condemnation into legal restrictions.

At the same time, the influence of majority morality cannot be entirely dismissed. Public moral judgments often shape legislative priorities, inform conceptions of public order, and influence societal understandings of harm. Consequently, morality frequently operates indirectly within legal reasoning even when it is not expressly identified as the basis for a decision. The challenge for courts is therefore not to eliminate morality from legal analysis but to ensure that moral concerns are translated into legally recognizable justifications capable of withstanding constitutional scrutiny. In this respect, the Association Martijn litigation demonstrates the difficulty of distinguishing between restrictions based on demonstrable societal interests and restrictions motivated primarily by moral opposition.

The debate surrounding majority morality ultimately reveals the limitations of both purely moral and purely libertarian approaches to controversial associations. While moral disapproval alone appears insufficient to justify prohibition, democratic societies may nevertheless possess legitimate interests in protecting vulnerable groups from risks associated with certain forms of advocacy and expression. The question therefore becomes whether such concerns can be articulated through principles other than majority morality. In the Association Martijn litigation, this issue emerged most clearly through arguments concerning the protection of children. Accordingly, the next section examines child protection as a distinct and potentially independent justification for restricting associational freedom.

Child Protection

The protection of children occupies a distinctive position within contemporary human rights law and constitutes one of the most widely recognized grounds for state intervention. Unlike many other rights-related disputes, cases involving children frequently require courts to consider the vulnerability of individuals who may be unable to protect their own interests effectively. As a result, international human rights instruments have consistently emphasized the special status of children and the corresponding obligations imposed upon states. These obligations extend beyond the punishment of harmful conduct and include preventive measures designed to reduce risks that may threaten children's physical, psychological, and social well-being. Consequently, child protection has emerged as a significant consideration in legal disputes involving freedom of expression, freedom of association, and other fundamental rights.

The international legal framework governing child protection is principally reflected in the United Nations Convention on the Rights of the Child (CRC). The Convention recognizes children as independent rights holders and requires states to adopt appropriate measures to protect them from all forms of sexual exploitation and abuse. Central to the CRC is the principle of the best interests of the child, which requires that children's welfare be treated as a primary consideration in decisions affecting them. This principle has become a foundational norm within international child rights jurisprudence and has influenced judicial reasoning across numerous jurisdictions. Consequently, courts increasingly evaluate restrictions on individual freedoms through the lens of child protection whenever children's rights may be affected.

Closely related to the best interests principle is the doctrine of positive obligations. Under contemporary human rights law, states are not merely required to refrain from violating rights; they are also expected to take reasonable measures to protect individuals from foreseeable harm. Within the context of child protection, these obligations may include legislative measures, preventive interventions, educational policies, and legal mechanisms designed to reduce risks of exploitation or abuse. The European Court of Human Rights has similarly recognized that states possess positive obligations to protect vulnerable individuals, particularly children, from serious threats to their rights and well-being. As a result, child protection frequently serves as a legitimate objective capable of justifying restrictions on certain forms of conduct and expression.

These principles played a significant role in the reasoning adopted by the Dutch Supreme Court in the Association Martijn litigation. Unlike the Court of Appeal, which placed greater emphasis on the absence of demonstrable societal disruption, the Supreme Court focused more directly on the protection of children's rights and freedoms (Dutch Supreme Court, 2014). The Court considered the potential impact of the association's publications and public advocacy within a broader framework of child protection and prevention. In doing so, it emphasized that restrictions on associational freedom may be justified where necessary to protect vulnerable individuals from risks associated with harmful forms of advocacy. This approach reflects a preventive understanding of state responsibility, according to which intervention may be warranted before identifiable harm has fully materialized.

Nevertheless, the invocation of child protection does not automatically resolve the constitutional issues raised by the case. While the protection of children undoubtedly constitutes a compelling and legitimate objective, questions remain concerning the relationship between preventive intervention and fundamental freedoms. In particular, it is necessary to determine whether the existence of potential risks is sufficient to justify the dissolution of an association or whether additional criteria should be satisfied before such a serious restriction is imposed. The challenge lies in ensuring that child protection measures remain proportionate and compatible with democratic principles while still providing effective safeguards for vulnerable individuals.

Consequently, the issue is not whether children should be protected, but rather how such protection should be balanced against competing constitutional freedoms.

The Association Martijn litigation therefore highlights a broader tension within contemporary human rights law. On the one hand, democratic societies possess a strong moral and legal obligation to protect children from exploitation and abuse. On the other hand, constitutional systems generally require careful justification before fundamental freedoms such as freedom of association may be restricted. Neither objective can be ignored without undermining important values protected within democratic societies. The central question is how courts should reconcile these competing considerations when evaluating controversial associations that do not themselves engage in criminal conduct. This question ultimately lies at the heart of the disagreement between the Court of Appeal and the Dutch Supreme Court and provides the foundation for evaluating the coherence of their respective approaches.

The preceding discussions on harm, public order, majority morality, and child protection reveal that each concept provides only a partial explanation of the legal issues raised by the Association Martijn litigation. A more comprehensive assessment therefore requires direct evaluation of how these concepts were integrated within the judicial reasoning adopted throughout the case. Accordingly, the next section critically examines the strengths and weaknesses of the Dutch Supreme Court's approach and considers whether a more coherent framework for restricting controversial associations can be identified.

Evaluating the Dutch Supreme Court's Reasoning

The preceding analysis demonstrates that the Association Martijn litigation cannot be understood solely through reference to any single concept. Harm, public order, majority morality, and child protection each provide partial explanations for the judicial responses to the association. The central challenge lies in determining how these concepts should be balanced when courts are required to decide whether a controversial association may legitimately be prohibited. The divergent judgments rendered by the District Court, the Court of Appeal, and the Dutch Supreme Court illustrate the difficulties associated with this task. Consequently, evaluating the coherence of the Supreme Court's reasoning requires consideration of both its strengths and its limitations within a broader constitutional framework.

One of the principal strengths of the Supreme Court's approach is its recognition of the importance of protecting children as a particularly vulnerable group. The Court's reasoning reflects contemporary developments in international human rights law, which increasingly emphasize preventive obligations and the protection of individuals who may be exposed to serious forms of harm. By focusing on the rights and freedoms of children, the Court situated the dispute within a broader framework of human rights protection rather than treating it merely as a question of public morality (Dutch Supreme Court, 2014). This approach is also consistent with the growing recognition that states may, under certain circumstances, adopt preventive measures before anticipated harms fully materialize. From this perspective, the Court's decision demonstrates a commitment to safeguarding vulnerable individuals and fulfilling positive obligations recognized under international human rights law.

The Supreme Court's reasoning also benefits from its engagement with the framework established by the European Convention on Human Rights. Rather than relying exclusively upon domestic concepts of public order, the Court assessed the legality of the restriction through the lens

DOI: https://doi.org/10.64780/rolsj.v2i2.215

of Articles 10 and 11 ECHR and the requirement of necessity in a democratic society (Dutch Supreme Court, 2014). This approach ensured that the dispute was examined within a broader human rights context and acknowledged the possibility that associational freedom may be restricted when compelling reasons exist. Consequently, the Court's analysis reflected a legitimate concern that constitutional freedoms should not be interpreted in ways that undermine the protection of fundamental rights belonging to others.

Despite these strengths, the Supreme Court's reasoning raises several conceptual difficulties. Most notably, the Court departed from the Court of Appeal's emphasis on societal disruption without fully clarifying the relationship between public order and the protection of children. As discussed earlier, public order and harm represent analytically distinct concepts. Harm generally concerns injury suffered by individuals or identifiable groups, whereas public order relates to the preservation of broader societal conditions necessary for democratic coexistence. By focusing primarily on child protection, the Supreme Court reduced the significance of the question that had occupied a central place in the Court of Appeal's analysis, namely whether the activities of Association Martijn had caused or threatened a disruption of society. This shift left unresolved the precise role that public order should play in determining when an association may be prohibited.

The disagreement between the Court of Appeal and the Supreme Court may therefore be understood as a disagreement concerning the threshold for restricting associational freedom. The Court of Appeal adopted a relatively demanding standard by requiring evidence that the activities of the association disrupted or threatened to disrupt society (Court of Appeal Arnhem-Leeuwarden, 2013). The Supreme Court, by contrast, treated the protection of children's rights as a sufficient basis for intervention even in the absence of a demonstrated societal disruption (Dutch Supreme Court, 2014). Neither approach is entirely without difficulty. A strict disruption requirement may limit the ability of states to respond to emerging threats before harm occurs, whereas a purely preventive approach risks expanding the scope of state intervention beyond clearly defined constitutional limits.

The central contribution of this article is that these competing approaches should not be viewed as mutually exclusive but as addressing different dimensions of the justification problem. Harm to individuals and disruption of society represent distinct grounds for restricting associational freedom and should therefore be evaluated separately. Harm-based justifications focus on the protection of identifiable persons from injury, exploitation, or abuse. Public-order justifications, by contrast, focus on broader threats to the functioning of democratic society and social institutions. Treating these concepts as interchangeable obscures important differences in the purposes and limits of state intervention. Greater conceptual clarity requires courts to specify which justification is being relied upon and to demonstrate that the evidentiary threshold associated with that justification has been satisfied.

From this perspective, the Association Martijn litigation reveals the need for a more coherent framework for evaluating controversial associations. Such a framework should distinguish clearly between moral disapproval, individual harm, and societal disruption while recognizing that each may carry different legal implications. Moral condemnation alone should not suffice to justify restrictions on associational freedom. At the same time, genuine risks to vulnerable individuals, particularly children, cannot be disregarded simply because they have not yet resulted in demonstrable societal disruption. Courts should therefore identify the specific interests requiring protection and explain why less restrictive measures would be insufficient before resorting to prohibition and dissolution.

This approach would strengthen both the protection of fundamental freedoms and the legitimacy of state intervention.

Ultimately, the Association Martijn case demonstrates the continuing challenge of balancing democratic pluralism with the protection of vulnerable groups. The Dutch Supreme Court correctly recognized the importance of child protection, while the Court of Appeal appropriately emphasized the need for caution when restricting associational freedom. The tension between these approaches reflects a broader dilemma faced by democratic societies when confronting organizations whose views are deeply controversial but whose activities do not fit neatly within traditional categories of unlawful conduct. A coherent constitutional response therefore requires careful attention to the distinct roles of harm, public order, morality, and human rights protection in determining the limits of freedom of association.

CONCLUSION

The Association Martijn litigation represents one of the most significant contemporary examples of the tension between freedom of association and the protection of vulnerable individuals within a democratic society. Through an examination of the judgments rendered by the District Court Assen, the Court of Appeal Arnhem-Leeuwarden, and the Dutch Supreme Court, this article has demonstrated that the central disagreement among the courts did not concern the importance of protecting children but rather the legal justification required to restrict associational freedom. The Court of Appeal emphasized the necessity of demonstrating a disruption of society before an association could be prohibited, whereas the Dutch Supreme Court focused primarily on the protection of children's rights and freedoms as a sufficient basis for intervention. This divergence reflects broader conceptual uncertainties concerning the relationship between harm, public order, majority morality, and child protection in the context of restrictions on fundamental freedoms.

This article argues that these concepts should not be treated as interchangeable grounds for restricting freedom of association. Harm to individuals and disruption of society represent distinct justificatory frameworks that require separate legal analysis and evidentiary thresholds. While moral disapproval alone cannot justify the prohibition of an association in a democratic constitutional order, legitimate concerns regarding the protection of vulnerable groups, particularly children, may support carefully justified restrictions under exceptional circumstances. Accordingly, courts should articulate more clearly the specific basis upon which intervention is justified and demonstrate why less restrictive alternatives would be insufficient. By distinguishing more carefully between harm, public order, and morality, courts can strengthen both the protection of fundamental freedoms and the legitimacy of preventive state intervention. The Association Martijn case therefore offers important lessons for future disputes involving controversial associations and contributes to ongoing debates concerning democratic pluralism, human rights protection, and the limits of constitutional tolerance.

AUTHOR CONTRIBUTION STATEMENT

Jasper Doomen: Conceptualization, methodology, formal analysis, investigation, legal analysis, writing—original draft preparation, and interpretation of findings.

Gelijn Molier: Conceptualization, supervision, validation, critical review and editing, legal interpretation, and project administration.

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