

# CONTENTS

<i>Table of Cases</i>	xiii
<b>Introduction</b>	1
<b>Part I. Rights in Europe</b>	7
<b>1. Fundamental Rights Conflicts in the European Union</b>	9
1 Fundamental rights in the European Union	9
2 Overlapping constitutional and EU fundamental rights	13
<b>2. Multilevel Protection of Rights in Europe</b>	27
1 ECtHR vis-à-vis state courts	28
2 ECJ vis-à-vis ECtHR	31
3 ECJ vis-à-vis state courts	34
<b>Part II. EU Rights within a Pluralist Framework</b>	39
<b>3. From Hierarchy to Pluralism</b>	41
1 Hierarchical models	42
2 Beyond hierarchy	58
3 Constitutional pluralism in the European Union	66
<b>4. The Tension between Uniformity and Diversity</b>	70
1 Federalism and rights	72
2 Supranational uniformity	77
3 State diversity	83
4 Accommodating diversity within a pluralist framework	92
<b>Part III. Judicial Dialogue</b>	95
<b>5. Judicial Dialogue as the Source of Legitimacy of Supranational Adjudication</b>	97
1 Legitimacy and authority	97
2 The turn to dialogue as a source of legitimacy	103
3 Dialogue in the European Union. A variety of claims	106

4 Dialogue as the source of the ECJ's legitimacy in adjudicating fundamental rights	109
5 Objections to judicial dialogue	130
<b>6. Comparative Constitutional Reasoning: Recasting its Justification and Operation</b>	141
1 Comparative constitutional reasoning in fundamental rights interpretation	144
2 The operation of the comparative method	158
<b>Concluding Remarks</b>	179
<i>Bibliography</i>	185
<i>Index</i>	205

<http://www.pbookshop.com>