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Gill-Pedro,2019-08-01 The orthodox view is that rights complement democracy This book critically examines this view in the context of EU fundamental rights specifically in situations where EU law requires member states to respect EU fundamental rights It first sets out a legal theoretical account of how human rights can complement democracy It argues that they can do so only if they are understood as both the conditions for the democratic process and the outcome of such a democratic process In light of this legal theoretical account of human rights this book examines the demands which the Court of Justice of the EU CJEU imposes on the national orders in respect of EU fundamental rights The conclusion reached is that the demands which EU fundamental rights impose on national legal orders entail a cost for the democratic legitimacy of those legal orders Ultimately accepting the demands of the CJEU in respect of EU fundamental rights may require the national legal order to abandon its commitment to protecting the human rights which are the foundation of the national legal order s very legitimacy

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