amounts to adjudication on the basis of categorical or clear rules, whereas the ECJ's approach in respect of conflicts between fundamental freedoms and constitutional rights speaks of balancing. On the basis of a thorough and convincing analysis she supports the ECJ's approach in disputes of a federal nature, while at the same time warning of the approach's limits (p.353). The second part of the volume ends with three chapters on the extent to which constitutional courts in various Member States are willing to allow EU law to affect national constitutional arrangements. Giuseppe Martinico studies the Italian case (p.362), Maite Zelaia Garagarza the Spanish (p.381) and Stef Feyen the Belgian case (p.392). These chapters are refreshing, as the line chosen is not that of a State defending its arrangements against the European Union, but concerns cases where a sub-state entity invokes EU law to escape national constitutional constraints.

Although describing something as being Janus-faced is often more pejorative than encouraging, this volume proves the opposite. The two faces of European federalism are evidence of the two major forces at work in shaping the European Union's shared constitutional space. Federalism's face is no longer simply national and pursued with devolution in mind; federalism is also decidedly European and in pursuit of integration. Both these faces are inseparable; yet this is also a source of potential conflict, as this volume illustrates. As many contributions also show, such conflict can be avoided or resolved, if the implications and possibilities of the federal paradigm are respected properly. By implication this proves that the study of EU constitutionalism can depart effectively from traditional constitutional concepts such as federalism, thereby obviating the need for "new" concepts and methods.

The quest for constitutional integration in the European Union is far from over; works such as this book will help to not only draw attention to the constitutional debate, but also help the debate forward.

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Social Services of General Interest in the EU, by Ulla Neergaard, Erika Szyszczak, Johan Willem van de Gronden and Markus Krajewski (eds), (Den Haag: Asser, Springer, 2013), xxiv + 622pp. inc. index, hardback, £135, ISBN: 978-90-6704-875-0.

Social Services of General Interest (SSGI) are in the spotlight of the Europe-wide legal and political debate on the State's role in the modern market economy. The discussed notion appears to be a sub-concept of the well-established Services of General Economic Interest (SGEI). However, the precise picture of what services belong the former category is by no means palpable. SSGIs could be perceived in the context of marketisation of the State where activities traditionally reserved for public bodies became externalised (e.g. education, health, social housing). There are multitudes of triggering factors to this phenomenon, but one must take note that it redefines the traditional notion of a nation-state (deeply rooted in the constitutional traditions of Member States). Another aspect of this multi-faceted subject, although closely linked with the former, relates to development of a "social dimension" of the European Union. The post-Lisbon catalogue of objectives, paired with the values of the European Union, pit those "liberal" against "social" (the highly competitive social market economy); therefore the European socio-economic model must balance these antagonistic policy objectives (the elusive concept of a European social model emerges here). A further layer that adds to the complexity of the issue of SSGI is the question of applicability of EU competition rules to this category of services, which boils down to a question whether "social" activities could be regarded as "economic" (which is a *conditio sine qua non* for being within the scope of competition law). In other words, the main subject is double-faced like Janus because it encompasses "Europeanisation of welfare" (broadly speaking) on the one hand, and ongoing privatisation of public tasks on the other. Finally, in the time of economic downturn where "every penny counts", the

need of regulatory framework of these services especially with regard to spending oversight becomes increasingly relevant. One must not forget that the funding services in question are coming mostly from the public purse so the question of accountability comes into play—whether at national or EU level.

Even these cursory remarks prove beyond any doubt that SSGIs are indeed a "hot topic" (quoting Neergaard, Szyszczak and Van de Gronden, and Krajewski, p.4). The book *Social Services of General Interest in the EU* is the outcome of international conference held at the University of Copenhagen in May 2011. The subsequent publication gathered a real "dream team" of tier-one researchers (Baeten, Baquero Cruz, Bauby, Becker, Berends, Costamagna, Davies, Flynn, Van de Gronden, Heide-Jørgensen, Koldinská, Krajewski, Madell, Manunza, Sindbjerg Martinsen, Van Meerten, Neergaard, Palm, Ross, Schelkle, Schiek, Slot, Szyszczak, Tryfonidou, Wehlander) which resulted in a superbly executed, crisp and insightful analysis of this multi-layered problem. Owing to the broad range of the discussed subject it is next to impossible to provide concise outline of the content. The book is divided into four parts (plus Part V, Conclusions), each dedicated to a different aspect of SSGIs.

The first part, entitled "General Perspectives" provides an outline and the genesis of the notion of SSGI, which is by no means an easy task, as calling the concept at hand ephemeral seems to be an understatement (Ch.1). The authors place the discussed concept on the wide canvas of the European socio-economic model. The discourse takes its point of departure with an overview of the similarities and differences between models of services in question in Member States (Ch.2). It is followed by an analysis of frictions between historically rooted European welfare states and the European law, which is steadily gaining foothold in these "safe havens" (Ch.3). The next scrutiny tackles another potential "grey area", the division of competences between the European Union, whose "social" dimension had been boosted after Lisbon, and those reserved to the Member States (Ch.4). This part of the book is concluded by the look at SSGIs through the lens of solidarity (Ch.5). Ross in his chapter proposes a thought-provoking approach to perceive solidarity as an "activator" for the process of rebalancing the European Union's social and economic values.

The European Union is first and foremost an immensely complex economic organism; therefore questions of free movement and competition law are indispensable parts of an analysis of any issue relating to service provisions (Part II). Apart from an in-depth scrutiny of the intricate relations between SSGIs and various freedoms of internal market (Chs 6, 7, 8, 9) the book covers the application of art.106 TFEU, together with the State Action Doctrine, to SSGIs (Ch.10). The analysis of SSGIs from the competitiveness standpoint would not be complete without a look at the applicability of primary competition rules, especially art.101 TFEU (Ch.11). The inquiry orbits around profound questions whether social activities may fall under the ambit of this provision, as well as what could serve as a valid justification for a diversion from standard provisions of competition law. The spectrum of competition-related aspects of SSGIs would not be complete without a look from the State aid perspective (Ch.12). The issue has gained prominence after adoption of the so-called Second Altmark Package (December 2011), which established a common framework for financing Services of General Economic Interest although, as mentioned before, there is no certainty whether SSGIs are indeed "economic", and the questions remains where should line between EU and State competences be drawn on this field and how to reach equilibrium (or at least workable balance) between liberal and social values.

In the third part of the book, the secondary law level (soft law and sector-specific regulation) environment of SSGIs is discussed. This part takes its point of departure (Ch.13) from the convincing argument of Szyszczak that SSGI is not a pure legal concept but instead a by-product of the Commission's attempts to pave its way for competences in new areas—broadly speaking in social spheres (a point I personally strongly agree with). The chaos surrounding terminological issues, which has been mentioned before, is an ever-present factor which influences various spheres of the main topic. From the sector-specific issues which are of relevance, public procurement (Ch.14), the Patients' Rights Directive (Ch.15), the Pensions

Directive (Ch.16) and questions of regulating longevity (Ch.17) are discussed. The fourth part provides an overview of the selected (and thus not exhaustive—which is by no means a reproach) examples of SSGIs in national law.

The book seeks to accomplish more than just narration of the evolutionary development of SSGIs or giving simple answers (as there are no such answers for difficult questions). The subject highlighted in Social Services of General Interest in the EU is indeed profound as it touches the very essence of the European socio-economic model. To recap, this book provides a sound, thorough analysis of crucial aspects of SSGIs. In my opinion is an absolute "must-have" for every scholar interested especially in Services of General Interest (in a broad sense) but also with other branches of EU law such as (just to name few) competition law, State aid law, social law and healthcare law.

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EU Counter-Terrorism Law: Pre-Emption and the Rule of Law, by Cian C. Murphy, (Oxford: Hart Publishing, 2012), xvi + 258pp. inc. index, hardback, £55, ISBN: 978-1-84946-135-1.

This book by Cian Murphy, *EU Counter-Terrorism Law: Pre-Emption and the Rule of Law*, takes as its departure the New York and Washington attacks of September 11, and examines thoroughly the legal response triggered by those events, providing a "sustained examination of EU counter-terrorism action", embracing both legal and non-legal literature on counter-terrorism in order to grasp the "diffuse effect of the 'war on terror' on the EU legal system" (p.4).

As suggested by the title, Murphy's work examines EU counter-terrorism through the lenses of pre-emption and rule of law. The American and European Union reactions are explained by the paradigm of pre-emption because they have focused on the attempt to eliminate threats before they arise, instead of a more traditional approach based on prevention or risk assessment; this choice is especially problematic for restraining fundamental rights and rule of law. Similarly, law enforcement has shifted the attention from acts already committed to acts that could be committed: because of this approach, the war on terror has created a number of tensions with the rule of law.

The introduction is informed with the definition of the core components of the book, the rule of law and terrorism. Interestingly, the author surprises the reader stating that both concepts are contested (pp.4 and 5): "Terrorism is, like the rule of law, a contested concept" (p.5).

Murphy defines the rule of law as a contested concept, because "we most often hear of when it is being flaunted [*sic*] by outlaws or violated by states", "a political concept which comes on the floor when it is under stress" (p.4). He then refers to Montesquieu's theory of rule of law whose goal was to "avoid constant fear created by the threats of violence and the actual cruelties of the holders of military power" (p.5). Terrorism is a form of political violence which conflicts directly and is an actual rejection of the rule of law. However, as interestingly pointed by Murphy, the core of the question is that "the real threat for liberal democracies often comes from the state's response to the violence and not the violence itself" (p.5).

Counter-terrorism law is informed by risk society thinking. Within this paradigm we witness a shift from criminal justice to actuarial justice: the target of regulatory intervention becomes then the group as part of a strategy for managing danger. Especially in the US counter-terrorism response, dangerousness has been linked to characteristics of particular individuals. Guantanamo Bay and Bagram airbase are the symbols of post-9/11 counter-terrorism, showing exactly the challenges for the rule of law triggered by the response to terrorism, and the tensions the latter creates with pre-emptive justice.