In a sense, this is confirmed by the curious solution adopted by the Italian legislator as to the right of residence of same-sex registered partners of Union citizens. Under Directive 2004/38, the host State is obliged to consider a registered partner as a “family member” of an EU citizen only if its legislation “treats registered partnerships as equivalent to marriage” (Article 2(2)(b)). When a member State does not recognize civil partnerships as equivalent to marriage, as is the case of Italy, the State is only bound to “facilitate”, in accordance with its national legislation, entry and residence “for the partner with whom the Union citizen has a durable relationship, duly attested”. The Italian legislation implementing the Directive confines itself, as far as the recognition of the rights of registered partners is concerned, to literally reproducing the provisions of the Directive (inter alia making reference to the legislation of the… “host State”). That compromise solution was evidently adopted by the Prodi Government in order to avoid any difficult political decision on such a delicate issue.

The Section on EU law is completed by a stimulating chapter by Massimo Orzan, discussing the case-law of the Court of Justice of the EU on the access to employment benefits by same-sex couples. That case-law has developed both in the framework of EU staff cases and in number of preliminary rulings under Article 267 TFEU. Rather interestingly, the Author underlines a certain difference in the solutions adopted by the Court in the two categories of cases.

The last Section of the book (“International Labour Law Issues and Quasi-Jurisdictional Bodies”) deals with the case-law of the UN and ILO administrative tribunals (Daniele Gallo) and with the practice of the UN Human Rights Committee (Luca Paladini).

Overall, Same-Sex Couples before National, Supranational and International Jurisdictions is highly recommended not only to academics and legal practitioners, working in the areas of international, comparative and European law, but also to everyone interested in the rapid developments taking place in respect of this problematic issue.

MARCO GESTRI*


The book under review is the fifth volume in the series French Studies in International Law, founded by Emmanuelle Tourme-Jouannet, its current General Editor, with a view to contributing “to the dissemination in English of the most

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eminent international law scholars writing in French”. Her new book, *What is a Fair International Society?*, is a follow-up to the acclaimed *The Liberal-Welfarist Law of Nations: A History of International Law*, Cambridge, 2012. Originally written in French, the two books were issued in the same year (2011), marking the culmination of an intensely creative period. In *The Liberal-Welfarist Law of Nations* Tourme-Jouannet wrote a history of international law spanning more than two centuries, from Vattel’s era (of which she is a renowned expert, see her *Emer de Vattel et l’émergence doctrinale du droit international classique*, Paris, 1998) to the present day. In her latest book, the author narrows the focus on two important motifs of contemporary international legal discourse and practice, namely (economic) development and recognition (of, *inter alia*, cultural identities). What does it mean for international law to be caught “between development and recognition”, as the book’s subtitle suggests, and how does this dichotomy relate to the idea of a “fair international society”?

In Tourme-Jouannet’s opinion two new bodies of law have emerged in the framework of post-war international law: an international law of development, which had its heyday in the 1960s and 1970s, and an international law of recognition, whose beginnings date back to the end of the Cold War and is still much alive today. International Law of Development (ILD) – which is discussed in Part I of the book (pp. 5-100) – is geared towards the realisation of the right of States, peoples and individuals to be equal, or at least not to be grossly disadvantaged in terms of wealth distribution. In its “classical” version, ILD was entirely concerned with economic equality among States and was accordingly aimed at bridging the gap between the affluent West and the rest of the world, especially the impoverished former colonies (pp. 8-36). Later on, a new ILD was fashioned (pp. 37-65) for which human rights are “both the means and the end of development” (p. 41). Human rights-based ILD marked an improvement on “inter-state classical development law”, in particular because the latter “went soft on […] liberticidal regimes” (p. 43). But it has a dark side too. As the author convincingly observes, the new ILD is much less “liberal and pluralistic” than classical and sovereignty-obsessed ILD, as it “tends to impose a model of domestic society in its economic, social and political aspects” and may thus become “the instrument of a very broad social and political control on developing countries designed to ensure the well-being of their populations” (p. 76). Tourme-Jouannet’s sympathy clearly goes to classical ILD. She deplores that “the existence of an international law specifically on development now seems to have been completely forgotten by the new generations of jurists” (p. 7). The implicit referent of this phrase must be classical ILD, for the human rights-based version of it is all but extinct. Later on, she clarifies a bit abruptly that the purpose of the book “is to look primarily at the legal remedies to the socio-economic inequalities among states (that being the prime objective of development law)” (p. 81). Classical ILD lives on, then, or must be kept alive, because shedding the ideals that inspired it would mean breaking the promise of a fairer international society. The way out from the present predicament, created by