

# Book Reviews / Comptes rendus

S. Fredman and S. Spencer (Eds.). *Age as an Equality Issue: Legal and Policy Perspectives*. Oxford & Portland: Hart Publishing, 2003.

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## RÉSUMÉ

Cet ouvrage aborde diverses approches juridiques et politiques reliées à la discrimination fondée sur l'âge et la législation en matière d'égalité. Ses forces résident en : 1) l'inclusion de chapitres abordant les composantes théoriques de l'égalité, 2) une discussion des distinctions existant entre législation en matière d'égalité et législation anti-discriminatoire et 3) l'importance accordée à des domaines autres que les politiques traditionnelles liées à l'emploi. L'ouvrage s'adresse essentiellement à un public anglais (surtout du Royaume-Uni) mais de nombreux éléments intéresseront les lecteurs canadiens.

This book examines a number of legal and policy issues that result in age discrimination. The catalyst for a conference, which culminated in this book, was the development of an EU Council directive in 2000 that established the general framework for legislation to promote equal treatment of people in employment and occupations. This directive requires that all EU member states adopt legislation by 2006 to prohibit discrimination in employment and training based on age. Some member states already had such legislation at the time of the conference. The U.K. did not, however, and thus the purpose of the conference.

Fredman and Spencer consider several approaches to addressing age discrimination, with a view to determining what aspects of equality U.K. legislation should consider. The two editors obviously have a background in the legal aspects of equality policies and thus are well qualified to assess the possibilities of equality legislation, how it will be interpreted and how it might become enforced – or not.

These issues are pressing because of the timeline of the directive. The specifics of some chapters will probably be of less interest to Canadian readers. Nevertheless, many will find useful discussions such as differences between age discrimination and age equality, how these are conceptualized, and which dimensions tend to be codified in legislation and policy. For instance, age discrimination occurs in housing, transportation, and education, and yet, as pointed out by several contributors, age discrimination seems to have its highest profile in the area of restrictions on employment. Thus, in the United States (there is one chapter focusing on U.S. legislation), mandatory retirement is the most prominent arena for challenging age discrimination. Relatively speaking, other areas are almost invisible.

The first chapter, written by the two editors, cogently describes the focus of the book. They argue that their main purpose is to provide a conceptual framework for understanding age equality. The contributors have thus been asked to address substantive areas where age inequality is an issue, but to place discussion within the socio-legal context that shapes how equality issues are applied. Perhaps not surprisingly, some chapters are more effective at achieving this objective than others. Three substantive areas examined in some detail are employment, health, and education policy.

Following the introduction, there are two theoretical chapters. One focuses on the aging process, as it is understood in the health and social sciences. The author, John Grimsley Evans, discusses human aging, highlighting the difficulty of disentangling physical and mental aging from environmental influences that affect aging. This debate will be familiar to many Canadian readers. Of more interest to this reviewer was the following chapter, by one of the editors, which describes ways of thinking about equality, some of the problems encountered in trying to arrive at definitions of discrimination and equality, and problems with enforcement. This chapter is the one that will speak to the widest audience. Following this analytical chapter are three others that deal, respectively, with discrimination in employment, health and social care, and access to education. Although the specifics are different, Canadian readers will be familiar with the first two debates. The discussion of access to education is less familiar. The next two chapters bring a comparative perspective in very different ways. One compares children's rights with those of adults; the other is a consideration of the U.S. experience with anti-discrimination legislation.

Both chapters are interesting because they highlight how equality and discrimination debates take particular forms when the subjects are defined as "elderly." The final chapter returns to the European context and considers, in particular, how equality legislation has been formulated and is working out in several countries that are part of the European Union (the Netherlands, Ireland, and Finland). Again, such comparisons are useful in view of legislative and policy options for the U.K.

In this review I have not summarized the contents of the various chapters. For many Canadian readers, I suspect that the specifics within each chapter will be of less interest than an overall reflection on what the editors decided to include in a book about age equality. Discussion of the dimensions of equality and discrimination are relevant to Canadian policy debates, for such debates are not prominent at either the federal or provincial levels. One could speculate that they would not be so in the U.K., except for the existence of the EU Council Directive. (In fact, the editors note that the relative silence on the topic was

the stimulus for mounting the original conference.) A Canadian reader might speculate what kinds of policy debates that such a directive in Canada would stimulate. What would it mean in a country where mandatory retirement still exists in a number of provinces? In the chapter on health care, questions are raised about age as a basis for considering entitlements to certain types of health services. Such questions need to be raised and debated in Canada. Finally, the different ways that educational policies discriminate on the basis of age receive little consideration in Canada.

In summary, this book will not likely be found on the shelves of many people working in the field of aging in Canada. For policy analysts and advocates who are interested in differences between discrimination and equality; however, the conceptual chapters have much to offer. For those who want to expand discussion of age discrimination beyond issues of mandatory retirement, this book offers ideas about what is possible, by suggesting areas where the equality debate needs to occur.

Aurenche S. (Éd.). *La mort devant soi. Euthanasie, des clés pour un débat*. Paris: Éditions Autrement, 2003.

Recension par Jocelyne St-Arnaud, Faculté des sciences infirmières, Université de Montréal

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#### ABSTRACT

Published by Éditions Autrement under the direction of Sophie Aurenche, this book examines euthanasia as a current subject of discussion in France. The January 2000 decision rendered by the Comité consultative national d'éthique (CCNE) accepting euthanasia in extenuating circumstances, and the passing of the March 2002 law on the rights of patients, including the right to a dignified death, have reopened the debate on the subject of euthanasia. No longer discussed only in the back rooms of the hospital or among those practising within the ethical and juridical spheres, euthanasia has emerged into the public domain. Journalist Sophie Aurenche has facilitated the debate by giving voice to speakers from a number of disciplines; each brings expertise and knowledge to the discussion and each examines the following question: is euthanasia a humanist duty or an inhumane practice? In the first section of the book, the texts address the question based on the meaning of the term euthanasia and its related concepts. The second half is dedicated to testimonies and reflections on the experience and practice of euthanasia. This book is a must for those interested in the study and repercussions of euthanasia and palliative care. The studies brought together in this volume as well as the realities they describe should be consulted in any future research on possible solutions envisioned on the issue of euthanasia.

Ce livre paru aux Éditions Autrement, sous la direction de Sophie Aurenche, traite d'un sujet d'actualité en France. En effet, trois événements y ont relancé le débat sur l'euthanasie depuis le début du siècle. Ce sont l'Avis du Comité consultatif national d'éthique (CCNE) de janvier 2000 qui accepte l'euthanasie à titre exceptionnel, la loi sur le droit des malades votée en mars 2002 qui mentionne le droit à une mort digne et finalement l'euthanasie de Vincent Humbert effectuée à sa demande par sa

mère après des démarches infructueuses auprès du président Chirac, en novembre 2002, pour une dépénalisation de l'euthanasie. S'ajoute à cela la condamnation de l'infirmière Christine Malèvre, reconnue coupable de meurtres suivant l'euthanasie de plusieurs personnes âgées de son service.

Sorti des portes closes des milieux hospitaliers et des hautes sphères de l'éthique et du juridique, le discours s'ouvre à un débat public. Pour favoriser ce débat, la journaliste Sophie Aurenche a donné la