

Introduction

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The importance of anti-discrimination law

Earlier editions of this book were entirely concerned with the law on sex equality, an area in which, from the beginning of its existence, the European Economic Community¹ possessed rules forbidding discrimination. The right to equality of opportunity irrespective of sex is fundamental to a civilized society since, without it, the individual's talents cannot be exploited to the full, human dignity is compromised, and the person concerned cannot make the most of what life has to offer; inequality on the ground of sex is simply unfair. The community at large suffers too since valuable resources go untapped and potential gifts remain unrealized. The law and the apparatus by which it is administered, of course, play a vital part in sustaining the notion of equality as between the sexes; the law cannot do the whole job, since peoples' attitudes and cultural and other influences will always overlay it, but it can prove highly instrumental in shaping behaviour and expectations.²

As will be seen later in this chapter, economic and political forces combined to produce the first European Community anti-discrimination legislation in the fields of sex and nationality. It was not until the dawn of the third millennium that similar laws came into existence to forbid discrimination on the grounds of race, religion, disability, age, and sexual orientation. In addition, it will be seen that other expressions of the equality principle have begun to creep into EU law. It is undeniable that this later generation of anti-discrimination law is every bit as significant as its predecessors in human, moral, political, and economic terms. The operations which lie behind it are justice and an improved quality of life for literally millions of people within the European Union.³ The present volume therefore

¹ A brief account of the development of the three original European Communities, and their subsequent metamorphosis into the European Union, is given below.
² See further Byrne, 'Applying Community Standards on Equality', in Buckley and Anderson (eds), *Women, Equality and Europe* (Macmillan, London, 1988); Mancini and O'Leary, 'The New Frontiers of Sex Equality Law in the European Union' (1999) 24 *ELRev* 331; and Osborne and Shuttleworth (eds), *Sex Equality in Northern Ireland: a generation on* (Blackstaff Press and the Equality Commission for Northern Ireland, Belfast, 2004). For an expression of the view that EU law is not committed to the principle of real sex equality, see Fenwick and Hervey, 'Sex Equality in the Single Market: New Directions for the European Court of Justice' (1995) 32 *CMLEv* 443. Similarly, see Freedman, 'European Community Discrimination Law: A Critique' (1992) 21 *ILJ* 119, where powerful arguments are marshalled to demonstrate that EU law fails to address the underlying structural obstacles to progress henceforth EU.