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Social patterns of ageism: expert perspectives from Austria and Ireland

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Abstract

For older persons, age discrimination can undermine equal participation in modern service and consumer societies. One way to tackle age discrimination is to implement anti-discrimination policy and legislation. However, age discrimination is an ambiguous concept that can be interpreted in different ways and differences in the interpretation can impact the scope and application of related policy and legislation. Hence, to understand how policy, legislation and their central constructs operate within society, it is necessary to look beyond the letter of the law or policy text and explore the interpretations of age discrimination employed by actors in the field. We interviewed experts from Austria and Ireland, who by virtue of their professional or representative position co-structure the conditions for people to claim they have experienced age discrimination. Based on 12 expert interviews and two focus groups, each involving six representatives of the major national advocacy and interest organisations on ageing, we reconstructed four interpretation patterns of age discrimination: age discrimination as the ‘denial of dignity’, as the ‘denial of recognition of contribution’, as the ‘denial of participation’ and as the ‘lack of consideration of need’. The findings are discussed with reference to the concepts of recognition and representation, and considerations are provided on possible legal and political implications of this research.

Keywords: ageism; discrimination; interpretation pattern; socio-legal studies

Introduction

With the transition to the ‘tertiary civilization’ (Fourastié, 1949), modern societies can be regarded as service economies and consequently having access to services is an essential part of social and economic participation. For older persons, age discrimination can impede this access and fundamentally undermine such participation. Besides immediate negative effects, such as receiving poorer health treatment (Fernando *et al.*, 2011; Shin *et al.*, 2018) – a problem particularly evident during the COVID-19 crisis (Silva *et al.*, 2021) – or having to pay higher insurance premium

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fees (Hejny, 2016; Michael, 2018), age discrimination can also serve as a significant driver of older people's social exclusion (Walsh *et al.*, 2017) and age segregation (Hagestad and Uhlenberg, 2005; Petersen and Warburton, 2012). One way to remove such barriers is to implement anti-discrimination policy and legislation (Stypinska and Nikander, 2018), with a variety of different approaches now being pursued (Bugental and Hehman, 2007; Burnes *et al.*, 2019). However, age discrimination is an ambiguous concept that has the potential to be interpreted in a range of different ways (Iversen *et al.*, 2009; Snellman, 2016) – particularly across country contexts – impacting the scope and application of related policy and legislation. Age discrimination is often defined as the behavioural component of ageism, which is also considered to comprise a cognitive (stereotypes) and affective (prejudice) dimension. However, more general definitions conflate both concepts (Ayalon and Tesch-Römer, 2018), and while some authors reserve the term discrimination for unequal treatment (Rothermund and Meyer, 2009), others speak of discriminatory stereotypes or attitudes blurring the distinction between the concepts (Stuckelberger *et al.*, 2012; Healey, 2013).

To understand how policy and legislation operate within society, it is necessary to look beyond the academic definitions, the letter of the law or the policy text, and explore how actors in the field interpret and apply the concept (Silbey, 2018). But currently, little is known about how experts who deal with age discrimination use the term and understand its meaning, and whether this differs depending on occupational background, and legislative and cultural contexts. While international research has considered perspectives of such actors in relation to discrimination based on ethnicity (Hertogh, 2009), disability (Mantey, 2017), sexual orientation (Chua, 2015) and body weight (Kirkland, 2008), there is limited knowledge with respect to interpretations of age discrimination, and cross-country comparisons have largely been absent. This reflects a broader paucity of work, albeit a growing field of study, around age discrimination and service access (Woratschek, 2012). Addressing such knowledge gaps is critical as these actors, given their professional and/or representative position, can 'put their own interpretations into practice' (Bogner *et al.*, 2009: 7) and thus (co-)structure the conditions for other actors (Bogner and Menz, 2001), in this case older people, to claim *objectively* that they have experienced age discrimination when accessing services.

The aim of this study was to identify potentially different interpretation patterns used by experts from a range of backgrounds in two different European countries to understand age discrimination in relation to accessing and using services. Interpretation patterns are a form of group-, milieu- or culture-specific 'tacit' knowledge that underlies and consolidates certain behaviours, routines, attitudes, opinions, norms and values (Arnold, 1983; Pohlmann *et al.*, 2014). In analysing these patterns, we therefore also attempt to illuminate different cultural or professional framings and understandings of age discrimination. In this way, the study contributes to identifying the roots of the existing ambiguities related to age discrimination.

The study involved interviews and focus groups with experts from Austria and Ireland who work in key areas related to age discrimination, such as ageing-related policy, discrimination research and work, or the political representation of older people. This comparative approach was chosen to explore whether different

professional backgrounds and different policy and legal situations in relation to age discrimination were manifest in different interpretation patterns. The two countries differ significantly in their legal and political framework relating to age discrimination (described in detail later). There are also differences in the formal institutionalisation of older people's interests. In Austria, political representation of older adult concerns has a legal basis,¹ which also provides state funds to eligible interest groups, many of which are closely related to the main political parties. By contrast, in Ireland, older people's interest organisations are not politically or legally anchored in this manner. Moreover, there are significant differences in the scale of these organisations. In Austria, the two largest organisations have more than 700,000 members,² while the major Irish organisations have a combined membership of between 150,000 and 160,000 older persons (Doyle, 2015: 38).

For the purposes of this paper, we assumed a broad and open understanding of age discrimination, and in line with some general definitions, equate it with ageism (Ayalon and Tesch-Römer, 2018: 3). This allowed us to be open to the language of the field where the two terms may be used interchangeably. Moreover, in the Austrian context due to the lack of a German equivalent to the word 'ageism', only the term '*Altersdiskriminierung*' (age discrimination) is used.

First, we set out the theoretical background of the study. We then provide a brief description of the differences and similarities between Austria and Ireland regarding policies and legislation related to age discrimination. After describing the concept of interpretation patterns, the methods and data are presented. This is followed by the findings of the interviews and focus groups, which are then discussed in relation to the international literature.

Social constructions and interpretations of age discrimination

Age discrimination is a global phenomenon (Swift *et al.*, 2019) and relatively widely spread in the European Union (EU) (van den Heuvel and van Santvoort, 2011; European Commission, 2019). While research on age discrimination has long focused on discrimination in the labour market and in the health-care sector (Morgeson *et al.*, 2008; Lievesley *et al.*, 2009; Wright and Conley, 2011; Truxillo *et al.*, 2018; São José and Amado, 2017; Wilson *et al.*, 2017), in recent years research on other social spheres has been increasingly developing. Today, a considerable body of knowledge exists on ageism in relation to the media (Kenalemang, 2022; Xu, 2022), technology use (Mannheim *et al.*, 2019; Mariano *et al.*, 2021) and law (*e.g.* Breda and Schoenmaekers, 2006; Doron and Georgantzi, 2018). Other areas of life, however, such as ageism in finance or transport services, or the service sector in general, has in relative terms received little attention (Woratschek, 2012).

Similar disparities can be noted in relation to policy and legislation. Whereas age discrimination in the labour context is recognised as a major problem and legally combated, discrimination in other areas, such as the use and access to financial services, is not acknowledged in the same way. Within the European context, the scant importance of age discrimination beyond labour market issues is reflected, for example, in the fact that no significant progress was made in adopting the EU

directive proposed in 2008³ aimed to extend equality legislation beyond employment (Dewhurst, 2020).

From a societal perspective, this imbalance displays the symbolic values of different social issues. Legally combating some forms of discrimination while neglecting others conveys that these overlooked forms are ‘acceptable’ and not only signals an ‘official’ hierarchy of values, but also devalues the problems faced by certain (sub-)groups. Thus, the law constitutes a ‘cultural system of meaning’ (García-Villegas, 2018: 20) which shapes everyday life and the perceptions, attitudes, understandings and beliefs of social actors (Sarat and Kearns, 1995). Consequently, law and policy and their lifeworld adaptation by social actors are pivotal for the social construction of age discrimination. Yet, there is little empirical evidence on people’s understandings of age discrimination or on the legal consciousness and rights awareness of stakeholders, ageing advocates, legal experts or older persons in general. The few related studies typically find a lack of knowledge of older adults’ rights among professionals and amongst older people themselves (Doron and Werner, 2008; Doron, 2018), with older adults rarely using terms like ‘ageism’ (Minichiello *et al.*, 2000; Hurd Clarke and Korotchenko, 2016).

The importance of investigating the interpretations of experts, advocates and stakeholders is highlighted by several studies exploring other forms of discrimination. Studying discrimination against children with disabilities in Ghana, Mantey (2017) found a lack of knowledge about disability rights even amongst key stakeholders and showed that their understanding of the term ‘disability’ determined the support they will provide. Kirkland (2008) illustrated how the exclusion from equality rights influenced and shaped the equality rhetoric and arguments of ‘fat acceptance’ advocates in the USA, pointing out the symbolic and ideological power of anti-discrimination law in framing who is a ‘deserving person’ and who is not. Exploring the ‘vernacular mobilization of human rights’ by the sexual orientation and gender identity movement in Myanmar, Chua (2015) highlighted the importance of domestic activists for adapting legal language to local conditions. In his engagement with anti-discrimination law in the Netherlands, Hertogh (2009) showed that the law as an interpretative framework competes with other interpretative frameworks, even in the case of primarily legal issue (legal equality). This competition in turn affects the support for anti-discrimination legislation, even amongst legal professionals (Hertogh, 2009). Common to all these contributions is that they highlight the role of different key actors in implementing, supporting or articulating equality demands and rights, and show how different interpretations of the respective topic (*e.g.* disability, equality, human rights) are actualised in the practical engagement with the law.

Legal and policy context

In this section we will briefly describe the national legal situation in Austria and Ireland, followed by a summary of the problem descriptions of age discrimination in respective policies in the two countries.

Legal framework and definition

Despite various legal regulations in primary (Article 10 or 19 of the Treaty of the Functioning of the European Union and Article 21 of the Charter of Fundamental

Rights of the European Union) and secondary EU law (Employment Equality Directive 2000/78/EC) prohibiting age discrimination, differences between EU countries remain (Dewhurst, 2020). In Austria, with regard to *age*, the scope of the central national anti-discrimination legislation (the so-called *Gleichbehandlungsgesetz*⁴) is limited to employment issues. Similarly to Austria, the Irish Employment Equality Acts⁵ outlaw age discrimination in the work domain. In contrast, however, the Irish Equal Status Acts⁶ also prohibit age discrimination in access to goods, services, accommodation, education and in relation to clubs. Nevertheless, ample exceptions, especially regarding differentiations based on actuarial or statistical calculations or on ‘other relevant underwriting or commercial factors’,⁷ leave sufficient scope for ‘age-discriminatory’ practices.

Three types of discrimination form the core of the legal definition in both countries⁸: direct discrimination, indirect discrimination and (sexual) harassment. Central features of the legal definitions of both countries are that:

- (1) Discrimination always involves an active ‘doing’ in the form of an act, practice or rule which is directly based on or predominantly effects a prohibited ground.
- (2) Definitions always contain a factual component, *i.e.* legal discrimination only applies in the case of less-favourable treatment that causes a disadvantage.
- (3) To determine whether an action, decision or regulation is *less favourable*, a comparator (a person/group who does not possess the relevant characteristic) and a comparable situation are required.

Conversely, simple expressions of opinion, stereotypes or prejudices, the lack of consideration of specific needs, but also cases lacking comparative possibilities do not in general constitute discrimination.

Policy framework

In both countries, the aim to tackle age discrimination and ageism are incorporated into national ageing policies. In Ireland, the 2013 National Positive Ageing Strategy (NPAS) defines four national goals⁹ and identifies combating ageism as a ‘cross-cutting objective’ (Department of Health, 2013). However, neither ageism nor discrimination are explicitly defined. Problem descriptions result from different accounts of how ageism and age discrimination manifest themselves, which is illustrated in the following statement: ‘Ireland is a frontrunner in relation to equality legislation. However, ageism can still manifest as prejudicial attitudes and practices against older people’ (Department of Health, 2013: 44).

This formulation indicates that ageism is understood as a broad phenomenon that is partly covered by equality legislation. However, it can ‘still manifest’ in other forms that are not legally prohibited. In addition to formulations, which by using terms such as myths, misinformation or stereotypes refer to negative and false images of older age as a manifestation of ageism (*see* Department of Health, 2013: 12, 22, 45), two remarks on how to combat ageism expand the scope of the problem description: the demand for increased awareness for the needs of older people, and their required inclusion in decision-making processes

(Department of Health, 2013: 45). Conversely, the strategy implies that it constitutes ageism when the needs of older people and their voice are not sufficiently considered.

The Austrian equivalent to the NPAS, the Federal Plan for Seniors (FPS)¹⁰ was presented in 2012. Its aim is to ‘establish, maintain or improve the quality of life of all older people or individual groups among them’ (Bundesministerium für Arbeit, Soziales und Konsumentenschutz (BMASK), 2013: 5, authors’ translation). One chapter of the FPS is explicitly devoted to age discrimination, but issues related to discrimination, such as stereotypes or social exclusion can be found in other sections. In the FPS, ‘(negative) ‘discrimination’ is understood to be any form of devaluation that leads to persons or categories of persons being unjustifiably socially disadvantaged or excluded from social participation on the basis of a certain shared characteristic’ (BMASK, 2013: 31, authors’ translation). This broad understanding is extended by the provided examples of discrimination. These include barriers in accessing housing, or the insufficient attention given to older people in educational programmes (S. 37). Finally, the FPS points to a connection between discrimination and the social valuation of older age, which becomes apparent in ‘the lack of a systematic consideration of the equal value and status of persons of different ages in all decision-making processes’ (BMASK, 2013: 44, authors’ translation).

In sum, both policies include a broad problem description of ageism (NPAS) and age discrimination (FPS) which are characterised by the distinction between legally prohibited discrimination and manifestations that go beyond these provisions.

Methodological framework, methods and data

Based on the sociology of knowledge conceptualisation of *social* interpretation patterns (Meuser and Sackmann, 1992), interpretation patterns constitute a specific form of structured collective knowledge that orientates everyday practice by providing ideal-typical situation models for understanding, interpreting and handling certain situations and experiences (Plafß and Schetsche, 2001). Based on their characteristics, the events and experiences of everyday life can be subsumed under these models. As a collective form of knowledge, social interpretation patterns cannot be directly observed through individual interviews and thus need to be distinguished from their *individual representation* (Höffling *et al.*, 2002). The individual representation is the individual-situational adoption of social interpretation patterns and is expressed in personal opinions, justifications and explanations (Sachweh, 2010: 83). Hence, in order to reconstruct social interpretation patterns, a ‘detour’ via these individual representations, which Ullrich (1999: 4f) terms individual derivatives (original in German: *individuelle Derivationen*), is necessary. By comparing these individual derivatives across actors, it is then possible to draw conclusions about overarching social interpretation patterns (Ullrich, 2019).

To reconstruct the social interpretation patterns of age discrimination among experts, 12 individual interviews and two focus groups, each involving six participants, were conducted using semi-structured interview guides. Both types of data collection are common means utilised for the analytical reconstruction of social

interpretation patterns (Ullrich, 2019). The conduct of the study has received ethical approval from the Research Ethics Committee of the National University of Ireland Galway.

Since the primary aim of this research was to examine the different descriptions, views, evaluations and judgements about age discrimination for potential patterns, the expert status of our participants refers primarily to their specific knowledge about theoretical and/or forms of age discrimination that are operational in practice. Hence, both interview and focus group participants were understood as experts in their field. In the remainder of the article, however, the focus group participants will be referred to as stakeholders to distinguish their perspective from that of the interview participants.

Participants in individual interviews were from more diverse backgrounds, and were primarily engaged at more strategic levels, and less likely to be involved with older people's representative organisations. With reference to Table 1, the interviews included seven professional actors in Austria and five in Ireland who are involved in anti-discrimination work, legal-scientific research on equal treatment and human rights, as well as policy formulation and support service design for older people. To capture the technical and interpretive knowledge of experts (Bogner *et al.*, 2014), guidelines included questions about the (a) perceived general living situation of older people and challenges they face; (b) conceptual understanding of age discrimination and ageism; (c) perceived prevalence and consequences of age discrimination in different service sectors; and, depending on the field of expertise, (d) relevant legislation or policies, their strengths, weaknesses and societal impact.

The design of the focus groups was based on guidelines provided by Smithson (2008). Each focus group was attended by six representatives of the major national advocacy and interest organisations on ageing. The focus group interview guide mirrored the topics probed in the individual interviews and facilitated in-depth discussions and individual views regarding the different topics.

For the analysis, interviews and focus groups were transcribed. Data collection was conducted between June and December 2019. In accordance with Ulrich (1999, 2019), a three-step procedure, including a descriptive-thematic, an interpretative-contrasting, and a final grouping and typification step was applied to analyse the data. Using the software Atlas.ti, the first step was an open *in vivo* coding procedure which aimed to identify central topics. This coding was orientated by the thematic categories included in the guidelines. In a second step, the text passages which had been combined under one thematic code were coded in detail and subsequently compared with each other. Central questions that guided the analysis of the material were, for example: what forms or manifestation of ageism or age discrimination are described? (*e.g.* stereotypes or age limits); which social dimension is addressed? (interactions, certain social fields, institutional rules, overall values and norms, *etc.*); what paradigmatic attitude is reflected in the argumentation? (*e.g.* a positivist or deconstructivist view of the category *age*); and can references to superordinate concepts of justice or morality be identified? Finally, these patterns were grouped into 'ideal types' of interpretation patterns.

Table 1. Expert sample description

Country	Field of expertise	Professional background/title	Date of interview	Abbreviation
AT	European and national equal treatment law	Legal scholar	25 June 2019	AT, Law.1
AT	Human rights law	Human rights researcher	25 June 2019	AT, HR
AT	Anti-discrimination work	Equal treatment advocate	26 June 2019	AT, AntiDis.1
AT	National ageing policy	Civil servant	26 June 2019	AT, Policy
AT	Anti-discrimination work	Equal treatment advocate	22 July 2019	AT, AntiDis.2
AT	European and national constitutional equal treatment law	Legal scholar	23 July 2019	AT, Law.2
AT	Services for older persons	Sociologist and social planner	25 July 2019	AT, Services
IE	National ageing policy	Civil servant	3 July 2019	IE, Policy.1
IE	Equality and human rights law and work	Equal treatment advocate	4 July 2019	IE, Law
IE	Safeguarding and support service for older persons	Solicitor	4 July 2019	IE, Services
IE	Human rights law	Legal scholar	20 November 2019	IE, HR
IE	National ageing policy	NGO sector specialist	3 December 2019	IE, Policy.2

Notes: AT: Austria. IE: Ireland. NGO: non-governmental organisation.

Findings

In this section, we first present a summary of the general findings of the expert and stakeholder interviews, which is then followed by a description of the reconstructed interpretation patterns. From the outset, it is important to acknowledge that while the focus groups gave rise to some detailed and in-depth discussion, opinions and views were rarely the subject of conflict. One reason for this was that although there were different descriptions of age discrimination, participants generally agreed with each other. Even where opinions, descriptions and assessments were debated, the underlying patterns that later emerged in the analysis remained constant over the course of the group discussions.

Social interpretation patterns of age discrimination

In order to distinguish between different interpretation patterns in the data analysis, it was first necessary to determine their common structural elements empirically (Bögelein and Vetter, 2019). Based on the content of these elements, differences between patterns could be identified. The reconstruction yielded the following general characteristics which structure the different patterns:

- The *object* of the pattern (e.g. older persons as valuable members of society, older age itself).
- The *form* of discrimination upon which the pattern is focused (e.g. formal or informal age limit, the neglect or lack of awareness of older persons' needs, exclusion from participation).
- The *social level* and *fields* addressed (e.g. access to services, living environment, social discourse about ageing).
- The *normative orientation* (e.g. human rights or substantive equality) that underlies the pattern.

Based on these structural elements, four interpretation patterns were reconstructed with discrimination constituted as: (a) the denial of dignity; (b) the denial of recognition of contribution; (c) the denial of participation; and (d) the lack of consideration of needs. Table 2 provides an overview of the findings.

In general, the analysis showed that the actualisation of the different patterns varies slightly depending on the professional background of the participants. While, for example, experts on equal treatment law emphasised patterns with a strong legal connotation (interpretation pattern 'denial of participation'), stakeholders referred to broader patterns (interpretation pattern 'denial of recognition of contribution'). In contrast to the professional background, the legal and cultural context of participants was less important. That is, none of the patterns were found exclusively or specifically among Irish or Austrian participants. Furthermore, most participants referred to more than one interpretation pattern.

Within the data, the different patterns to some extent overlapped or were practically linked to each other. One example of such interconnectedness was discrimination in the context of public transport deficits. The description of the different patterns will illustrate, for example, how the refusal of the social recognition of the contributions of older people (interpretation pattern 'denial of recognition of

Table 2. Interpretation patterns of age discrimination

Interpretation pattern	Typology of interpretation pattern			
	Object of discrimination	Forms of discrimination	Social level or fields addressed	Normative orientation
Denial of dignity	Older person as such	Stereotyping, denial of rights, mistreatment, humiliation	Micro-, meso- and macro-level: interpersonal relations, insitutional practices	Human rights
Denial of recognition of contribution	Older persons as valuable members of society	Normative devaluation or non-recognition of contributions	Macro-level: societal discourse, social status of older persons	Hegemonic status of economic contributions/ critique of capitalism
Denial of participation	Older age itself	Formal or informal age limits, refusal of medical treatment, increased premiums or prices	Micro- and meso-level: access to certain areas of society (labour market, services and goods, <i>e.g.</i> financial services), interpersonal relations	Formal equality
Lack of consideration of needs	Older persons as group with specific needs	Inadequate/limiting environmental conditions, the lack of consideration of needs in service design, the lack of inclusion in planning	Micro- and meso-level: policy development, community and living environment, service offers and design, also in everyday dealings	Substantive equality

contribution’) can lead to a neglect of their mobility needs (interpretation pattern ‘lack of consideration of needs’). This, if coupled with restrictions on participation (interpretation pattern ‘denial of participation’), like age-based increases in car insurance premiums that limit affordability of insurance, can lead to exclusion from society as a whole. In the course of the discussion, we will go into more detail about these interconnections.

For our approach, the conceptual distinction between ageism and age discrimination could well provide the basis for different interpretation patterns. Yet, this had little practical relevance with the terms often used interchangeably. Distinctions between the terms were mostly drawn in response to the respective interview guideline question. Where this was the case, the differentiation was usually similar to definitions presented in the literature:

Well, ageism ... off the top of my head, I think ageism is an attitude or a frame of mind. Whereas I think age discrimination is something being done to you. (IE, Policy. 2¹¹)

Furthermore, participants, especially from the Irish sample, framed age discrimination as being in the area of law, thereby distinguishing it from ageism or in the case of the policy expert in Austria from ‘age hostility’ (AT, Policy). However, this distinction between ageism as something people ‘perceive’ and age discrimination as something people ‘actually see and experience’ (IE, Policy.1) and where ‘you do something to discriminate’ (IE, Services) repeatedly became blurred. Accordingly, one Irish expert drew this conclusion following her attempted explanation of the differences between the two concepts:

I’m not sure what I think the massive difference is between my understanding of age discrimination and the concept of ageism ... I mean, I really do see them as pretty much the same thing. (IE,HR)

As such, while the analysis does not include a distinct ‘ageism pattern’, some of the elements that are commonly associated with ageism are entangled with the patterns.

Finally, it is necessary to point out that primarily negative and harmful forms of age discrimination were discussed. However, age discrimination can also benefit older people, *e.g.* in the form of age-based social benefits (Breda and Schoenmaekers, 2006). This kind of positive discrimination was rarely mentioned by the experts. However, when it was addressed, it was not only approved of, but also criticised, with the main criticism being that chronological age was a poor indicator for the socially equitable distribution of social benefits such as reduced or free public transport tickets.

Age discrimination as the denial of dignity

Age discrimination as the denial of dignity emerged as being aimed at the person and not, for example, at the social status of older adults as a group or their opportunities for participation. It referred to any form of age discrimination that violates an individual’s status as a person, and therefore the integrity of the person, by limiting the freedom to create or maintain a positive self-experience and self-image (Luhmann, 2019: 75; Scherr, 2020: 30f). This is the case, for instance, when people are not seen as holders of rights but merely as *objects* of welfare or care. Likewise, the integrity and thus the dignity of the person (Addis, 2020) is negated by stereotyping, because the externally ascribed typification devalues the individual person by treating them as an interchangeable representative of a group (Schütz, 1958; Fredman, 2003: 45; Scherr, 2020: 30). This pattern was most evident amongst the responses of human rights experts and stakeholders. It was further characterised by the fact that discrimination does not have to be directly associated with material or physical disadvantages. The normative orientation of the pattern is its human rights foundation:

What I see [age discrimination] as is an older person been denied their rights ... That’s what I was trying to get [at], when I’m saying you don’t need to compare them to anybody else, you just have to look at how they were treated by reference to what their dignity requires. (IE, HR)

Age discrimination as the denial of dignity diverges from the description of age discrimination within equality laws. The comparison between persons who possess a

certain characteristic and those who do not, which is typically required to determine discriminatory treatment, is rejected and replaced by the idea that a person's *dignity* is the comparative standard. This again indicates the human rights orientation of the pattern.

Looking at how discrimination manifests itself as a denial of dignity, we first consider the views of Austrian stakeholders. In their discussion, these participants described discrimination as a form of '*humiliation*' (the German term was *Beschämung*) that consists of older persons being made to feel that they must 'beg' for benefits to which they are legally entitled (AT, focus group (FG)), e.g. when engaging with authorities or service providers. In this regard, research on homelessness shows that in the face of such 'objectification' and 'infantilisation', people withdraw from social services in order to maintain a sense of dignity and self-esteem (Hoffman and Coffey, 2008). In our data, we also found this form of the denial of dignity in relation to health services:

My observational experience is that especially when you're dealing with older frail people, your staff certainly in a hospital might treat them as children, in the language they use and the way that they speak to you, in the way they give you instructions ... it depends on the attitude of the staff, whether you're going to be treated with dignity or not. (IE, Policy.2)

Here, the denial of dignity consists in the infantilisation of older people, due to the way they are treated and the language that is used to talk to them. Such patronising treatment and infantilising language (known as 'elderspeak' or 'baby-talk') implies and conveys the assumption of incompetence (Gendron *et al.*, 2016; Williams *et al.*, 2017) and can be perceived as a denial of dignity (Rousseau, 2019). Besides objectification or infantilisation, the denial of dignity was also suggested to manifest in stereotyping, because this neglects the individual's identity:

From a strictly legal point of view ... it's placing of barriers ... solely on the grounds of age, but in reality, what really strikes home for older people ... is age discrimination is the denial of dignity. It's anything that dehumanises older people purely on the grounds of age ... If I'm unlucky enough to be hit by a bus ... the headline will be 'Man, 35, hit by a bus'. The day after my 65th birthday that becomes 'Pensioner hit by a bus' ... it's not seen as man who earned pension, man who worked for 40 years, man who raised family, former teacher, none of the above. You're defined by that role within society and it's a denial of dignity. (IE, FG)

Stereotypes, as externally ascribed typifications, negate the specific characteristics and biographies of individuals because they are completely 'defined by this [stereotypical] role within society' (IE, FG). As mentioned above, the denial of dignity appeared to consist of the denial of a person's right to express and form their own identity (Boso, 2017) and to decide themselves about their affiliations and how they want to be perceived (Scherr, 2020):

I believe that dignity is, in principle, an umbrella term for guaranteeing human rights. If the freedom of the person and equality in the sense of freedom from

discrimination is guaranteed, if the basic content of human rights standards such as respect for the person, integrity of the person, is guaranteed, then ... the dignity of persons is guaranteed. (AT, HR)

This final quote illustrates the normative orientation of the pattern towards human rights and anchors it in the sphere of law. Thus, within this pattern, discrimination was found to be directed against the individual person as a human rights subject and discriminatory practices undermine the legal recognition of the individual older person as a holder of rights.

Age discrimination as denial of recognition of contribution

Two interwoven aspects were central to this pattern, which were especially emphasised in the stakeholder discussions. First, the stereotypical perception that older people did not contribute to society and second the non-recognition of the various societal contributions of older persons. Discrimination is thus again addressed in the form of stereotypes, but also as a normative devaluation. In contrast to discrimination as denial of dignity, discrimination in this case was no longer directed against the person, but against a group and its members as contributors to society. The normative orientation underlying this pattern was the criticism of the hegemonic status of economic contribution, especially in the form of labour contributions, which diminished the value of other activities:

We should also be able to convince society of this, or I don't know how to put it, but it's not as if pensioners in general are virtually dropping out of economic life altogether. Just when you consider how many services pensioners provide ... for their children, for their grandchildren and so on ... What, is done here, what is achieved here, that is not recognised by society, if you take your children today, your grandchildren today to school or to kindergarten or whatever. In other words, ... there is simply a lack of appreciation and recognition. (AT, FG)

The reference to the societal dimension ('convince society') of the pattern was further emphasised by a focus on older persons ('pensioners') as a group and the lack of recognition of their contribution to society. This framing becomes even more evident in the following quote:

One of the biggest challenges we have is to try and have their contribution to society recognised, because older people are not seen as economic actors ... we have to try and put a dollar value on what older people contribute to society ... they contribute 15 million a year to the Irish hotel industry or they save a billion euro in caring costs or they contribute 150 million in volunteering ... it's a terrible way to have to frame things, but ... we are all part of that narrative. (IE, FG)

In both passages, older adults are referred to as a group whose contribution is not recognised, but who, as a group within society, nevertheless make an important contribution to various sectors. Recognition can only be given to these contributions by putting a 'dollar value' on them. However, this was considered a 'terrible way to have to frame things'. Such formulations expressed the normative

orientation of the pattern, namely the criticism of the societal prioritising of economic contributions. This hegemonic status of economic contributions was also expressed in the form of stereotypes, which render older persons' contribution invisible; because 'stereotypes [lead us to] believe older people don't have a contribution to make ... they're not able to make a contribution' (IE, Law). These stereotypes were seen as being so deeply rooted in society that older people also adopt them (self-ageism) and the perception is:

that at a certain age you are simply old and have to think about ... do [you] still contribute to society and if you don't maybe it's better to farewell, so to speak ... this is something that was very predominant and many people who are retired tell us that it is a real problem, that suddenly you are no longer part of society, you don't contribute any more, you feel a bit guilty, you don't do anything anymore and now you get a pension and somehow you are on everybody's pocket. (AT, AntiDis.2)

This form of stereotyping was also viewed as being connected to and shaped by the wider discourse on ageing, where older people are sometimes portrayed as posing a 'burden' to society – a formulation that was also found within the data. This kind of discourse was, however, viewed as being only possible due to the non-recognition of the manifold contributions of older people.

Age discrimination as denial of participation

Age discrimination as the denial of participation emerged as being normatively orientated around the formal conception of equality (treating like alike) and was especially employed by legal experts. It was linked by participants to traditional equality debates about the legitimacy of the application of categories such as gender, race, sexual orientation, disability or, in this case, age to differentiate and justify a decision or action. Typical forms of discrimination included in this pattern were the exclusion from various social areas (*e.g.* labour market, financial services) through (in-)formal age limits. Against this background, a central aspect of the pattern was whether or not (chronological) age is an (il-)legitimate social marker for discrimination. The pattern can therefore be characterised by a certain ambiguity. It was not clear whether age in general or only in the context of certain areas should constitute a ground for discrimination. Although most participants expressed critical views on formal age limits, there were also some that considered them reasonable in certain areas. The most critical perspective is provided in the following quotation:

Wherever you find age limits, it's an issue and ... age limits are always a signal of discrimination. Why a certain age limit? People aren't defined by their age ... Age limits point to age as the determining factor, which it never is. (IE, Law)

In this case, the argument was that chronological age should never be the 'determining factor'. Consequently, any limit or decision based on a person's age was viewed as discriminatory. From the opposite perspective, age limits were only perceived as discriminatory when the underlying age stereotypes no longer fitted the

background of an ‘average observation’. According to one expert in Austria, mandatory retirement age, for example, was justifiable:

Not every reference to age is suspect. The fact that you retire at 65 is not problematic at all. That is not problematic at all, but it is reference to age ... retirement age is completely free from objection under equality law [if] according to an average observation ... performance declines with the age of 65 and the usability ... if I put it very bluntly ... for the company declines on the one hand and on the other hand for the individual employee ... the reasonableness of continuing to work decreases. (AT, Law.2)

Both quotes show that the object of discrimination within this pattern was older age as a social and legal category and not, for example, the individual person. Hence, the pattern emerged as being concerned with the question whether older age inherently alters a person’s capacity in a way that justifies restriction of participation. In this regard, the previous quote also reveals the stereotypical and prejudiced issues linked to this debate, as it builds on the empirically disputed age-related decline in job performance (Ng and Feldman, 2008). In other words, criteria that are perceived as ‘neutral’ or ‘objective’ may mask biases or an insistence on particular social values. Moreover, these differences in the evaluation of formal age limits point to the role of statistical or actuarial considerations that are often incorporated into legislation to justify exemptions. We repeatedly found references in our data to the connection between age and certain (perceived as) ‘objective’ risks, such as the relationship between age and health decline in terms of higher private health insurance premiums or size of a loan that is possible in relation to statistical life expectancy.

With the concluding quote, we illustrate typical fields in which this form of discrimination might occur and show how exclusion from these different areas can lead to the marginalisation of older persons:

In the service sector ... where a lot of things are closed up [for older persons] and ... this financial participation is no longer guaranteed, *i.e.* when you can no longer have these resources or cannot exploit them anymore, you are automatically a big step away from society ... if you can no longer take out a loan at the age of 65 or 70, perhaps to rebuild your bathroom, *etc.*, you are of course dependent on whether someone in your family is still looking after you, *i.e.* you are no longer self-determined *per se*, or if you can no longer lease a car, you would be restricted to public transport, ... and that means that if you live in a rural rather than an urban area, you can no longer take part in certain activities, or perhaps you cannot even go to the doctor’s or a shopping centre. (AT, AntiDis.2)

In summary, issues of equal participation in this pattern were linked to traditional equal treatment debates, which are based on the requirement that ‘comparable situations must not be treated differently, and that different situations must not be treated in the same way unless such treatment is objectively justified’ (Muir, 2019: 818). Yet, as shown above, the pattern also suggests the weaknesses of formal

equality, which may rely on or perpetuate biases and lead to disadvantaged treatment, just because the criteria used are perceived as objective or fair.

Age discrimination as the lack of consideration of need

The broadest interpretation pattern to emerge from our analysis was the understanding of age discrimination as the lack of consideration of older person's needs. While various participants referred to elements that reflected this pattern, it was most clearly formulated by policy experts. Forms of discrimination addressed in the pattern consisted of the lack of consideration of both everyday and structural needs, and the exclusion of older people and their needs from the design and planning of services. In this respect, the Austrian stakeholders for instance critically reflected on the lack of a fully fledged medical specialisation in the field of clinical geriatrics or medical gerontology. Another example came from the Irish focus group, where the lack of need consideration was discussed in relation to transport services:

It's a totally different question to talk about the coverage of transport services and how that factors into age-related discrimination that communities that don't have a young urban ... population don't have transport links. But that's a question for planning more so than straightforward discrimination ... when the bus network [was redesigned] the entire purpose of the strategy ... was to link workers with jobs ... all the other reasons that people use public transport: for social connectivity, for access to services, for making it to hospital appointments, even just to get out of the house ... and avoid social isolation or loneliness, none of that was factored in. (IE, FG)

This quote illustrates the main form of discrimination manifest within the pattern, namely the unequal consideration of different groups and life situations in (public) service design and associated procedures. By focusing on unmet or neglected needs, participants saw discrimination as a lack of recognition and accommodation of differences, rather than a denial of (formal) equal treatment. Thus, the normative orientation of the pattern appeared to originate from the concept of 'substantive equality'. In contrast to formal or procedural equal treatment, substantive equality is less interested in consistency (*i.e.* treating likes alike) and more in addressing existing inequalities (*e.g.* due to social, physical or historical circumstances) to achieve equality of opportunity and outcome (Mitchell, 2015; Fredman, 2016). However, direct reference to legal regulations within our data could only be found in the special case of vulnerable groups within the older population. Here the need for positive measures was explicitly stated:

And that is why I [see] the very old ... as a discriminated group, they do have disadvantages, real disadvantages, which need to be compensated for in terms of legal policy ... they need support and that is why the unequal treatment of the very old is not suspect, but in part even necessary, namely to protect these persons. (AT, Law.2)

This quotation highlights the object of the pattern, namely the accommodation of specific needs, which in this instance referred to the need for specific protection of

the very old, due to 'real disadvantages' linked to 'physical impairments', a 'low status' and a 'lack of visibility' (AT, Law.2). In the case of such specific needs, the pattern referred to how discrimination was no longer about equal treatment but about special treatment, which is necessary in order to legally mitigate potential disadvantages. However, the pattern can not only be applied to specific groups within the older population, but to ageing itself:

I think age discrimination ultimately is ... I suppose the ability of a person to access services to live the kind of lifestyle that they want to live and to be supported in doing so, in a way that kind of meets their goals in terms of positive ageing. I think where age discrimination comes ... is where they're not supported to do that, where those services aren't designed, where the local community isn't designed with the kind of the thought of age and the characteristics of ageing. (IE, Policy.1)

By referring to the lack of 'thought' of specific age(ing) characteristics, the quote again emphasises the object of the pattern, *i.e.* older persons as a group with specific needs. Furthermore, by focusing on environmental conditions that can disadvantage older people, the quote illustrates the unequal 'outcome' orientation of the pattern. This is in line with the underlying normative orientation (substantive equality). Age discrimination as a lack of consideration of need thus interferes with the 'assimilationist tendency' (Fredman, 2016: 719) of formal equality which is the normative orientation of age discrimination as a denial of participation.

Despite the clearest articulation of this pattern being provided by policy makers, the pattern can also be applied to everyday life, as was illustrated by this expert:

Well, the understanding that older people need other support because of their physical or mental development, due to the ageing process, that they might need more attention, is, I don't think, very common. So it is when you need more time, then you disturb [other people] and then they start moaning and scolding and pushing and shoving and pestering relatively quickly, so now especially in public transport or when you stop at the queue or at, well, this, simply this everyday routine. (AT, Services)

The reference to everyday personal interactions demonstrates the broad applicability of the pattern. Again, in a somewhat homogenising approach, older age was associated with certain needs that manifest in everyday life and are not sufficiently taken into account by the social environment. Two further characteristics could be derived from this application of the pattern. First, the spectrum of forms of discrimination could be extended to include individual action. Second, it became apparent that the ambit of the pattern could exceed the legal and political scope for regulation, because even highly inappropriate behaviour like 'moaning and scolding and pushing and shoving and pestering' can only in rare cases be legally prohibited. Nevertheless, the lack of consideration or support and understanding of these needs may lead to the discrimination of older people.

Discussion

The aim of this paper was to broaden the understanding of age discrimination by reconstructing different interpretation patterns employed by experts in the field.

From the outset, it is important to acknowledge several limitations to our analysis. First, differences between the Irish and Austrian cultural contexts could not be comprehensively unpacked within the scope of the study and its methods. Second, language differences are likely to have compromised the comparability of findings between countries. This may limit the validity of the inductive conclusion of cross-country interpretation patterns, which represent culture and thus also language-specific forms of knowledge. Notwithstanding these limitations, the work provides valuable insights into the interpretation patterns operational amongst experts within the field. We identified four interpretation patterns, which will now be discussed with reference to the concepts of recognition (Honneth, 1996) and representation (Fraser, 2005). While the former is receiving increasing attention within social science research on discrimination (Lamont, 2018; Westwood, 2019; Mc Manus, 2020; Scherr, 2020), the latter is also of particular significance to our findings.

Our analysis shows that age discrimination can challenge both legal and social recognition (Honneth, 1996). According to Honneth, legal recognition, on the one hand, refers to the recognition of the person as an end in itself and stems from the virtue of 'being human'. Thus, it is not obtained on the basis of certain characteristics or one's social position. On the other hand, legal recognition includes the recognition as a full member of the legal community in line with modern principles of equality (Honneth, 1996: 107–121). Social recognition, in turn, is the form of interpersonal and societal recognition that distinguishes people on the basis of certain characteristics, merits, abilities and contributions. Hence, people are recognised by virtue of and in their capacity as individuals who are characterised by certain distinguishing features and achievements (Honneth, 1996: 121–130).

As identified in this analysis, age discrimination as the denial of dignity affects the integrity of the person, and thus their dignity (Honneth, 1992) in two ways. First, for example, in the form of *objectification* (*cf.* p. 12), the denial of dignity is directed against the legal recognition, because it 'dehumanises' (IE, FG) and disregards the person as an end in itself. Second, especially if based on stereotyping, the denial of dignity violates the integrity of the person, because it limits their possibility of determining their own identity (Schütz, 1958; Scherr, 2020), and thus of what distinguishes them from others. Thereby, age discrimination as the denial of dignity denies the person their social recognition. Similar conclusions can be drawn for the 'denial of recognition of contribution' and the 'denial of participation'. The former can be considered to deprive older persons of their social recognition because 'the social esteem of a person [or group] is largely measured by the contribution they make to society in the form of formally organized labour' (Honneth, 2000: 104, authors' translation), whereas other forms of contribution are devalued. Age discrimination as a denial of participation emerged as detracting from legal recognition. The lack of legal protection against age discrimination in accessing services deprives older people of the right to equal, non-discriminatory treatment. Insofar as this right constitutes a fundamental principle (Muir, 2018)

and human right (De Pauw *et al.*, 2018), older people are not yet recognised as full members of the legal community.

While the first three patterns identified in this research refer to the overarching *social* interpretation pattern of discrimination as a denial of recognition, age discrimination as a lack of consideration of needs illuminates discrimination as a representational issue. In this form, we can essentially relate its manifestation to Nancy Fraser's concept of *misframing*, namely the exclusion of a group from the 'universe of those *entitled to consideration* within the community in matters of distribution, recognition, and ordinary-political representation' (Fraser, 2005: 77, emphasis added). Considering this concept, two conclusions can be drawn for age discrimination as a lack of consideration of needs: first the pattern illustrates the lack of representation of older people, *e.g.* in the design of services. Second, it illustrates the continuing socio-political framing of older people as objects of political regulations, and not as holders of rights (Georgantzi, 2018). This theoretical underpinning shows how age discrimination as the 'lack of consideration of needs' is tied into the discourse on the appropriate representation of older people.

In conclusion, we argue that the four patterns of age discrimination identified within this analysis are associated with two overarching social interpretation patterns of injustice. Namely injustice as lack of recognition and injustice as misrepresentation.

Interpretation patterns can be culture- and profession-specific. Our analysis showed that there are differences depending on the professional background of participants, but less so in relation to the country contexts. Profession-specific differences were especially evident between legal experts and the representatives of older adults' interest and advocacy organisations (stakeholders). In their descriptions of age discrimination, the former referred primarily to the interpretation pattern 'denial of participation', while the understanding of age discrimination as a 'denial of recognition of contribution' was particularly discussed by stakeholders. These participants also emphasised that the formal legal understanding of discrimination that underpins the pattern 'denial of participation' falls short. For the two remaining patterns, 'denial of dignity' and 'lack of consideration of needs', no profession-specific differences were identified. However, for the former, we noted a tendency for human rights experts and stakeholders to refer to it, while the 'lack of consideration of needs' was more explicitly emphasised by policy and service experts.

The observed difference between the formal legal interpretation of age discrimination that legal experts employed and the socio-cultural interpretation that stakeholders offered is also reflected in the legal and policy documents within each country. Equal treatment laws are oriented towards formal equality and do not account for discursive or normative forms of age discrimination (interpretation pattern 'denial of recognition of contribution'). Consequently, respective struggles for legal recognition (Honneth, 1996) are constrained by the requirement to fit any claims into the 'equal treatment corset' of existing law and its technical language. Against this backdrop, it becomes apparent why stakeholders considered 'strictly legal points of view' (FG, IE) too narrow since they limit the scope for advocacy. In comparison with the legal frameworks, the national ageing policies include broader interpretations of age discrimination. This openness is strongly reflected in the pattern of age discrimination as a 'lack of consideration of needs'. The

disadvantage of such a broad interpretation is that these forms of discrimination, which are not as 'straightforward' (IE, FG), are more difficult to label as discrimination and the possibility of legal or political action to address them is limited.

The lack of country- and (legal) culture-related differences in interpretation patterns can potentially be explained by three factors. First, it can be assumed that the increasing Europeanisation of equality and anti-discrimination laws over the last 20 years resulted in a relative alignment of legal concepts. Secondly, the form of data collection used in this study, that is expert interviews and focus groups, is probably more conducive to profession-specific differentiations, since the participants were primarily addressed in their role as experts and, accordingly, provide information as such. In order to capture cultural differences, it is likely that a stronger emphasis would have had to be placed on narrative interview elements. Thirdly, contrary to our expectations, language differences between ageism and age discrimination were of little significance. Yet, one difference could be seen in terms of the pattern 'lack of consideration of needs', where in the Austrian context policy experts and stakeholders were comparatively more cautious about the label 'discrimination'. One reason for this could be that the most relevant Austrian stakeholders are historically, politically and structurally more established than their Irish counterparts. Hence, in the Austrian case, a strong reference to this interpretation pattern would therefore also raise questions about the effectiveness of the political representation work of the representatives of Austrian older persons' interest organisations.

Another important aspect that needs to be emphasised are the intersections between the patterns. Almost all participants referred to more than one pattern in their explanations. This highlights that age discrimination is a multi-dimensional problem, which cannot be explained by a denial of recognition nor by misrepresentation alone. Instead, even apparently clear-cut recognition issues, like the denial of recognition of contribution, must be seen in terms of representation deficits. Only against the backdrop of capitalist ideals of merit, and their linkage to the political misframing of older people as welfare recipients, can the statement that because 'stereotypes [lead us to] believe [that] older people don't have a contribution to make ... they're not able to make a contribution' (Law, IE) be seen as more than just a problem of stereotypes, but as a structural and discursive injustice.

Finally, this paper set out to contribute to the discussion on how age discrimination can be adequately addressed through legislation and policy. To illustrate this contribution, it is helpful here to draw on insights offered by Michael North and Susan Fiske. In their essay 'Subtyping Ageism' (North and Fiske, 2013), they criticised the focus of social psychological research and policy approaches on those forms of ageism and age discrimination experienced by the 'old-old'. The authors point out the importance of differentiating between 'elder sub-categories' (North and Fiske, 2013: 37), *i.e.* the young-old and old-old, and the different forms of age discrimination these sub-groups encounter. According to the authors, the young-old are predominantly affected by succession-based discrimination, *i.e.* not knowing when to step aside, whereas ageism affecting the old-old stems from perceptions of pity and perceived uselessness and can manifest itself in very different forms ranging from baby-talk to physical abuse (North and Fiske, 2013: 42–45). Our results contribute to this 'subtyping' by showing that in addition to differentiating between 'elder sub-groups' and the forms of ageism these groups are affected

by, a distinction can also be drawn between different ‘objects’ against which age discrimination can be directed: the ‘denial of recognition of contribution’ is directed against older people as a *group* whose contribution to society is not recognised, while the ‘denial of dignity’ is directed against the older individual as a *person*. Similar considerations apply to the other patterns. Both age discrimination as ‘denial of participation’ and as ‘lack of consideration of needs’ address social *participation* issues. However, in the former case, discrimination stems from the assumption that older age *is*, or *can be*, used as a determining factor to justify decisions. Hence, discrimination is directed against older age as a social and legal category. Somewhat contrary, the lack of consideration of needs implies that older age is a ‘determining factor’ (IE, Law) and that the ‘characteristics of ageing’ (IE, Policy.1) need to be considered in order to *avoid* discrimination, e.g. in service design.

Against the background of these considerations, future research could address the question of how different interpretations of age discrimination may require different policy and legal interventions. While equal access to services may primarily be addressed by the extension of legal protection against age discrimination beyond the field of employment, increasing the visibility of older people’s contribution to society may require awareness-raising and publicity campaigns. The recognition of the dignity of the individual older person might be best achieved through increased human rights protection, which might also contribute to a change in our language and thinking; whereas addressing the needs and wishes of older people might involve including older individuals in policy design and decision-making.

Concluding remarks

This paper contributes to the theoretical understanding of ageism that can be encountered by older adults, through the reconstruction of different interpretation patterns that experts employ in their description of discrimination based on age. Our analysis showed that age discrimination is directed at different facets and dimensions of ageing and older people, including the individual older person, older people as a group and their contributions to society, older age as a social and legal category, and older adults’ needs. More critically, our analysis illustrated different professional framings and understandings of age discrimination, and in this way contributes to identifying the roots of the existing terminological ambiguities.

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Ethical standards. The study was conducted according to the guidelines of the Declaration of Helsinki, and approved by the Research Ethics Committee of the National University of Ireland Galway (reference number 19-Mar-16, date of approval 25 March 2019).

Notes

1 Bundes-Seniorengesetz BGBl. I 94/2012.

- 2 According to their webpage information, the Austrian Pensioners' Association (Pensionistenverband Österreich) has more than 350,000 members and the Seniors' Association (Österreichische Seniorenbund) around 300,000 members (see <https://pvoe.at/content/der-pvoe> and <https://www.seniorenbund.at/wer-sind-wir/unsere-geschichte/>, last accessed 13 September 2021).
- 3 Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation {SEC(2008) 2180} {SEC(2008) 2181} /* COM/2008/0426 final – CNS 2008/0140 */.
- 4 Gleichbehandlungsgesetz (GlBG), BGBl I 16/2020.
- 5 Employment Equality Acts 1998–2018.
- 6 Equal Status Act 2000–2020.
- 7 Equal Status Act 2000/Revised 2020, Part II, Section 5 Subsection (2d).
- 8 For Austria, see § 32 GlBG, BGBl I 16/2020; for Ireland, see Equal Status Act 2000–2020, Part I, Section 3.
- 9 See <https://www.gov.ie/en/publication/737780-national-positive-ageing-strategy/> (last accessed 14 September 2020).
- 10 *Altern und Zukunft – Bundesplan für Senioren und Senioren.*
- 11 For participant abbreviations, see Table 1.

References

- Addis A (2020) Dignity, integrity, and the concept of a person. *ICL Journal* 13, 323–372.
- Arnold R (1983) Deutungsmuster. Zu den Bedeutungselementen sowie den theoretischen und methodologischen Bezügen eines Begriffs. *Zeitschrift für Pädagogik* 29, 893–912.
- Ayalon L and Tesch-Römer C (2018) Introduction to the section: Ageism – concepts and origins. In Ayalon L and Tesch-Römer C (eds), *Contemporary Perspectives on Ageism*. Berlin: Springer, pp. 1–10.
- Bögelein N and Vetter N (2019) Deutungsmuster als Forschungsinstrument – Grundlegende Perspektiven. In Bögelein N and Vetter N (eds), *Der Deutungsmusteransatz: Einführung – Erkenntnisse – Perspektiven* (Grundlagentexte Methoden). Weinheim, Germany: Beltz Juventa, pp. 12–39.
- Bogner A, Littig B and Menz W (2009) An introduction to a new methodological debate. In Bogner A, Littig B and Menz W (eds), *Interviewing Experts*. Basingstoke, UK: Palgrave Macmillan, pp. 1–16.
- Bogner A, Littig B and Menz W (2014) *Interviews mit Experten*. Wiesbaden, Germany: Springer Fachmedien Wiesbaden.
- Bogner A and Menz W (2001) 'Deutungswissen' und Interaktion Zu Methodologie und Methodik destheoriegenerierenden Experteninterviews. *Soziale Welt* 52, 477–500.
- Boso LA (2017) Dignity, inequality and stereotypes. *Washington Law Review* 92, 1119.
- Breda J and Schoenmaekers D (2006) Age: a dubious criterion in legislation. *Ageing & Society* 26, 529–547.
- Bugental DB and Hehman JA (2007) Ageism: a review of research and policy implications. *Social Issues and Policy Review* 1, 173–216.
- Bundesministerium für Arbeit, Soziales und Konsumentenschutz (BMASK) (2013) *Altern und Zukunft – Bundesplan für Seniorinnen und Senioren*. Vienna: BMASK.
- Burnes D, Sheppard C, Henderson CR, Wassel M, Cope R, Barber C and Pillemer K (2019) Interventions to reduce ageism against older adults: a systematic review and meta-analysis. *American Journal of Public Health* 109, e1–e9.
- Chua LJ (2015) The vernacular mobilization of human rights in Myanmar's sexual orientation and gender identity movement. *Law and Society Review* 49, 299–332.
- De Pauw M, Sleaf B and Georgantzi N (2018) Ageism and age discrimination in international human rights law. In Doron I and Georgantzi N (eds), *Ageing, Ageism and the Law: European Perspectives on the Rights of Older Persons*. Cheltenham, UK: Edward Elgar Publishing, pp. 174–194.
- Department of Health (2013) *The National Positive Ageing Strategy*. Dublin: Department of Health, Ireland.
- Dewhurst E (2020) *Age Discrimination Law Outside the Employment Field: 2020*. Luxembourg: European Commission.
- Doron I (2018) Introduction: Between law, ageing and ageism. In Doron I and Georgantzi N (eds), *Ageing, Ageism and the Law: European Perspectives on the Rights of Older Persons*. Cheltenham, UK: Edward Elgar Publishing, pp. 1–13.

- Doron I and Georgantzi N** (eds) (2018) *Ageing, Ageism and the Law: European Perspectives on the Rights of Older Persons*. Cheltenham, UK: Edward Elgar Publishing.
- Doron I and Werner P** (2008) Facts on law and ageing quiz: older people's knowledge of their legal rights. *Ageing & Society* **28**, 1159–1174.
- Doyle M** (2015) *The Politics of Old Age: Older People's Interest Organisations and Collective Action in Ireland*. Manchester, UK: Manchester University Press.
- European Commission** (2019) *Discrimination in the EU in 2019*. Brussels: European Commission.
- Fernando P, Arora A and Crome P** (2011) Combating age discrimination: a United Kingdom perspective. *European Geriatric Medicine* **2**, 263–269.
- Fourastié J** (1949) *Le grand espoir du XXe siècle*. Paris: Presses Universitaires de France.
- Fraser N** (2005) Reframing justice in a globalizing world. *New Left Review* **36**, 69–88.
- Fredman S** (2003) The age of equality. In Fredman S and Spencer S (eds). *Age as an Equality Issue: Legal and Policy Perspectives*. London: Hart Publishing Ltd, pp. 21–70.
- Fredman S** (2016) Substantive equality revisited. *International Journal of Constitutional Law* **14**, 712–738.
- García-Villegas M** (2018) *The Powers of Law: A Comparative Analysis of Sociopolitical Legal Studies*. Cambridge: Cambridge University Press.
- Gendron TL, Welleford EA, Inker J and White JT** (2016) The language of ageism: why we need to use words carefully. *The Gerontologist* **56**, 997–1006.
- Georgantzi N** (2018) The European Union's approach towards ageism. In Ayalon L and Tesch-Römer C (eds), *Contemporary Perspectives on Ageism*. Berlin: Springer, pp. 341–368.
- Hagestad GO and Uhlenberg P** (2005) The social separation of old and young: a root of ageism. *Journal of Social Issues* **61**, 343–360.
- Healey J** (2013) *Age Discrimination*. Balmain, Australia: The Spinney Press.
- Hejny H** (2016) Age discrimination in financial services: the United Kingdom case. *E-Journal of International and Comparative Labour Studies* **5**, 27.
- Hertogh M** (2009) What's in a handshake? Legal equality and legal consciousness in the Netherlands. *Social and Legal Studies* **18**, 221–239.
- Höfling C, Plaß C and Schetsche M** (2002) Deutungsmusteranalyse in der kriminologischen Forschung. *Forum Qualitative Sozialforschung/Forum: Qualitative Social Research* **3**, 14.
- Hoffman L and Coffey B** (2008) Dignity and indignation: how people experiencing homelessness view services and providers. *Social Science Journal* **45**, 207–222.
- Honneth A** (1992) Integrity and disrespect: principles of a conception of morality based on the theory of recognition. *Political Theory* **20**, 187–201.
- Honneth A** (1996) *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. Cambridge, MA: MIT Press.
- Honneth A** (2000) *Das Andere der Gerechtigkeit: Aufsätze zur praktischen Philosophie*. Frankfurt am Main, Germany: Suhrkamp.
- Hurd Clarke L and Korotchenko A** (2016) 'I know it exists ... but I haven't experienced it personally': older Canadian men's perceptions of ageism as a distant social problem. *Ageing & Society* **36**, 1757–1773.
- Iversen TN, Larsen L and Solem PE** (2009) A conceptual analysis of ageism. *Nordic Psychology* **61**, 4–22.
- Kenalemang LM** (2022) Visual ageism and the subtle sexualisation of older celebrities in L'Oréal's advert campaigns: a Multimodal Critical Discourse Analysis. *Ageing & Society* **42**, 2122–2139.
- Kirkland A** (2008) Think of the hippopotamus: rights consciousness in the fat acceptance movement. *Law and Society Review* **42**, 397–432.
- Lamont M** (2018) Addressing recognition gaps: destigmatization and the reduction of inequality. *American Sociological Review* **83**, 419–444.
- Lievesley N, Hayes R, Jones K and Clark A** (2009) *Ageism and Age Discrimination in Mental Health Care in the United Kingdom: A Review from the Literature*. London: Centre for Policy on Ageing.
- Luhmann N** (2019) *Grundrechte als Institution: Ein Beitrag zur politischen Soziologie*. Berlin: Duncker and Humblot.
- Mannheim I, Schwartz E, Xi W, Buttigieg SC, McDonnell-Naughton M, Wouters EJM and van Zaalén Y** (2019) Inclusion of older adults in the research and design of digital technology. *International Journal of Environmental Research and Public Health* **16**, 3718.

- Mantey EE** (2017) Discrimination against children with disabilities in mainstream schools in Southern Ghana: challenges and perspectives from stakeholders. *International Journal of Educational Development* **54**, 18–25.
- Mariano J, Marques S, Ramos MR, Gerardo F, Cunha CL da, Girenko A, Alexandersson J, Stree B, Lamanna M, Lorenzatto M, Mikkelsen LP, Bundgård-Jørgensen U, Rêgo S and de Vries H** (2021) Too old for technology? Stereotype threat and technology use by older adults. *Behaviour and Information Technology* doi.org/10.1080/0144929X.2021.1882577.
- Mc Manus ARC** (2020) A Fraserian theory of anti-discrimination law. *International Journal of Discrimination and the Law* **20**, 88–109.
- Meuser M and Sackmann R** (1992) Zur Einführung: Deutungsmusteransatz und empirische Wissenssoziologie. In Meuser M and Sackmann R (eds), *Analyse sozialer Deutungsmuster: Beiträge zur empirischen Wissenssoziologie* (Bremer soziologische Texte). Pfaffenweiler, Germany: Centaurus-Verlagsgesellschaft, pp. 9–38.
- Michael L** (2018) *Gleiches Recht der Älteren auf gesellschaftliche Teilhabe: rechtliche Grenzen der Altersdifferenzierung am Beispiel von Finanz- und Versicherungsprodukten*. Baden-Baden, Germany: Nomos.
- Minichiello V, Browne J and Kendig H** (2000) Perceptions and consequences of ageism: views of older people. *Ageing & Society* **20**, 253–278.
- Mitchell B** (2015) Process equality, substantive equality and recognising disadvantage in constitutional equality law. *Irish Jurist* **53**, 36–57.
- Morgeson FP, Reider MH, Campion MA and Bull RA** (2008) Review of research on age discrimination in the employment interview. *Journal of Business and Psychology* **22**, 223–232.
- Muir E** (2018) *EU Equality Law: The First Fundamental Rights Policy of the EU*. Oxford: Oxford University Press.
- Muir E** (2019) The essence of the fundamental right to equal treatment: back to the origins. *German Law Journal* **20**, 817–839.
- Ng TWH and Feldman DC** (2008) The relationship of age to ten dimensions of job performance. *Journal of Applied Psychology* **93**, 392–423.
- North MS and Fiske ST** (2013) Subtyping ageism: policy issues in succession and consumption. *Social Issues and Policy Review* **7**, 36–57.
- Petersen M and Warburton J** (2012) Residential complexes in Queensland, Australia: a space of segregation and ageism? *Ageing & Society* **32**, 60–84.
- Plaß C and Schetsche M** (2001) Grundzüge einer wissenssoziologischen Theorie sozialer Deutungsmuster. *Sozialer Sinn* **2**, 511–536.
- Pohlmann M, Bär S and Valarini E** (2014) The analysis of collective mindsets: introducing a new method of institutional analysis in comparative research. *Revista de Sociologia e Política* **22**, 7–25.
- Rothermund K and Meyer A-K** (2009) *Altersdiskriminierung: Erscheinungsformen, Erklärungen und Interventionsansätze*. Stuttgart, Germany: Kohlhammer.
- Rousseau PC** (2019) Baby talk is for babies. *Journal of Palliative Medicine* **22**, 1018–1019.
- Sachweh P** (2010) *Deutungsmuster sozialer Ungleichheit: Wahrnehmung und Legitimation gesellschaftlicher Privilegierung und Benachteiligung*. Frankfurt am Main, Germany: Campus.
- São José JMS de and Amado CAF** (2017) On studying ageism in long-term care: a systematic review of the literature. *International Psychogeriatrics* **29**, 373–387.
- Sarat A and Kearns RT** (1995) Beyond the Great Divide: forms of legal scholarship and everyday life. In Sarat A and Kearns RT (eds), *Law in Everyday Life* (Amherst Series in Law, Jurisprudence, and Social Thought). Ann Arbor, MI: University of Michigan Press, pp. 21–62.
- Scherr A** (2020) *Diskriminierung, Anerkennung und der Sinn für die eigene soziale Position: wie Diskriminierungserfahrungen Bildungsprozesse und Lebenschancen beeinflussen*. Weinheim, Germany: Beltz Juventa.
- Schütz A** (1958) Gleichheit und Sinnstruktur in der sozialen Welt. In Schütz A (ed.), *Relevanz und Handeln 2: Gesellschaftliches Wissen und politisches Handeln*. Konstanz, Germany: UVK Verlagsgesellschaft, pp. 171–250.
- Shin DW, Park K, Jeong A, Yang HK, Kim SY, Cho M and Park JH** (2018) Experience with age discrimination and attitudes toward ageism in older patients with cancer and their caregivers: a nationwide Korean survey. *Journal of Geriatric Oncology* **10**, 459–464.

- Silbey SS** (2018) Studying legal consciousness: building institutional theory from micro data. *Droit et société* **100**, 685–731.
- Silva MF, Silva DSM, Bacurau AGM, Francisco PMSB, Assumpção D, Neri AL and Borim FSA** (2021) Ageism against older adults in the context of the COVID-19 pandemic: an integrative review. *Revista de Saúde Pública* **55**, 4. <https://doi.org/10.11606/s1518-8787.2021055003082>.
- Smithson J** (2008) Focus groups. In Alasuutari P, Bickman L and Brannen J (eds), *The SAGE Handbook of Social Research Methods*. London: Sage, pp. 357–370.
- Snellman F** (2016) Whose ageism? The reinvigoration and definitions of an elusive concept. *Nordic Psychology* **68**, 148–159.
- Stuckelberger A, Abrams D and Chastonay P** (2012) Age discrimination as a source of exclusion in Europe: the need for a human rights plan for older persons. In Scharf T and Keating NC (eds), *From Exclusion to Inclusion in Old Age*. Bristol, UK: Policy Press, pp. 125–144.
- Stypinska J and Nikander P** (2018) Ageism and age discrimination in the labour market: a macrostructural perspective. In Ayalon L and Tesch-Römer C (eds), *Contemporary Perspectives on Ageism*. Berlin: Springer, pp. 91–108.
- Swift HJ, Abrams D and Lamont RA** (2019) Ageism around the world. In Gu D and Dupre ME (eds), *Encyclopedia of Gerontology and Population Aging*. Cham, Switzerland: Springer International Publishing. doi.org/10.1007/978-3-319-69892-2_586-1.
- Truxillo DM, Finkelstein LM, Pytlovsky AC and Jenkins JS** (2018) Age Discrimination at Work: A Review of the Research and Recommendations for the Future. In Colella AJ and King EB (eds), *Age Discrimination at Work*. Oxford: Oxford University Press, pp. 129–142.
- Ullrich CG** (1999) Deutungsmusteranalyse und diskursives Interview. Leitfadiskonstruktion, Interviewführung und Typenbildung. Mannheimer Zentrum für Europäische Sozialforschung, Working Paper 3.
- Ullrich CG** (2019) *Das Diskursive Interview: Methodische und methodologische Grundlagen*. Wiesbaden, Germany: Springer Fachmedien Wiesbaden.
- van den Heuvel WJA and van Santvoort MM** (2011) Experienced discrimination amongst European old citizens. *European Journal of Ageing* **8**, 291–299.
- Walsh K, Scharf T and Keating N** (2017) Social exclusion of older persons: a scoping review and conceptual framework. *European Journal of Ageing* **14**, 81–98.
- Westwood S** (ed.) (2019) *Ageing, Diversity and Equality: Social Justice Perspectives*. London: Routledge.
- Williams K, Shaw C, Lee A, Kim S, Dinneen E, Turk M, Jao Y-L and Liu W** (2017) Voicing ageism in nursing home dementia care. *Journal of Gerontological Nursing* **43**, 16–20.
- Wilson DM, Nam MA, Murphy J, Victorino JP, Gondim EC and Low G** (2017) A critical review of published research literature reviews on nursing and healthcare ageism. *Journal of Clinical Nursing* **26**, 3881–3892.
- Woratschek H** (2012) Altersdiskriminierung im Dienstleistungssektor. In Berner F, Rossow J and Schwitzer K-P (eds), *Altersbilder in der Wirtschaft, im Gesundheitswesen und in der pflegerischen Versorgung*. Wiesbaden, Germany: VS Verlag für Sozialwissenschaften, pp. 83–158.
- Wright T and Conley H** (2011) *Gower Handbook of Discrimination at Work*. Farnham, UK: Gower Publishing.
- Xu W** (2022) (Non-)Stereotypical representations of older people in Swedish authority-managed social media. *Ageing & Society* **42**, 719–740.