Guest Editor's Introductory Note: Beyond "Otherness": Independent Living, *Liberation* and Justice for Older Persons*

Maria Giulia Bernardini**-***

Abstract. Inhabiting plays a fundamental role in ensuring every person's right to live a dignified, flourishing, and non-discriminatory life. This is all the more true for older persons, who have long been among those experiencing heightened social and spatial vulnerability, particularly when classified as "non-self-sufficient". The *right to independent living* may be understood as a legal strategy to achieve this aim. Recognising the centrality of independent living and its legal significance, the essays in this focus share a common premise: the full humanity of older persons and the imperative to ensure them complete access to human and

* Fecha de recepción: 5 de agosto de 2025. Fecha de aceptación: 5 de abril de 2026.

Para citar el artículo: Bernardini, M. G., "Guest Editor's Introductory Note: Beyond 'Otherness': Independent Living, *Liberation* and Justice for Older Persons", *Revista de Derecho Privado*, Universidad Externado de Colombia, n.º 51, julio-diciembre 2026, 5-15. DOI: https://doi.org/10.18601/01234366.51.01

** Universidad de Ferrara, Ferrara, Italia; profesora asociada de Filosofía del Derecho. Doctora en Derechos Humanos, Universidad de Palermo, Palermo, Italia. Contacto: mariagiulia.bernardini@unife.it Orcid: https://orcid.org/0000-0003-1354-3613.

*** The Author acknowledges financial support under the National Recovery and Resilience Plan (NRRP), Mission 4, Component 2, Investment 1.1, Call for tender No. 1409 published on 14.9.2022 by the Italian Ministry of University and Research (MUR), funded by the European Union – NextGenerationEU – Project Title "The right to independent living as a new frontier of justice: older people, urban spaces and the law" – P20228MERB – CUP F53D23011960001 – Grant Assignment Decree No. 1375 adopted on 01/09/2023 by the Italian Ministry of University and Research (MUR).

fundamental rights. From a variety of legal perspectives (and also in dialogue with the sociological one), the essays identify key conditions necessary to uphold this right, including the accessibility of rights, the promotion of active aging, and the strengthening of home care services.

KEYWORDS: Independent living, older persons, spatial justice, Article 19 CRPD, de Beauvoir, deinstitutionalisation, freedom.

Nota introductoria de la editora invitada: Más allá de la "alteridad": vida independiente, *liberación* y justicia para las personas mayores

RESUMEN. El habitar desempeña un papel fundamental en la garantía del derecho de toda persona a vivir una vida digna, plena y libre de discriminación. Esto resulta aún más evidente en el caso de las personas mayores, quienes desde hace tiempo se encuentran entre los grupos que experimentan una mayor vulnerabilidad social y espacial, especialmente cuando son clasificadas como "no autosuficientes". El derecho a la vida independiente puede entenderse como una estrategia jurídica orientada a la consecución de este objetivo. Al reconocer la centralidad de la vida independiente y su relevancia jurídica, los trabajos reunidos en este *dossier* parten de un presupuesto común: la plena humanidad de las personas mayores y la necesidad de garantizarles el acceso pleno a los derechos humanos y fundamentales. Desde diversas perspectivas jurídicas (y también en diálogo con la perspectiva sociológica), los ensayos identifican las condiciones clave necesarias para garantizar la efectividad de este derecho, entre ellas la accesibilidad a los derechos, la promoción del envejecimiento activo y el fortalecimiento de los servicios de atención domiciliaria.

PALABRAS CLAVE: vida independiente, personas mayores, justicia espacial, artículo 19 CDPD, de Beauvoir, desinstitucionalización, libertad.

I

Population ageing can be attributed to a number of variables, such as improvements in living conditions and in health and hygiene standards—largely resulting from techno-scientific progress—as well as the gradual decline in fertility and birth rates. Nor can migratory phenomena or the reconfiguration of the traditional family structure be considered extraneous to this process. The interaction among these variables is generating a significant transformation in the age structure of

the world's population, occurring in ways that are not uniform but rather closely linked to different contextual settings[1].

Drawing on well-established sociological categories, and adapting them to this discursive context, it can be stated that ageing is a "total social fact"[2]: from the sociocultural sphere to the economic one, from public policies to law, it is really difficult to identify any field in which this process is not producing significant effects, many of which have yet to be fully explored. This is the main reason why, for several decades now, this phenomenon has posed profound questions to contemporary societies—particularly Western ones—and is often framed as a genuine "challenge".

Population ageing is accompanied by what can be described as an Arendtian *appearance* of subjects who, until quite recently, occupied marginal positions within both public discourse and the public sphere. These are older persons, increasingly asserting the equal dignity inherent in their lives, claiming formal recognition of their subjectivity, and emphasizing the imperative that their needs be fully acknowledged and addressed.

In this regard, at least two factors account for the novelty can be observed. The first is that older persons today are actively speaking out, making their voices heard, and these voices are beginning to be recognized as "fully human" [3]. The second is that older persons are making their demands using the language of rights and no longer just representing their own needs. In this way, they contribute to the ongoing reconfiguration of old age that has been underway for several decades. This process is reflected in contemporary paradigms of ageing. Indeed, as is well established, recognition is contingent upon rhetorical frameworks and cultural constructions that delineate the terms of inclusion within humanity—and, correspondingly, those of exclusion.

II

The images of old age that have emerged over time within Western culture, highly heterogeneous in nature, have profoundly shaped the possibilities for the recognition of older persons, and their effects extend to the present day. Although this is

1 According to the most recent United Nations projections, over the next three decades the number of people aged over 65—an age that conventionally still represents the dividing line between adulthood and old age—is expected to double: see United Nations, *World Social Report 2023. Leaving No One behind in an Ageing World*, New York, United Nations, 2023.

2 The famous concept of a total social fact, analysed by Marcel Mauss in relation to the gift, refers to social phenomena that intertwine economic, legal, political, religious, aesthetic, and moral dimensions, involving society as a whole in a single activity or phenomenon and revealing the interconnection of all spheres of social life. Cfr. Mauss, M., "Essai sur le don. Forme et raison de l'échange dans les sociétés primitives", *L'Année Sociologique*, seconde série, 1, 1923-1924, 30-186.

3 Cf. *infra*, para. II.

not the appropriate place to address the issue in detail, a few brief considerations may nevertheless be useful in order to grasp some significant implications of the different representations of old age in contemporary society, particularly—and above all—at the legal level.

An almost unavoidable point of departure is Simone de Beauvoir's monumental work *La vieillesse*, one of the first modern philosophical texts to address the issue of ageing[4]. As late as 1970, de Beauvoir provocatively asked whether older people could truly be regarded as human beings, ultimately concluding that, given the way they were treated, such a claim was open to doubt. She observed that throughout history they had consistently been regarded as "Others": either because they were considered excessively venerable, or because they were viewed as genuine *pariahs*. The latter image had in fact already become predominant by the time de Beauvoir was writing: old age has been interpreted as a period marked—save for rare and notable exceptions—by the loss of prestige, social marginalisation, and poverty among older persons. As Others, older people were excluded from the sphere of the "We" and it was considered justified to subject them to differential treatment, which was generally of a detrimental nature.

By raising the issue of dehumanised forms of old age and urging that the voices of older persons be recognised as fully human, de Beauvoir called for an acknowledgement of the failure of the Western social systems, where the oppression of these individuals had become an almost unquestioned norm, mistaken for normality and necessity—as is often the case with those who are excluded, discriminated against, and oppressed[5].

De Beauvoir's words are undoubtedly harsh, yet they are difficult to contest. Scholarly literature has widely shown that, at least since the early modern period, a predominantly "medical" conception of ageing has prevailed[6], one that frames old age as a phase of inevitable psychophysical decline, leading older persons to progressively withdraw from social roles and relationships. The *disengagement theory*, developed by sociologists Elaine Cumming and William E. Henry in the 1960s[7], further contributed to legitimising this discursive framework, within

4 de Beauvoir, S., *La vieillesse*, Paris, Gallimard, 1970.

5 This point has been clearly highlighted within the framework of critical legal theories. On this matter, reference may be made also to Bernardini, M. G., and Giolo, O. (eds.), *Le teorie critiche del diritto*, Pisa, Pacini, 2017, and Bernardini, M. G., and Giolo, O. (eds.), *Abitare i diritti*, Pisa, Pacini, 2021.

6 See Pinna, G., and Pott, H.-G. (eds.), *Senilità. Immagini della vecchiaia nella cultura occidentale*, Alessandria, Edizioni Dell'Orso, 2011; Featherstone, M., and Hepworth, M., "Images of Ageing: Cultural Representations of Later Life", in Johnson, M. L. (ed.), *The Cambridge Handbook of Age and Ageing*, Cambridge, Cambridge University Press, 2005, 354-362.

7 On the *disengagement theory* see Cumming E., and Henry, W., *Growing Old: The Process of Disengagement*, New York, Basic Books, 1961.

which old age is largely represented as a time of memory and regret, solitude and abandonment, and stasis[8].

Over recent decades, this landscape has undoubtedly undergone a significant transformation. *New paradigms* of ageing have progressively emerged, aimed at constructing a *new discursive order* grounded in the equal consideration and respect of older persons. Within the new culture of old age—vocally promoted across virtually all domains—novel semantic associations have thus gained prominence: alongside the now largely abandoned notion of "successful ageing"[9], the more widely endorsed concepts of "active ageing" and "healthy ageing"[10] have come to the fore, conceived as integral components of the broader process of "well ageing" that stands in opposition to the medicalised conception of ageing. These paradigms have also played a significant role in the construction of new, predominantly positive representations of older subjectivity, which is increasingly framed as active, healthy, competent, capable, and autonomous, as well as socially productive and economically integrated. Within this discursive reconfiguration, old age is no longer depicted as a phase of withdrawal, but rather as a condition marked by continued agency across multiple social fields and modes of participation. Were it not for the chronological criterion, this "new" subject would, in all likelihood, be indistinguishable from the adult who serves as the implicit anthropological reference point of social, political, legal, and urban planning[11].

8 In *De senectute*, for example, Norberto Bobbio observed that the present belongs to the young, whereas the old, who have lost their social role and appear unfit to live in a rapidly changing society, can only cling to the past, as preserved in their recollections and memory. See Bobbio, N., De senectute *e altri scritti autobiografici*, Torino, Einaudi, 1996.

9 The concept, which has to be attributed to Rowe and Kahn, has developed from a biomedical approach to a wider understanding of social and psychological adaptation processes in later life. In recent years, the concept has induced much debate, and various definitions have been introduced. See Rowe, J. W., and Kahn, R. L., "Human Aging: Usual and Successful", *Science*, vol. 237, No. 4811, 1987, 143-149, and Urtamo, A.; Jyväkorpi, S. K., and Strandberg, T. E., "Definitions of Successful Ageing: A Brief Review of a Multidimensional Concept", *Acta Biomedica*, vol. 90, No. 2, 2019, 359-363.

10 *Healthy aging*, *positive aging*, *productive aging*, and *competent aging* can all be ascribed to the same conceptual framework. On the aging paradigms, see Foster, L., and Walker, A., "Active and Successful Aging: A European Policy Perspective", *The Gerontologist*, vol. 55, No. 1, 2015, 83-90.

11 Without prejudice to the positive nature of this shift in perspective, it should nonetheless be noted that the operation in question displays at least a potentially assimilationist character. The presence of specific anthropological characteristics attributed to the subject taken as the referent of design—summarily identified, from a critical perspective, as (neo)liberal—has made it possible, and continues to make it possible, to justify the exclusion and discrimination of those who, in reality or by presumption, do not conform to the ideal model, which represents the parameter of inclusion.

Against this background, while earlier paradigms have by no means entirely disappeared[12], there is nonetheless a growing consolidation of the idea that old age is a time of life that *can* and *should* be the subject of renewed protagonism.

One of the first consequences of this shift in perspective concerns what we can call the "spatial dimension". In the past, the private sphere was the natural and almost exclusive "space of presence" for older persons, due to its deep association with care, vulnerability, and dependency. However, confinement within the private realm entailed the exclusion of older individuals from the social order and from the public sphere, which is, as is well known, the domain where subjects acquire visibility, can speak out, and be recognised as true rights holders. Thanks to their recognition as active subjects, older persons are today *liberated* from the necessary association with passivity and inevitable dependency[13], as well as from the welfare-based logic historically linked to them. They—or, more precisely, the cohort of those considered active[14]—now have access to multiple spaces of presence and participation, beginning with the public sphere that previously appeared inaccessible, and are recognised as rights holders[15].

12 According to the common opinion, the idea remains widespread that these individuals—and, among them, especially the dependent elderly—drain healthcare and social security resources without engaging in any form of work, and thus without actively contributing to the sustainability of an increasingly strained welfare state. As late as the end of the 1960s, the anthropologist Edmund Leach argued that in a changing world, in which machines had very short careers, it was not appropriate for human beings to "serve" for too long. For this reason, everything beyond the age of fifty-five was to be discarded (as reported by Simone de Beauvoir in the introduction to *La Vieillesse*).

Today, in a context in which change is perhaps even more rapid, driven by the accelerations brought about by technology and globalisation, these words are no longer capable of provoking scandal because they imply adherence to a utilitarian, economistic, and neoliberal conception of humanity. Rather —and in my personal opinion, in a cause for concern— they are unsettling because the threshold between humanity and discard identified by Leach is set at an age that, according to contemporary standards, no longer marks old age but adulthood. However reluctant one may be to acknowledge it, I therefore believe it is necessary to recognise that the equal recognition of older persons remains precarious; only on this basis can efforts be made to render it more stable and unconditional.

13 In evoking the negative perception of inevitable dependency, I am clearly referring to the perspective—still not entirely overcome—prior to the *vulnerability turn*. On this turn and on some of its significant legal effects, including in relation to the issue of capacity and older persons, please allow me to refer to Bernardini, M.G., *La capacità vulnerabile*, Napoli, Jovene, 2021.

14 Still from a critical analytical perspective, it must be observed that—contrary to its original formulation—active aging is generally not applied to all older persons, but tends instead to be reserved for "active" older adults, that is, those who—through what ultimately proves to be a neoliberal inflection of the paradigm—are considered capable of emancipating themselves from passivity, dependence, and care. With regard to the dependent elderly, by contrast, the idea of an inevitable decline appears to persist, together with the association of old age with passivity and dependence. This coexistence of radically different models of later life produces a selective effect precisely in relation to the recognition of subjects and their rights. On the risks inherent also in the "new models" of ageing, cf. Walker, A., "The New Ageism", *Political Quarterly*, vol. 83, No. 4, 2012, 812-819.

15 On the theoretical significance of this process—one to which, as I have already observed, older

III

This shift in perspective is producing significant effects within the legal sphere as well, where the issue of ageing is gaining increasing prominence, as evidenced by the growing attention devoted to it by multilevel legal institutions, which strongly advocate the promotion of new models of ageing[16]. The debate surrounding the development of an international convention also moves in this direction. Such a convention, situated within the trajectory of multiplication through specification that characterizes the contemporary "age of rights"—and following the example of the 2015 Inter-American Convention on the Rights of Older Persons—would explicitly recognise older persons as full holders of human rights[17].

More in general, there is a growing tendency to view older persons as "new" legal subjects, whilst in some legal systems a branch of law specifically dedicated to them has recently been established, namely *Elder Law*[18].

While acknowledging the importance of this momentum in the legal sphere, it would be a mistake to claim that this stage of life was irrelevant to the law in the past: in nearly every legal system there are provisions related to retirement, non-self-sufficiency, or the protection of individuals in a condition of vulnerability. Nevertheless, it is true that old age in itself has had only marginal importance in law. In all likelihood it is a reflection of the more pervasive condition of minority which, within contemporary societies, has tended to be assigned to old people. The circumstance that it is possible to identify with relative precision some areas (but not others) in which to find rights specifically attributable to the elderly reveals, in fact, that a precise theoretical operation has been effected in respect of old age. It has consisted in the construction, on a conceptual level, of a given social

persons themselves are actively contributing—please allow me to make reference to Bernardini, M. G., "La edad senil desde una perspectiva crítica: en busca de una teoría", *Derechos y Libertades. Revista de Filosofía del Derecho y Derechos Humanos*, vol. 53, No. 1, 2025, 115-137.

16 In recent years healthy ageing has replaced the World Health Organization's previous focus on active ageing, a policy framework developed in 2002, thus becoming the object of its attention on ageing in relation to the years 2015-2030. Like active ageing, healthy ageing emphasizes the need for action across multiple sectors, directed at enabling the elderly to be a resource to their families, communities, and economies. Amongst the most relevant documents on the issue, in addition to United Nations, *World Social Report 2023*, cit., see World Health Organization, *Global Report on Ageism*, Geneva, 2021 and the *UN Decade of Healthy Ageing 2020–2030: Plan of Action*.

17 The debate on the adoption of an international Convention underwent a long hiatus, only to come back into focus after the pandemic. The most recent development, as of now, is the Resolution adopted by the United Nations General Assembly on 13 August 2024, entitled *Consideration of Decision 14/1 of the Open-ended Working Group on Ageing, entitled "Recommendations regarding the identification of possible gaps in the protection of the human rights of older persons and how best to address them"*.

18 On the point, see Doron, I., "25 Years of Elder Law: An Integrative and Historical Account of the Field of Law and Aging", *Theoretical Inquiries in Law*, vol. 21, DOI: https://doi.org/10.1515/til-2020-0002.

group, with a set of rights to be enjoyed, all of which generally regard specific spaces –the private ones. For the most part, these are "rights to a residual sociality, or one that can be reconstructed through practices of resocialisation outside of work, and also rights to everything that can lengthen, or at least alleviate, the downward path along those steps destined to come to an end"[19].

The awareness of this marginalised status suggested the need to promote the visibility of the elderly and recognise the specificity of their existential condition from a legal standpoint, probably as a result of the progressive emergence of the new cultural paradigms of old age. In this perspective, ageing can be understood as a "shared, dialectical, plural, and democratic function of orienting the law […] toward a societal project that […] is as just as possible"[20].

IV

It is clearly impossible to examine all the changes that have thus far occurred in the legal sphere as a result of the emergence of new paradigms of ageing. But what would happen if, as Simone de Beauvoir urged us to do, we demanded that human beings remain human beings even in old age—that is, if we recognised older persons as subjects entitled to rights on an equal footing with everyone else[21], and ensured that they enjoy all the conditions necessary to lead a dignified life? What "radical upheavals" might result from an effort aimed at the full realisation of the principle of equality, understood as the inseparable union of formal and substantive equality, that is, as the equal valorisation of differences[22]? And what role are we called upon to play in the construction of this new order, considered visionary and utopian by those who insistently urge us to confront a reality that, according to some, presents such radical otherness as to be incapable of inclusion within the "we"? In short, how is it possible to advance toward a vision of society that is "as just as possible" also in relation to older persons?

The affirmation of new models of ageing provides certain answers and allows for the delineation of pathways that, although not always moving in the same direction, are aimed at realising a "new order". One such pathway concerns the ability of older persons to live independently, that is, freely and autonomously

19 Ferrari, V., "Prefazione", in Velo Dalbrenta, D., *Invecchiamento della popolazione e passaggi generazionali. I. Questioni critiche*, Napoli, Edizioni Scientifiche Italiane, 7-13, IX (my translation).

20 Campedelli, M., "Invecchiamento tra capacità e disuguaglianze. Spunti di riflessione", *Questione Giustizia*, Nos. 3-4, 2011, 109 (my translation).

21 See, again, de Beauvoir, S., *La vieillesse*, cit., p. 14.

22 On this concept, see Gianformaggio, L., *Eguaglianza, donne e diritto*, Facchi, A.; Faralli, C., and Pitch, T. (eds.), Bologna, il Mulino, 2005, 37-39, 92-93; Ferrajoli, L., Principia Iuris. *Teoria del diritto e della democrazia. I. Teoria del diritto*, Roma–Bari, Laterza, 2007, 795-797.

within the community. Inhabiting[23], in fact, constitutes a crucial element in the creation of a society that aspires to be just, in which all individuals are guaranteed equal consideration and respect. It also reveals much about the cultural codes operative within society and the value attributed to human lives. Whether persons are guaranteed the opportunity to live within the community or, conversely, are forced—either through compulsion or because they lack the conditions necessary to make alternative choices—to live in places they have not chosen, possibly separated from the community, has a significant impact on their well-being and on the degree of inclusion afforded to them within a given society.

For this reason, guaranteeing the right to inhabit[24] plays a fundamental role in ensuring every person's right to live a dignified, flourishing, and non-discriminatory life. This is all the more true for older persons, who have long been among those experiencing heightened social and spatial vulnerability, particularly when classified as "non-self-sufficient". For them, institutionalisation was for a long time considered the only viable option.

One of the ways to secure the right to inhabiting is through the *right to independent living*, which is also the focus of the essays included in this forum. Independent living embodies both resistance to segregation, violence, and incapacitation, and the pursuit of recognition, equal dignity, the "conquest of space", and the right to make choices. Recognised as a human right under Article 19 of the *Convention on the Rights of Persons with Disabilities* (CRPD) [25], independent living is shaping law and society in a decisive way: it calls for the definitive end of segregation—which persists despite official declarations by multilevel institutions—and promotes free, self-determined living within the community, including for older persons. This right highlights the foresight and enduring relevance of Basaglia's thought and his emancipatory project, as well as the tangible, practical impact of what have been called the utopias of reality[26].

23 Inhabitation, in this perspective, encompasses both housing and access to public space.

24 At present, multilevel legal sources do not provide for a fully-fledged right to inhabiting. Nevertheless, there is a growing tendency to refer to inhabiting as a right in its own terms, characterised by a porous and relational nature, and one that assumes a central role in each person's existence. It may be argued that this is an "evident right", deriving from the very concept and foundation of human rights regardless of formal legal recognition. On evident rights, cf. Hunt, L., *Inventing Human Rights: A History*, New York, Norton, 2008.

25 International legal scholarship maintains that the CRPD may also be applied, by way of interpretation, to older persons. The reasons advanced in this respect are manifold; among the most significant are the existence of analogous needs—particularly in the case of non-self-sufficient older persons—as well as the fact that the notion of "independence", specifically as it relates to older persons, is also recognised in other multilevel legal sources. Clearly, for States belonging to the Organization of American States that have ratified the *Inter-American Convention on Protecting the Human Rights of Older Persons*, this point is settled; this is not, however, the case in the European context.

26 The implicit reference is to Basaglia's "utopia of reality". See Basaglia, F., *Conferenze brasiliane*, Ongaro Basaglia, F., and Giannichedda, M. G. (eds.), Milano, Cortina, 2018, 139.

Acknowledging the centrality of independent living and its legal significance[27], the contributions in this focus share a common premise: the full humanity of older persons and the imperative to ensure them complete access to human and fundamental rights. From a variety of legal perspectives (and in dialogue with the sociological one), the essays identify key conditions necessary to uphold this right, including the accessibility of rights[28], the promotion of e-health in the care process[29], and the strengthening of home care services—an area that has also been the subject of a significant, though imperfect, reform attempt within the Italian legal framework[30].

The essays present a complex and multifaceted picture, in which the right to independent living—while already a reality[31]—assumes the role of a political project aimed at social, legal, and urban transformation. It has the power to drive meaningful change, making it *legally imperative* to create contexts that fully uphold equality, including in relation to free and self-determined living, and that finally allow all individuals to exercise their liberty.

References

Basaglia, Franco, *Conferenze brasiliane*, Ongaro Basaglia, Franca, and Giannichedda, Maria Grazia (eds.), Milano, Cortina, 2018.

Bernardini, Maria Giulia and Giolo, Orsetta (eds.), *Le teorie critiche del diritto*, Pisa, Pacini, 2017.

Bernardini, Maria Giulia and Giolo, Orsetta (eds.), *Abitare i diritti*, Pisa, Pacini, 2021.

Bernardini, Maria Giulia, *La capacità vulnerabile*, Napoli, Jovene, 2021.

Bernardini, Maria Giulia, "La edad senil desde una perspectiva crítica: en busca de una teoría", *Derechos y Libertades. Revista de Filosofía del Derecho y Derechos Humanos*, vol. 53, No. 1, 2025, 115-137.

Campedelli, Massimo, "Invecchiamento tra capacità e disuguaglianze. Spunti di riflessione", *Questione Giustizia*, Nos. 3-4, 2011, 105-124.

Cumming, Elaine and Henry, William H., *Growing Old: The Process of Disengagement*, New York, Basic Books, 1961.

De Beauvoir, Simone, *La vieillesse*, Paris, Gallimard, 1970.

27 In this focus, see the international-law analysis by Vincenzo Lorubbio, as well as my own framing of the meaning of the right to independent living and its connection with Basaglia's project of "liberation".

28 In this focus Orsetta Giolo reflects on the issue adopting a legal-philosophical perspective.

29 For a sociological analysis, see the essay of Luca Benvenga, in this focus.

30 The point is emphasised in Alessandra Pioggia's analysis of the Italian context, where the Author adopts an administrative-law perspective.

31 This right is already a reality, both because it is provided for in numerous multilevel legal sources and because it is implemented in certain legal systems, or is the subject of experimental initiatives in others, including the Italian one.

Bobbio, Norberto, De senectute *e altri scritti autobiografici*, Torino, Einaudi, 1996.

Featherstone, Mike, and Hepworth, Mike, "Images of Ageing: Cultural Representations of Later Life", in Johnson, Malcom L. (ed.), *The Cambridge Handbook of Age and Ageing*, Cambridge, Cambridge University Press, 2005, 354-362.

Doron, Israel, "25 Years of Elder Law: An Integrative and Historical Account of the Field of Law and Aging", *Theoretical Inquiries in Law*, 21, DOI: https://doi.org/10.1515/til-2020-0002.

Ferrajoli, Luigi; Principia Iuris. *Teoria del diritto e della democrazia. I. Teoria del diritto*, Roma–Bari, Laterza, 2007.

Ferrari, Vincenzo, "Prefazione", in Velo Dalbrenta, Daniele, *Invecchiamento della popolazione e passaggi generazionali. I: Questioni critiche*, Napoli, Edizioni Scientifiche Italiane, 7-13.

Foster, Liam, and Walker, Alan, "Active and Successful Aging: A European Policy Perspective", *The Gerontologist*, vol. 55, No. 1, 2015, 83-90.

Gianformaggio, Letizia, *Eguaglianza, donne e diritto*, Facchi, Alessandra; Faralli, Carla, and Pitch, Tamar (eds.), Bologna, il Mulino, 2005.

Hunt, Lynn, *Inventing Human Rights: A History*, New York, Norton, 2008.

Mauss, Marcel, "Essai sur le don. Forme et raison de l'échange dans les sociétés primitives", *L'Année Sociologique*, seconde série, 1, 1923-1924, 30-186.

Pinna, Giovanna, and Pott, Hans-Georg (eds.), *Senilità. Immagini della vecchiaia nella cultura occidentale*, Alessandria, Edizioni Dell'Orso, 2011.

Rowe, John W., and Kahn, Robert L., "Human Aging: Usual and Successful", *Science*, vol. 237, No. 4811, 1987, 143-149.

United Nations, *World Social Report 2023. Leaving No One behind in an Ageing World*, New York, United Nations, 2023.

Urtamo, Annele; Jyväkorpi, Satu K., and Strandberg Timo E., "Definitions of Successful Ageing: A Brief Review of a Multidimensional Concept", *Acta Biomedica*, vol. 90, No. 2, 2019, 359-363.

Walker, Alan, "The New Ageism", *Political Quarterly*, vol. 83, No. 4, 2012, 812-819.

World Health Organization, *Global Report on Ageism*, Geneva, 2021.