

# Una postilla dissenziente

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## *A Dissenting Postilla*

*Abstract:* The Author dissents with the strong criticism expressed by C. Flamigni and M. Mori on the Italian statute 40/2004 on artificial reproduction in their book. The statute has attempted with much difficulty to enforce the principle of human dignity and set boundaries to the use of reproductive technologies against the heavy pressure of economic interests and the growing mainstream opinion which seems to reduce the issue to the cliché of “freedom of choice” and to that of “scientific progress”. Moreover, this mainstream opinion is in contradiction with the claims for the protection of the natural environment advanced in industrialized societies, which, in fact, imply boundaries to the technology. Values must be balanced: whether it be scientific research or the desire to have children, even more so today, as subjectivism weakens the efficacy of the Constitutions. Finally, the Author expresses the hope that after 10 years of a lack of dialogue in this field the dialogue will be restored in order to find a participative way to take into account also the rights of those who will be born by means of these technologies.

*Keywords:* Artificial reproduction, Constitutional values, Filiation, Insemination by donors, Juridical subjectivism, Reproductive self-determination.

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