

# L'ordinanza della Corte costituzionale sul caso Cappato: osservazioni critiche

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*The Writ of the Constitutional Court on the Cappato Case: Some Critical Observations*

**Abstract:** The paper argues that there is a tension between the analytic defence of the general constitutionality of art. 580 of the penal code, developed by the Court in the first paragraphs of its writ, and the explicit declaration of its partial unconstitutionality which is argued in later paragraphs. It is argued that, at least with reference to a specific set of patients, the Court moves from a defence of a right to refuse medical treatment to an explicit right to choose death, which does not seem constitutionally warranted by the Court's reading of art. 2 and 32 itself. It is concluded that the argument offered by the Court inevitably tends to lead to sanctioning voluntary active euthanasia as well.

**Keywords:** Physician-assisted suicide, Voluntary active euthanasia, Self-determination, Vulnerability.

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