

Bioetica e giurisdizione della Corte Costituzionale

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Bioethics and judgement of the Constitutional Court

Abstract: This paper is part of a debate on the end of life that was held in this journal, in which a jurist argued that the Constitutional Court is not entitled to judge on issues of a bioethical nature, as they only concern the Parliament and the political domain. The present work contests this theory, based on several observations. Assuming that the Italian Constitution is founded on the principle of freedom in its various meanings, the paper outlines the limits that this principle can encounter. These boundaries cannot be drawn depending on the protection of the interests of whom owns the rights of freedom, but only in order to protect the interests of others. Furthermore, there are spheres of freedom in which the interests of others either cannot be configured or must not prevail over freedom in a balance of interests. The freedom of the individual also translates into the ability to dispose of one's own life, albeit with some limitations, and therefore the right of someone to end his/her existence is constitutionally protected. In this sense, the control of the Constitutional Court on laws that could violate the legislation is rightful and mandatory.

Keywords: Constitutional Court, Bioethics, End of life.

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