

Civil and Religious interaction in Italian Law: the Living Will under Italian Law.

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The interaction between religious and civil principles could emerge in many different issues of the legal systems. Such as in others contemporary legal systems, also in the Italian legal one it seems to be focused not only on the family law rules (in a strict meaning of them) but also on the legal rules that involve the fundamental rights and interests of persons as human being, in a single consideration of them.

The issues concerning the possibility to create a living will with the limits and the specific prerogatives in this ambit is a clear example of this interaction. In a comparative perspective, the possibility to create a living will with a common core and some different effects between single legal systems can be found such in the single States of the USA, as in many legal systems in Europe.

In the Italian legal system the right to make a living will can be obtain – also now – by the general principles of the Italian private law, but the safety that the right of each person to be let alone, as the right to determine what shall be done with his own body could be enforce only with a new Act on the living will. The debate necessarily involves civil principles as religious principles about life, autonomy and self determination.