

Obiezioni di principio. I doveri del medico nei casi controversi di aborto e disposizioni anticipate di trattamento

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Conscientious Objection. The Duties of Doctors in Controversial Cases of Abortion and Advanced Directives for Treatment

Abstract: The article deals with the role of conscientious objection with reference to controversial laws in bioethics. After discussing some of the reasons why individual conscience deserves respect, by other individuals and by the law, we present the cases of Italian laws n. 194/1978 and n. 219/2017: the first, dealing with voluntary abortion, accepts conscientious objection, while the second, devoted to advance directives for treatment, does not. We reject an argument aimed at justifying the differential treatment of conscientious objection in the two contexts, and we also reject some arguments trying to justify the abolition of conscientious objection in the case of abortion as well. Finally, we defend the appropriateness of authorizing authentically conscientious objections, limiting them so as to exclude those suggested by opportunism; on the other hand, we exclude the possibility of an institutional objection in the case of advance directives, contrary to what happens in the case of abortion.

Keywords: Conscientious objection, Advance directives for treatment, Abortion, Conscience clause.

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