

LAW AND ETHICS

Assisted suicide divides Italian Catholic Church

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Assisted suicide is on the horizon of being introduced in Italy, and the Italian Church is divided. While this is not unusual when it comes to ethical issues, the consequences of this case could have repercussions even outside Italy, given what is at stake and the ecclesiastical authorities involved. The bone of contention is a bill (Ddl) presented in Parliament by the centre-right majority, with the blessing of the leaders of the Italian

Episcopal Conference and the Pontifical Academy for Life. This bill intends to 'anticipate' another bill presented by the left in a restrictive sense. Those opposed to any law on the subject include the Catholic opinion website the *Daily Compass*, the main Italian pro-life association *ProVita & Famiglia*, and several bishops, including Cardinal Camillo Ruini, who was president of the Italian Episcopal Conference during John Paul II's papacy.

But to understand what is happening, let us take things in order. In Italy, there is already a law (No. 219/2017) which introduced 'living wills' and thus enshrined the principle of self-determination. This law effectively allows euthanasia for minors under the age of 18 and incapacitated individuals, as it permits the refusal of assisted hydration and nutrition.

While this law lays the groundwork for subsequent developments, the current debate stems from Constitutional Court ruling no. 242/2019, which decriminalises assisted suicide when four conditions are met:

- a) The person is suffering from an irreversible condition.
- b) The condition causes physical or psychological suffering that the person seeking suicide deems to be intolerable.
- c) The person is kept alive by life-sustaining treatment.
- d) The person is capable of making free and informed decisions.

Following ruling 242/2019, there has been strong political pressure for a law to legalise assisted suicide. This is primarily being promoted by the *Italian Radicals*, who have previously campaigned for divorce and abortion in Italy, and their '*Luca Coscioni Association*'. For years, the association has been recruiting candidates for assisted suicide in order to create the court cases necessary for their liberal bill. They are supported by the entire centre-left, who have also tried to force the issue through regional legislative initiatives such as in Tuscany. This has opened a dispute with the government that will have to be resolved by the Constitutional Court.

Most notably, the previous legislature has already prepared a centre-left bill that is even more liberal than ruling 242/2019. In response, the national centre-right decided to present its own assisted suicide bill, based on the same Constitutional Court ruling, but with more stringent requirements. These include: the person requesting assisted suicide must be of legal age; they must already be receiving palliative care; their suffering must be both physical and psychological; and the conditions for accessing

assisted suicide must be verified by a National Evaluation Committee (to be established). Even if authorised, assisted suicide cannot utilise the personnel, equipment, or drugs of the National Health Service. In practice, the person seeking suicide would have to pay for the procedure.

The bill is supported by the leaders of the Italian Episcopal Conference (CEI), whose daily newspaper *Avvenire* has published several articles in recent weeks advocating the approval of a law as a 'lesser evil'. In this vein, the leaders of the Pontifical Academy for Life (PAV) have also spoken of the need for 'mediation', both during the presidency of Monsignor Vincenzo Paglia and with the current president, **Monsignor Renzo Pegoraro** (who was recently appointed), who has called for assisted suicide to be guaranteed by the National Health Service.

Once again, as in other circumstances, those in favour of compromise on the Catholic front invoked no. 73 of Evangelium Vitae. In this section of his encyclical, St John Paul II explains that a parliamentarian 'could lawfully offer their support to proposals aimed at limiting the damage' of an unjust law (the Pope was referring to abortion, but this judgement also applies by analogy to euthanasia and suicide, both of which are condemned in the same encyclical) 'already in force or put to the vote'.

However, no. 73 of Evangelium Vitae is not applicable to this bill. The encyclical's logic, in line with Catholic doctrine, is that a parliamentarian may vote for an amendment to restrict an unjust law, but not for the law itself. This is all the more pertinent when the law does not exist. John Paul II's encyclical does not advocate approving an unjust law prematurely to avoid the hypothetical approval of an even more unjust law. Furthermore, no. 73 of EV, citing a statement by the Congregation for the Doctrine of the Faith, specifies: 'In the case of an intrinsically unjust law, such as one permitting abortion or euthanasia, it is never permissible to conform to it, nor to participate in a campaign to bring about a change in the law, nor to support such a law by voting for it'.

Catholics who are opposed to the parliamentary initiative on assisted suicide emphasise that approving an unjust law with 'restrictions' is both morally wrong and politically defeatist. The Bishop of Ventimiglia-Sanremo, Monsignor Antonio Suetta, addressed the moral principle, stating that 'no compromise is possible on assisted suicide' and that 'evil can never be pursued, even if it is less than a situation that promises to be worse'.

In terms of political effectiveness, the experience of Law 40/2004 in Italy is instructive:

Catholics were divided between proclaiming the whole truth (that artificial fertilisation is always illicit, even if homologous) and seeking compromise. In the years following the approval of Law 40, the Constitutional Court declared several of its restrictions unconstitutional, confirming the slippery slope theory in the moral sphere and thwarting the intentions of those who sought to avoid a worse law through that legislative compromise. Significantly, Cardinal Camillo Ruini, the architect of the compromise on Law 40/2004, recently took a stand against the assisted suicide bill in an interview with the Italian daily *Corriere della Sera*: "Better no law than a bad law," he said.

This is an important statement because Parliament is under no obligation to legislate, despite the Constitutional Court's ruling. Furthermore, it is by no means certain that a worse law would be passed in the absence of the centre-right's bill, given that the centre-right currently holds a solid majority in both houses of Parliament. Therefore, if it so wishes, it can easily reject the left's attempts to pass a law that would worsen the current situation, which has already permitted the assisted suicide of nine individuals over six years. Approval of a law would normalise suicide at a cultural level, increasing social pressure on the most vulnerable and the number of people considering suicide.

For this reason, the position of the CEI and PAV leaders, who are seeking a political compromise at the expense of proclaiming the truth, is particularly disturbing.