

SOCIAL DOCTRINE

Family in the woods right to subsidiarity violated by Italian State

FAMILY AND EDUCATION

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**Stefano
Fontana**



The case of the 'family in the woods' is closely related to the principle of subsidiarity, which is important in the social doctrine of the Church. It states — and it is worth repeating — that political authority must not replace the intermediate social groupings,

but must allow them to fulfil their duty and exercise their right to pursue their own good. If they are incapable or unable to act on their own, political authority may intervene, but only in a spirit of substitution and in such a way that they regain their autonomy. Therefore, political authority either does not intervene, or intervenes prudently and gradually to allow intermediate social groupings to regain their autonomy. This is, of course, only in cases where those intermediate social groupings have claims to autonomy justified by respect for natural law.

Various important elements of social architecture underpin this political

doctrine: there is no single, uniform, common good decided by political power; society is organic, and every natural organism must pursue its own common good in accordance with the natural order of things; and the state and its institutions serve the political community as a whole and natural societies, not the other way around.

Another important point to bear in mind is that interventions by political authority, carried out on a subsidiary basis to help a social organism regain its ability to function independently, must be in accordance with natural law and not at the discretion of the authority itself. This requires a distinction to be made between natural societies and intermediate bodies. Natural societies include the family, local communities, municipalities and nations, and are not simply aggregations of citizens pursuing elective goals. Their goals are not elective, but ascriptive.

Any assistance provided to a family must respect what a family is at a natural level and must not disrupt it. A family is not a generic group of individuals, but a real society with its own authority and its own common good to pursue. The duties and rights of its members take precedence over what the state establishes and disposes. Interventions by the administrative system must avoid arbitrary criteria and allow the family to dictate the criteria, in this case, based on the nature of things.

Unfortunately, experience shows that administrative bodies often reverse the order of things. In our society, the family is placed in serious difficulty by an anti-family legislative, fiscal and educational system. The hardships induced in this way are then addressed by public services, which operate according to their own criteria, creating a vicious circle. The family is damaged, and then help is sought outside of the family, thus weakening it further.

The case of the 'family in the woods' has made the difficulties arising from the neglect of the principle of subsidiarity clear. A supplementary and subsidiary approach has been lacking, while a substitutive approach has prevailed. The family is

the original natural subject responsible for organising its own life for the good of the family. Provided it does not violate the principles of natural law, it has the right to organise its own life and the public authorities cannot intervene. However, many reasons for judicial intervention depend not on finding shortcomings of this kind, but on the 'eccentricity' of this way of life compared to dominant conventional criteria.

If limitations or impediments that can be removed are found, higher societies should intervene according to the aforementioned principles of prudence and gradualism, but never replace the family. If the family needed help, it would have been possible to provide it without creating dependence on public subsidies, while guaranteeing the family's freedom to organise itself for its own good.

Forced break-up of the family through judicial intervention does not respect the family's original and natural autonomy with respect to political institutions. Furthermore, this occurs without any gradualness in ascertaining the real situation or identifying possible areas of subsidiary help. It was an intrusive act by the state with a clearly substitutive, rather than subsidiary, character.