

Legitimacy crisis of the Catholic church: sex abuse scandals and the ways out

Abstract:

The Catholic church nowadays is facing difficulties because of rejecting to accept the real social situation in modern society, especially in what concerns the modern family. While contraception, abortion and homosexuality are considered by the majority of people as acceptable practices, the Church sees them as a “culture of death”¹. These views become hypocritical after the recent sex abuse scandals all over the world, which saw catholic bishops conceal and therefore tolerate the paedophilic behavior of many priests. Our research question is how does the Catholic church restore its damaged legitimacy? In order to answer it, we will use the concepts of Niklas Luhmann and Nils Brunsson, and newspaper articles by analyzing the change of the formal structure of the Church and looking at it from the perspectives of action versus talk. The thesis is that though the Church does a relevant number of actions, its talk is rather controversial and the actions are not leading to a greater openness and, thus, the legitimation crisis can not yet be left behind.

Table 1. Restoration of legitimacy of the Catholic Church by changing the formal structure from perspectives of action and talk

	Action	Talk
Program	financial settlements with the victims, reducing ordinary operating expenses, new/revised laws & guidelines, training for children, victims' support centre	Apologies, campaign of denigration of the church, "petty gossip"
Communication	National Review Board USA, high-profile team of prelates Ireland	Facts don't reach the top, "aggressive" efforts to link the Pope to the scandal
Personnel	priests forced to resign or be defrocked, bishops forced to resign or retire, training, background checks for Church employees	blaming

1 Paul VI, Pope (1968). "Humanae Vitae". Vatican.

Background of the case

The Catholic church stands today in a rather vulnerable position because its views are contrasting the reality of the modern social situation, especially in what regards the modern family. The Church doesn't recognize divorces, except for several particular cases, when it has become an absolutely normal practice in modern society. While contraception, abortion and homosexuality are considered by most people as acceptable practices, the Church sees them as a “culture of death”².

These views seem to be contradictory or even hypocritical after the recent sex abuse scandals all over the world, when it was revealed that a number of catholic bishops concealed and therefore tolerated the paedophilic behavior of many priests. The church is undergoing nothing less than an important shift, which divided the church people into those who support the traditional idea of protecting bishops and priests and those who demand more openness and accountability.

The cases of child abuse by priests that were revealed, cover at least previous three decades. The recent wave of disclosures concerned the United States in 2002; Ireland in 2009; Germany, Austria, the Netherlands and again the United States in 2010³. For years catholic bishops covered the corrupted priests and instead of bringing them to trial, the bishops transferred them to another place, permitting the continuation of crimes. There were cases when one priest abused more than two hundred children⁴.

Disclosures in Germany were particularly dangerous for the Catholic Church's legitimacy, because there were suspicions that the Pope Benedict XVI in his early career didn't report about the abuse cases he knew about, but he was defended by many church members as having done more to reform Vatican policies than anyone else.

For our research is important to know the hierarchy of the Catholic Church. It

2 Ibid

3 Roman Catholic Church Sex Abuse Cases. The New York Times. http://topics.nytimes.com/top/reference/timestopics/organizations/r/roman_catholic_church_sex_abuse_cases/index.html

4 Catholic Church sex abuse scandals around the world. BBC. <http://www.bbc.co.uk/news/10407559>

has three levels: Episcopate, Presbyterate, and Diaconate. Episcopate consists of dioceses, each overseen by a bishop; presbyterate consists of parishes, each staffed by one or more priests; diaconate is represented by deacons. The Pope is the Bishop of Rome.

Introduction to the research

Our research question is how does the Catholic church restore its damaged legitimacy? In order to answer it, we will look at the change in its formal structure. The formal structure of an organization can be analyzed by dividing it into several parts. Niklas Luhmann, for example, describes three types of decided decision premises: programs, personnel and communication channels⁵. The first type, programs, includes management, directives, planning. The second type, communication channels, include division of labor, hierarchy. The third type, personnel, includes individual workers.

It is relevant to speak about the formal structure not only from the point of view of decided actions, but also of simple talk, that is, not only what an organization does, but also what it says. In the process of producing legitimacy are important both talk and action. According to Nils Brunsson, their combination is a powerful tool in the hands of an organization, even if they are contradicting, that is, when hypocrisy appears⁶.

Program change

There was a huge amount of new programs introduced by the Catholic Church during recent years. Financial settlements with the victims took from the Church's budget somewhat \$2 billion⁷. Consequently, some dioceses had to reduce their ordinary operating expenses by closing churches and schools.

Several new internal laws were introduced by the Church, for example, the Charter for the Protection of Children and Young People in 2002 in the United States⁸

5 Luhmann, Niklas (2000) *Organisation und Entscheidung*. Opladen: Westdeutscher Verlag

6 Brunsson, Nils (2007) *The Consequences of Decision-Making*. Oxford University Press, 111-134

7 Roman Catholic Church Sex Abuse Cases. *The New York Times*.

http://topics.nytimes.com/top/reference/timestopics/organizations/r/roman_catholic_church_sex_abuse_cases/index.html

8 Conference of Catholic Bishops (2005). "Charter for the Protection of Children and Young People".

together with the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons. Still, these legal measures didn't prevent another scandal in the USA, what means that new law had undermined themselves as a tool for gaining legitimacy.

On 21 May 2010 the Pope made several changes of the catholic canon law by revising the "Norms concerning the most serious crimes", the text of which with comments is published on the official site of the Vatican within a special page, dedicated to the sexual abuse issue⁹. The Pope introduced measures intended to accelerate juridical procedures; a possibility of having not only priests but also lay persons as members of the tribunal staff, lawyers or prosecutors; new category: paedophile pornography; established parity between the abuse of mentally disabled people and that of minors¹⁰. One of these introductions can be seen as a step to more openness, that about participation of lay persons in trials, and therefore is strongly important for the restoration of legitimacy.

Also guidelines urging bishops to report abuse cases to civil authorities were written. Another change in formal program is introduction of training of children to recognize and report abuse. That are children's actions that can considerably reduce criminal cases. Also in Belgium a decision to set up a victims' support centre was taken¹¹.

It's interesting that while new programs are being introduced, what we hear from the Church members' talk are not only apologies, but also such opinions as that the scandal of sex abuses is a "petty gossip" or a "campaign of denigration of the church"¹². Such a talk tends to move away from the path towards openness and therefore harm Church's legitimacy.

<http://www.usccb.org/ocyp/charter.shtml>

9 Abuse of minors. The church response. http://www.vatican.va/resources/index_en.htm

10 Lombardi F. The significance of the publication of the new "Norms concerning the most serious crimes". http://www.vatican.va/resources/resources_lombardi-nota-norme_en.html

11 Catholic Church sex abuse scandals around the world. BBC. <http://www.bbc.co.uk/news/10407559>

12 Roman Catholic Church Sex Abuse Cases. The New York Times. http://topics.nytimes.com/top/reference/timestopics/organizations/r/roman_catholic_church_sex_abuse_cases/index.html

Communication channels change

There was no considerable change of the communication channels in the Catholic Church. The examples are mostly connected with establishment of special commissions to investigate abuse cases and to control the observance of the new rules against sexual abuse. The National Review Board was established in the USA in 2002 and in 2010 there was appointed a high-profile team of prelates to investigate Irish dioceses and seminaries. Thus, the catholic hierarchy appears to be rather rigid.

On the level of talk the hierarchy seems to be presented as or too flexible, or too sophisticated because the information doesn't reach the top. The scandal is compared with "aggressive" efforts to link the Pope to the scandal¹³. Also it's necessary to mention a significant occurrence in the Netherlands. In 2010 a cardinal appeared in TV on the occasion of sex abuse scandal and shocked the nation by replying not in Dutch but in German: "Wir haben es nicht gewusst" (We knew nothing)¹⁴, a phrase associated with Nazi excuses after World War II. Thus, he supposedly admitted that the top of Catholic Church did know about the abuse cases, but intentionally didn't make the information public. This claim is not hypocritical, on the contrary, it is frank. One can imagine that it is this kind of talk that leads to more accountability and consequently more legitimacy, but what do we see? The society is shocked, it didn't expect such frank claims, even if almost everyone could have imagined the truth. And here we have a paradox: frank talk doesn't produce more legitimacy than hypocrisy.

Personnel change

The Catholic Church focused its changes also on its own members, what is logical, because that were they, who abused children and covered crimes. Thus, many of the accused priests were forced to resign or were defrocked; in addition, several bishops who had participated in the cover-up were also forced to resign or retire. There were introduced background checks for Church employees and also trainings

¹³ Ibid

¹⁴ Ibid

of the clergy.

The Pope in his talk strongly criticized the sinners and in his letter to Irish Catholics he expressed "shame and remorse" for "sinful and criminal" acts committed by members of the clergy¹⁵.

The dismissal of directly responsible for crimes and their concealers is an effective way to get from a legitimacy crisis, but not decisive. How can people know that all responsible are punished? The fact of covering-up of members of an organization is straightly connected with informality. No internal rule says that the organization should not wash its dirty linen in public, but it is implied in informal rules. So if an organization changes its formal rules, it doesn't mean that its informal practices change.

Thus, whatever formal and display changes the Catholic Church introduces, it will not restore its legitimacy without more openness towards the society. Some of its actions tend to be open-oriented, for example, the possibility of participation of lay persons in internal trials and frankness of some Church members, but still the Catholic Church remains a highly closed from the secular society organization, what leaves a suspicion of further possible cover-ups.

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