



Dissent as Deviance: Sociological Observations on Structural Conflicts in Church

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Over the past century, dissent has become increasingly apparent with regard to many institutional norms of the Roman Catholic Church, including the doctrinal, moral, and legal norms that determine behavioral expectations within the church as an institution. In the legal field, dissent often manifests as deviance, behavior which opposes or undermines the ecclesiastical norms. In my contribution, I explore dissent as deviance with regard to the current social structure of the church in light of sociological considerations on anomie. To do this, I have divided my study into three steps. First, I refer briefly to the recent symptoms in the church which reveal the deterioration of institutional norms. Second, I endeavour to identify the structural reasons that might be responsible for causing this effect by studying sociological findings on deviance and anomie, foremost among them Robert Merton's strain theory. Third, I apply these

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considerations to recent phenomena in the church to gain a better understanding of why the current social structure of the church is inducing certain groups to turn to deviant behavior. I conclude by linking these sociological observations with theological thought to show how a theory of non-reception might help the church to learn from deviance and improve its structure.

INSTITUTIONAL NORMS AND THEIR LOSS OF EFFECTIVENESS

The church is exhibiting manifold symptoms of institutional decay, above all with regard to its law. Abundant laws exist, but many of them fail to impact the social reality of the church.¹ Many Catholics refuse to abide by legal prohibitions or commands they find detrimental to their local communities and their faith. In Germany, for instance, the vast majority of Catholics no longer follow the legal rule to confess their grave sins at least once a year, as commanded by canon law (see canon 989 CIC/1983). And those who do confess regularly tend to do so not because the law demands it, but because they freely choose to do so in accordance with their own spirituality. Most breaches of canon law remain unpunished. Ecclesiastical authorities tend to punish clerics solely out of necessity to avoid public outrage—such as in cases of sexual abuse of minors (see canon 1398 CIC/1983); and they usually refrain from punishing lay Catholics altogether. For instance, the legal threat towards parents who hand over their children for non-Catholic baptism or education was only recently reinstated when the legislator reformed ecclesiastical penal law in 2021 (see canon 1367 CIC/1983), but it is practically irrelevant. A growing number of Catholics are also refraining from accessing the opportunities provided to them by the law. For instance, in many local churches, the number of canonical marriages is steadily decreasing, as is the demand for marriage nullity procedures. Ecclesiastical procedural law is largely a dead letter. There are hardly any penal procedures, apart from those on sexual abuse; there are barely any civil actions; and in many countries, merely Catholics who work for the church attempt a marriage nullity procedure after their marriage has failed. In short, it is apparent that canon law is currently losing much of its relevance, at least whenever its effectiveness depends on individual decisions. Laws that structure the church with a quasi-automatism, such as its constitutional laws, are very effective. Yet laws which become effective only upon individual decisions are increasingly losing their effectiveness. Over the last couple of decades, large parts

of canon law have atrophied into “law in books” and failed to be “law in action.”² Many norms have ceased to be “living law”³ and have become “law on paper.”⁴

We can make similar observations with regard to other institutional norms of the church as well. Many doctrinal or moral norms face a similar destiny. Over the past couple of decades, they have increasingly failed to impact the social reality of the church. From *Humanae vitae* to *Ordinatio sacerdotalis*—the list of institutional norms to which many Catholics respond with tacit disapproval or outright rejection is long. Canonist Werner Böckenförde impressively illustrated the precarious stance of many institutional norms as follows,

There is a huge gap between the demands of Rome and the praxis in the pastoral field of the church. This gap exists between the priests and the laity, between the bishop and his priests, partially also between the pope and the bishops. People say, ‘Fulda is far away, Cologne is far away, Rome is even farther away.’ Many clerics and lay people feel conscience-bound to refuse the demands of Rome; and many bishops tolerate this, as long as it does not appear in the newspaper and no one files a complaint about it.⁵

STRUCTURAL REASONS FOR ECCLESIASTICAL ANOMIE

There are two ways to simply dismiss this problem. The first is to blame the institutional norms, for instance, by rejecting the law in general as a suitable instrument for organizing faith communities such as the church. The second is to blame the church members and demand their return to unrestricted obedience. However, if one generally accepts that institutional norms are essential tools for providing a complex church with an order, neither of these responses is of much value. Instead, it seems well worth asking what the underlying reasons might be for the widespread lack of compliance with many institutional norms in the church.

Deviant Responses to Social Expectations

I want to suggest that we can, from a sociological point of view, actually speak of “anomie” with regard to some parts of ecclesiastical life. In saying this, I use the term “anomie” in the Durkheimian tradition as alluding to a structural phenomenon which can destroy solidarity within a group⁶ or give rise to anti-social individualism.⁷ Unlike many adherents of Durkheim,

though, I am less interested in studying the individual side of anomie with its psychological effects on individuals, even if this strand of anomie research has resulted in a wide range of fascinating studies, some even dealing with anomie in religious contexts.⁸ Instead, I use the term to describe the state of a group—a society or a community such as the church—where social structures induce individuals to deviate from institutionally accepted behavior that can result in what Robert Merton, in his famous expansion of Durkheim’s thesis, called the “demoralization” of the traditional order or the “de-institutionalization”⁹ of the traditional norms, “the breakdown of the norms,” the group’s increasing “normlessness,”¹⁰ and “cultural chaos.”¹¹ I follow Merton, who searched for the “social and cultural sources of deviant behaviour,”¹² insofar as he argued that a widespread nonconformity with institutional norms is not rooted in individual failure but in social structure.¹³ Merton defined “social structure” as an “organized set of social relationships in which members of the society or group are variously implicated.”¹⁴ Sociologist Leo Fay in his study on anomie in a religious institute of nuns has, for instance, determined that the mission and purpose of the religious institute, the role and structure of authority in the nuns’ communal life, and the nature of their communal life contribute to the social structure of the institute.¹⁵ This structure has the function of allowing group members to pursue certain cultural goals towards which the group strives. Every group defines cultural goals that it feels are worth pursuing. And it also determines permissible procedures as the “cultural structures” of how to attain these goals with the help of institutional regulations. These structures, as Merton defines, serve as an “organized set of normative values governing behaviour which is common to members of a designated society or group.”¹⁶ Now, following Merton, both elements—the cultural goals and the cultural structures—form a coalition to establish desirable ends and permissible means of attaining these ends in a group. Both “culture goals and institutional norms, operate jointly,”¹⁷ as Merton assumes. He observes, “Every social group invariably couples its scale of desired ends with moral or institutional regulation of permissible and required procedures for attaining these ends.”¹⁸ These regulations determine which means are commonly considered acceptable for accomplishing cultural aspirations, as Merton writes, “The choice of expedients for striving toward cultural goals is limited by institutionalized norms.”¹⁹ Compliant behavior within a group, therefore, consists of striving towards the desired ends with the help of permissible means.

However, as Merton concludes, it is less a sense of individual morality which motivates individuals to show compliant behavior and more the social forces exerted on them by the social structure. Merton notes, "The social structure acts as a barrier or as an open door to the acting out of cultural mandates."²⁰ This thought can be reformulated with the help of Fay's example of religious institutes to state that the mission and purpose of the institute, the role of authority in the institute, and the nature of communal life build the social structure based on which individual nuns can pursue their goal of leading a pious and fulfilling religious life by utilizing the institutional norms of the institute. It is necessary that the group members profit from compliant behavior to some degree to make their compliance probable, as Merton maintains. He holds, "The distribution of statuses through competition must be so organized that positive incentives for adherence to status obligations are provided *for every position* within the distributive order."²¹ In consequence, the social structure is a precondition based on which compliance with the norms becomes either probable—or rather unlikely. Systems which fail to provide certain parts of the group with the prospect of profiting from compliance as a means to attaining the cultural goals tend to suffer from deviant behavior as a natural consequence. This is "a 'normal' response"²² to the mismatch between cultural goals and institutional norms, as Merton proposes, "In this conception, cultural values may help to produce behaviour which is at odds with the mandates of the values themselves."²³ He defines, "aberrant behaviour may be regarded sociologically as a symptom of dissociation between culturally prescribed aspirations and socially structured avenues for realizing these aspirations."²⁴ As the cultural goals seem structurally unattainable with the permissible means as defined by the institutional norms, the individuals turn to alternative strategies to strive towards their cultural goals. Accordingly, widespread deviance, as Merton argues, is not a result of original sin but of structural malfunction. It is a symptom that "some social structures exert a definite pressure upon certain persons in the society to engage in nonconformist rather than conformist conduct."²⁵ He asserts, "It is the conflict between culturally accepted values and the socially structured difficulties in living up to these values which exerts pressure toward deviant behavior."²⁶

Four Categories of Deviant Behavior

Merton identifies four “deviant” options for responding to social structures which obstruct the individual’s striving toward the cultural goal with acceptable means: innovation, ritualism, retreatism, and rebellion. In systems in which certain cultural goals are presented as absolute, individuals tend to pursue these goals at all costs—if necessary, with the help of “innovation,” namely deviant means to achieve the goal. He elucidates, “It is when a system of cultural values extols, virtually above all else, certain *common success-goals for the population at large* while the social structure rigorously restricts or completely closes access to approved modes of reaching these goals *for a considerable part of the same population*, that deviant behaviour ensues on a large scale.”²⁷ In his studies, Merton exemplifies this with the American idolization of economic success, the willingness to sacrifice virtually anything for the goal of economic prosperity while even pushing individuals to engage in deviant behavior to attain that end. Here, the social structure of society, which does not enable all members of society to prosper by relying on legal ways of realizing the American Dream, in fact, encourages illegal behavior to achieve success. Hence, groups which cultivate a “rigidified class structure, a caste order,”²⁸ which prevents all group members from standing a fair chance of achieving the common goals with the use of legitimate means induce the use of illegal means. Merton explains, “Any and all devices which promise attainment of the all important goal would be permitted.”²⁹ In this system, as Merton finds, deviant behavior is a reasonable way of responding to cultural expectations. It is therefore evident that Merton himself does not use the term “deviance” to express a moral judgement but merely to describe behavior which departs from a group’s established norms, often due to rather rational reasons, as in the case of “innovative” strategies for attaining a desired end with the only means at hand. According to Merton, identifying “deviance” in a group does not necessarily put the blame on the “deviant” individual, as he reckons, “it may be the norms of the group which are at fault, not the innovator who rejects them.”³⁰ Deviant behavior might not even be dysfunctional for the group. It simply denotes behavior which departs from conventionally recognized norms. This behavior is structurally stimulated in systems which establish an absolute cultural goal but fail to attribute all group members with access to legal or acceptable means for striving towards attaining that goal.

Merton observed, in any case, that the choice of deviant behavior as a response to social structures which obstruct the individual striving towards the cultural goal with acceptable means is individually different and is often the result of socialization. Individuals who cannot pursue common goals by using socially accepted means tend to turn to innovative behavior if they “have been imperfectly socialized so that they abandon the institutional means while retaining the success-aspiration.”³¹ On the contrary, those who “have fully internalized the institutional values” tend to turn to “an alternative response in which the goal is abandoned but conformity to the mores persists.”³² Merton calls this individual adaptation to the situation “ritualism.” It is exercised by individuals who widely abandon the pursuance of the common goals—or scale down their aspirations to a considerable degree—and instead turn the institutional means established to attain the goals into *an end in themselves*. Instead of focusing on the cultural goals, ritualism is exclusively concerned with abiding by the norms, as Merton states, “Sheer conformity becomes a central value.”³³ Due to its obsession with the established norms, ritualism fights for maximum normative stability, thereby fervently protecting institutional norms from change by preventing alternative options of behavior from becoming norms.³⁴ Merton maintains, “There develops a tradition-bound, sacred society characterized by neophobia.”³⁵ He actually sees this phobic attitude to be a basic tenor of ritualist behavior, as he finds ritualism to be an angst-ridden response to structures which prevent the individual from striving towards the culture goals. Merton mentions some clichéd examples to identify ritualist behavior as fear-stricken, as attitudes living up to principles such as “‘I’m not sticking *my* neck out,’ ‘I’m playing safe,’ ‘I’m satisfied with what I’ve got,’ ‘Don’t aim high and you won’t be disappointed.’”³⁶ He analyses, “The theme threaded through these attitudes is that high ambitions invite frustration and danger whereas lower aspirations produce satisfaction and security. It is a response to a situation which appears threatening and excites distrust.”³⁷ Ritualist behavior is usually not regarded as deviant, as it is formally impeccable and therefore not considered to pose a social problem, as Merton notes, “the overt behaviour is institutionally permitted, though not culturally preferred.”³⁸ Yet Merton adds ritualism to his typology of deviance, as it does not in fact support the group’s common culture goals. It undermines a culture, even though it clothes its destabilizing action in hypercompliance.

Retreatism, on the contrary, rejects both the cultural goals and the institutional means by withdrawing from both, showing “nostalgia for the

past and apathy in the present.”³⁹ Retreatist behavior is generally not regarded as deviant due to its apathy and invisibility, but it does, in fact, oppose both the goals of a group as well as the group’s means of attaining them by escaping from the group’s grip. Merton deems it well worth noting that the Roman Catholic Church has actually realized there is a connection between apathy and deviance, which he derives from Catholicism rating *acedia* among the cardinal sins.⁴⁰

Rebellion similarly rejects both the cultural goals and the institutional means of attaining them but differs from retreatism by actively fighting them with the aim of *replacing* both and instead institutionalizing new goals and new means of attaining them. Merton, therefore, finds that rebellion “refers to efforts to *change* the existing cultural and social structure rather than to accommodate efforts *within* this structure.”⁴¹

The Anomic Potential of Deviance

For the purpose of my study, we can leave the two last-mentioned phenomena aside, even though it is most certainly possible to discover retreatist and rebellious behavior in church. There is no doubt that many church members leave the church silently and that there are some who formally stay for social reasons but disagree with the ecclesiastical cultural goals and the institutional means by responding with retreatism to these mismatches. And similarly, there are rebellious reactions to these mismatches when individuals respond to their disparate experiences in the church by attempting to overturn both the goals and the means to replace them with alternatives. However, these reactions do not usually have an “anomic” potential in the strict sense, according to Merton. Whilst retreatist and rebellious action as a full parting from the group’s goals and means is certainly deviant, it may, in fact, not be considered as leading to anomie in the group because, as Merton explains, “People who adapt (or maladapt) in this fashion are, strictly speaking, *in* the society but not *of* it. Sociologically, these constitute the true aliens” and “can be included as members of the *society* ... only in a fictional sense.”⁴²

As modes of behavior exhibited by members *of* the group, in any case, innovation and ritualism are of primary interest in studying how social structures cause a social system to stumble into an anomic state due to a mismatch between cultural goals and institutional means, as “imperfect coordination of the two leads to anomie.”⁴³ This mismatch does not usually afflict a group from the beginning but occurs over a certain period of

time, usually due to changes in the social system, as sociologist Albert Lewis Rhodes notes, “anomie may be a consequence of almost any change in the social system which upsets previously established definitions of the situation, or routines of life, or symbolic associations.”⁴⁴ These shifts in social structure can cause a disjunction between the cultural and the social structure, as Merton explains, “When the cultural and the social structure are malintegrated, the first calling for behavior and attitudes which the second precludes, there is a strain toward the breakdown of the norms, toward normlessness.”⁴⁵ Merton speaks of a “demoralization” and “deinstitutionalization,”⁴⁶ as “norms are robbed of their power to regulate behavior”⁴⁷ and fail to predict social behavior. If this happens, it can eventually destabilize the whole social structure. “Anomie” describes the result of this process in those cases in which it leads to a “disruption of the normative system”⁴⁸ or even “a breakdown in the cultural structure.”⁴⁹

DEVIANCE AND ANOMIE IN CHURCH

If we apply Merton’s concept to the current situation in the Roman Catholic Church, particularly in the local churches of the northern hemisphere, we can explain why many institutional norms face deinstitutionalization, without having to blame individual misbehavior for this development. Instead, it seems expedient to study the sense in which the social structure of the church itself has contributed to bringing about this situation. It can result in anomie in parts of ecclesiastical life, as I want to suggest. This marks a departure from Durkheim’s assumption that anomie is more a Protestant and less a Catholic phenomenon, which has influenced the sociological view of the Catholic Church greatly.⁵⁰

In church, as I want to suggest, one immanent cultural goal is living a life of faith, usually in a community with other Catholics. The transcendent or final goal, as one might define, is salvation and eternal life, a goal achieved merely by those who are successful in living a pious life in the here and now. Hence, we might say that the church sets up goals which are absolute, according to Merton’s definition. The institutional regulations governing permissible and required procedures for attaining these ends consist of the official doctrinal, moral, and legal norms established by the ecclesiastical magisterium and legislator to guide Catholic conduct. The aim of these is to allow the church members to accomplish a communal life of faith according to ecclesiastical doctrine and discipline and to attain their final goal. We can discover this thought in canon 794 §1

CIC/1983 in which the legislator describes the church as an institution “to which has been divinely entrusted the mission of assisting persons so that they are able to reach the fullness of the Christian life.” Under optimal conditions, the social structure in the church would weave all Catholics into a dense net of social relationships, which would allow them to pursue a communal way of faith to live in God’s grace and to pursue it with the help of the approved means, as laid down in the institutional norms. Compliance with doctrinal, moral, and legal norms would support all Catholics in accomplishing the cultural aspiration of living a life of faith worthy of salvation.

Their compliance, in any case, is only probable if we can expect it to help them accomplish their goals. There must be positive incentives for abiding with status obligations, as Merton calls it, insofar as adherence brings them closer to attaining the desired ends. Hence, it is only plausible to expect compliance with ecclesiastical norms in those cases in which the church provides Catholics with the prospect of profiting from compliance as a means of attaining a life pious in the eyes of the community and pleasing in God’s eyes. In those cases in which the social structure does not render it likely that abiding by the norms achieves these aims, “deviant” behavior becomes the new normal to help Catholics attain their goals. The social structure then contributes to stimulating deviance.

Innovation in Church

Following Merton, one may assume that deviant behavior is particularly likely to occur in the church, as the church treats its cultural goals as absolute ends. Hence, whenever the social structure fails to provide Catholics with opportunities to reach these goals by having recourse to the official institutional means, it is highly probable that this will provoke deviant behavior, where either the goals or the norms begin to dominate conduct. It is therefore expectable that significant numbers of Catholics reject some or all of the institutional norms of the church in order to pursue an individual life of faith by resorting to innovative strategies. They pursue the goal of leading a Christian life but find the social structure of the church unhelpful in achieving that end. It is particularly Merton’s observation on innovation in groups cultivating caste orders and rigid class systems which resonates in Catholic ears. The church operates with two classes of church members, as the law states in canon 207 §1 CIC/1983, declaring, “By divine institution, there are among the Christian faithful in the church

sacred ministers who in law are also called clerics; the other members of the Christian faithful are called lay persons.” The clerical class again is subdivided. Bishops and priests “receive the mission and capacity to act in the person of Christ the Head,” whilst deacons are “empowered to serve the People of God in the ministries of the liturgy, the word and charity” (canon 1009 §3 CIC/1983). All clerics, in any case, share the capacity to “obtain offices for whose exercise the power of orders or the power of ecclesiastical governance is required” (canon 274 §1 CIC/1983). Hence, they are entitled to fill positions with which to govern the church spiritually and politically. Lays on the contrary are primarily expected to follow their pastors obediently. Pius X explained in the Encyclical *Vehementer nos*,

that the Church is essentially an unequal society, that is, a society comprising two categories of persons, the pastors and the flock, those who occupy a rank in the different degrees of the hierarchy and the multitude of the faithful. So distinct are these categories that with the pastoral body only rests the necessary right and authority for promoting the end of the society and directing all its members towards that end; the one duty of the multitude is to allow themselves to be led, and, like a docile flock, to follow the pastors.⁵¹

Whilst this text is a century old, not much has changed with regard to the institutional norms integrating the unequal society. Church members must “follow with Christian obedience those things which the sacred pastors ... declare as teachers of the faith or establish as rulers of the church” (canon 212 §1 CIC/1983). Laypeople are incapable of being endowed with the power of orders or the power of governance. They are merely allowed to step in with the administration of some sacraments and in certain liturgical functions when clerics are missing (see 230 §3, 766, 861 §2, 910 §2, 1112 §1 CIC/1983) and can merely “cooperate” with clerics in the governance of the church (see canon 129 §2 CIC/1983). As entry to the clergy is restricted to male church members (see canon 1024 CIC/1983), women are generally excluded from entering the clerical ranks.

Hence, the church is clearly a class system. It, therefore, begs the question of whether this system is a social structure which prevents church members from pursuing the common cultural goals with the help of the established institutional norms. This would be the case if we could assume that the ecclesiastical class system bars significant numbers of its members from striving towards a life of faith with officially accepted means. I want

to suggest that one can indeed find this to be the case. The institutional norms attribute merely one group, clerics, with power and priority in the church, while they marginalize groups among Catholics, such as laypeople in general and women, homosexuals, and non-binary Catholics in particular. Legal norms cement the exclusion of laypeople from governing the church, and moral norms on the nature of women, procreation, birth control, and homosexuality add stigma to certain groups within the laity. This amalgamation of institutional norms of a doctrinal, moral, and legal nature has fostered clericalism and allowed spiritual and sexual abuse to flourish in the church. It has nurtured the development of structures of oppression and violence in the church, which have actively prevented church members from pursuing a life of faith in communion with others. A church which marginalizes and stigmatizes large numbers of its members disables many of them from striving toward a flourishing life of faith and trust in God. It not only violates their social relationships with other Catholics but often serves as an obstacle in their relationship with God. Cultivating ecclesiastical class structures is therefore not merely a social issue but also pertains directly to the common cultural goals of the church. As it seems to be extremely difficult for present-day women, homosexuals, and non-binary individuals to pursue an authentic life of faith within the official normative framework of the church, it is hardly surprising that many of these church members turn to innovative approaches to pursue these aims. They leave aside the institutional norms which shun them from attaining their goals. Some groups have ordained women priests against the institutional norms, some endow laypeople with more functions than are allowed by the law, and some celebrate the sacraments by departing from the official rubrics.

Yet deviant behavior does not merely apply to groups who are typically marginalized in the church. We can also observe that many clerics tend to bend and break institutional norms which they find detrimental to the faith, be it their personal faith or that of those entrusted to their pastoral care. Many German parish priests, for instance, administer the sacraments to all who approach them, including divorced and remarried parish members, without lecturing them about the ecclesiastical doctrine of marriage or hand the communion to Protestant Christians without discussing Eucharistic doctrine with them. Over the past couple of months, increasing numbers of German priests have openly invited gay couples to receive a blessing of their union in the church. Many celebrants invite laypeople to preach in masses over which they preside. And many are increasingly

taking the freedom to openly live their partnerships with their male or female partners as they come to experience a celibate lifestyle not as a path to holiness but as a burden on developing their personal and authentic Christian identity. Hence, one can find that the social structure of the church stimulates deviance among many Catholics. If these acts are responses to institutional norms that impede Catholics from living a life of faith, their deviant behavior can be regarded as a form of innovative behavior, as described by Merton.

Ritualism in Church

Whilst innovative behavior is currently widespread throughout many churches, it is also well worth noting that this most evident form of deviance has a “partner in crime,” namely ritualism, which responds to the same mismatch between institutional norms and cultural goals, but employs a different strategy, namely that of turning the norms to ends in themselves. Catholics who have fully embraced and internalized the institutional norms but find them inadequate for pursuing the cultural goals within the given social structure will tend to engage in ritualist behavior, even at the price of abandoning or scaling down their attempt to lead a fulfilling spiritual life together with other members of the faith community. They might appear to be “perfect Catholics” as they strictly adhere to institutionally prescribed conduct but will eventually develop a rather bureaucratic adherence to Christian practice. Merton’s considerations highlight the existence of Catholic groups which exhibit ritualist behavior by identifying as the “little flock” and protecting the institutional norms from change at all costs. A further form of ritualist behavior is exhibited by those Catholics who blame other church members for the decay of institutional norms and demand their total resubmission under the ecclesiastical order as a marker of Catholicity. Merton’s secret “sacred society” and its “neophobia” is a form of identity cultivated in many smaller circles of traditional Catholicism. That traditionalism and authoritarianism are two factors which increase the likelihood of individual anomic feelings is also a result of Leo Fay’s study on anomie among nuns, as he found that about 30% of the test persons who scored high on traditionalism scored high on anomie as well, while a mere 1% of non-traditionalists scored high on anomie. Close to 40% of the test persons who scored high on authoritarianism also scored high on anomie, while none of the low-authoritarian test persons revealed anomic feelings.⁵² Fay also observed that these anomic

feelings particularly applied to nuns “who are attached to the ideology and practices that are declining,”⁵³ whilst those who adhered to an ideology and practices trending upwards were affected to a significantly lesser degree. He, therefore, concluded that feelings of anomie often occur among individuals or groups which feel committed to endangered norms, while those committed to newly emerging norms tend to be less seriously affected, even if their norms are not established yet and might therefore also fail to become part of a group’s normative framework. Hence, it is plausible to assume that traditional groups within the church who currently sense that the established normative grounds are shaking tend to engage in ritualist behavior.

Merton’s observations also seem to apply to these groups in the sense that ritualist behavior is not generally regarded as *deviant* behavior. This is because ritualism is either not identified as destabilizing the culture, insofar as it is formally flawless, or is regarded as an aberrant form of behavior, albeit without constituting a source of serious social problems for the group. We should nevertheless take into account that ritualist behavior can undermine a culture, particularly as it attempts to prevent it from changing. As change and adjustment between the institutional norms and the common goals is a necessary step for systems if they want to survive, the ritualists’ formally stabilizing action in the form of hypercompliance can, in fact, lead to a collapse, as a group’s meaningless re-institutionalization of norms provokes others to question the entire system. Hence, both widespread innovation and ritualism can lead the church into anomie, causing massive deinstitutionalization and finally resulting in a breakdown of the established normative order.

Deviance and Non-Reception

We can now leave the debate at this point to acknowledge that individual spirituality without institutional strings attached as well as obsessive institutionalism which is ill-suited to serving a dynamic community of faith are both home-grown and will eventually cause the current ecclesiastical system to collapse. However, Merton indicates that there may be an alternative. He alludes to *intermediate* systems where the attaining of common goals and the observation of institutional norms are fairly balanced.⁵⁴ This is the case when both abiding by the institutional norms as well as reaching common cultural goals are coupled with “satisfaction.” As Merton states, these include “satisfactions from the achievement of the goals and

satisfactions emerging directly from the institutionally canalized modes of striving to attain these ends.”⁵⁵ This includes compensation for the hardship that abiding by norms sometimes involves, as Merton finds, “The occasional sacrifices involved in institutionalized conduct must be compensated by socialized rewards.”⁵⁶ However, a reliable connection between goal attainment and institutional compliance is possible only because these systems allow for the constant development of its social structure. They view any growing mismatches between the common goals and the institutional norms as impulses for reforming the goals, the norms, or the social structure. The group members’ conformity or nonconformity with institutional norms thus serves as an indicator signalling a need for change. The sociology of law, for instance, has a longstanding tradition of interpreting breaches of law as impulses for legal learning.⁵⁷

What might at first sound alien to Catholic ears is less so upon closer scrutiny. Canonical legal theory, for instance, connects this finding with its theory of *receptio legis*. This theory emphasizes the necessity of a law being received by the community to which it is given as an *essential* precondition, not merely for the effectiveness of the law but as a requirement for its validity. As a law essentially requires reception to come into being and to remain in existence, non-reception, though a deviant response to the institutional command to receive a norm, is regarded as a possible expression by church members of a law’s unsuitability for attaining ecclesiastical goals. In those cases where the social impact of law is completely missing, the theory of *receptio legis* consequently assumes that this law lacks an essential element for its validity. Laws which fully lack any impact on the legal community from the outset are regarded as lacking their validity from the very beginning; laws which have been observed for some time are regarded as having lost their validity when their desuetude becomes manifest.

CONCLUSION

It has become clear that the current institutional norms of the church have gone a long way to ensure that widespread non-reception does not become manifest. When the church gave itself the constitution of an absolute monarchy in the nineteenth century, it drastically curbed reception to become a mere process for transmitting Roman commands to the local churches. The standard model of reception became command and obedience.⁵⁸ It does not, in fact, include the option of non-obedience and tends

to interpret non-obedience merely as deviance, without studying its reasons. Hence, the church at present does not draw too many practical consequences from the theoretical resource provided by *receptio legis*. This shows that the ecclesiastical authorities are rather reluctant to accept non-reception as a common instrument of the legal subjects' defense against laws which impede their pursuance of ecclesiastical goals. And it also reveals that the ecclesiastical authorities are unwilling to understand deviance as a response to home-grown structural issues, which produce a mismatch between institutional norms and ecclesiastical goals.

This is sociologically unwise, as reading Robert Merton might help to understand. But it is also theologically questionable. Over the past couple of years, many theologians have paved the way for understanding dissent on matters of faith as a possible expression of the Spirit at work in local communities, as they have started to interpret the faithful's sense of faith not merely as manifest in assent but also in dissent.⁵⁹ To these observations, I want to add the dimension of institutional norms and suggest that deviance can have that prophetic dimension too. Deviant behavior can serve as an indicator pointing at ways to reform a malfunctioning system. Merton himself saw this when he noted, "This outcome of anomie, however, may be only a prelude to the development of new norms."⁶⁰ In light of the evolving moral panic in church, some reassurance may be provided by his nonchalant observation, "As we all know, the rebel, revolutionary, nonconformist, individualist, heretic or renegade of an earlier time is often the culture hero of today."⁶¹

NOTES

1. For an overall analysis of this loss of effectiveness, see Judith Hahn, *Foundations of a Sociology of Canon Law*, Cham, Springer Nature, 2022.
2. On this differentiation, see Roscoe Pound, "Law in Books and Law in Action," *American Law Review* 44 (1910), 12–36.
3. Eg Eugen Ehrlich, *Fundamental Principles of the Sociology of Law*, translated by Walter L. Moll, with an introduction by Roscoe Pound, Cambridge, MA, The Harvard University Press, 1936, 486.
4. Manfred Rehbinder, *Rechtssoziologie: Ein Studienbuch*, 8th edn, Munich, C. H. Beck, 2014, 2.
5. Werner Böckenförde, "Zur gegenwärtigen Lage in der römisch-katholischen Kirche: Kirchenrechtliche Anmerkungen," in Norbert Lüdecke, Georg Bier, eds, *Freiheit und Gerechtigkeit in der Kirche: Gedenkschrift für Werner*

- Böckenförde* (Forschungen zur Kirchenrechtswissenschaft 37), Würzburg, Echter, 2006, 143–158, at 147; translation by the author.
6. See Émile Durkheim, *The Division of Labour in Society* [1893], translated by George Simpson, 4th edn, Glencoe, IL, The Free Press, 1960, particularly at 353–373.
 7. See Émile Durkheim, *Suicide: A Study in Sociology* [1897], translated by John A. Spaulding and George Simpson, edited with an introduction by George Simpson, London/New York, Routledge, 2005, particularly at 220–239.
 8. For a combined approach, studying the structural and psychological factors of anomie, see, for instance, Leo Fay’s examination of anomie in a US-American convent of nuns, see Leo F. Fay, “Differential Anomic Responses in a Religious Community,” *Sociological Analysis* 39 (1978), 62–76.
 9. Robert K. Merton, *Social Theory and Social Structure*, enlarged edn, New York, The Free Press, 1968, 190.
 10. *Ibid*, 217.
 11. *Ibid*, 214.
 12. *Ibid*, 186.
 13. I am grateful to Marta Bucholc for suggesting to use Merton’s anomie thesis to explain the present state of the Roman Catholic Church as an institution in many regions of the northern hemisphere.
 14. Merton, *Social Theory and Social Structure* (see note 9), 216.
 15. See Fay, “Differential Anomic Responses” (see note 8), 65–67.
 16. Merton, *Social Theory and Social Structure* (see note 9), 216.
 17. Robert K. Merton, “Social Structure and Anomie,” *American Sociological Review* 3 (1938), 672–682, at 673.
 18. *Ibid*.
 19. Merton, *Social Theory and Social Structure* (see note 9), 187.
 20. *Ibid*, 216–217.
 21. *Ibid*, 188.
 22. Merton, “Social Structure and Anomie” (see note 17), 672.
 23. Merton, *Social Theory and Social Structure* (see note 9), 216.
 24. *Ibid*, 188.
 25. Merton, “Social Structure and Anomie” (see note 17), 672.
 26. Merton, *Social Theory and Social Structure* (see note 9), 245.
 27. *Ibid*, 200.
 28. *Ibid*.
 29. Merton, “Social Structure and Anomie” (see note 17), 673.
 30. Merton, *Social Theory and Social Structure* (see note 9), 236.
 31. *Ibid*, 203.
 32. *Ibid*.

33. Ibid, 188.
34. See Merton, "Social Structure and Anomie" (see note 17), 673.
35. Ibid.
36. Merton, *Social Theory and Social Structure* (see note 9), 204.
37. Ibid.
38. Ibid, 238.
39. Ibid, 243.
40. See *ibid.*
41. Ibid, 194 fn 13.
42. Ibid, 207.
43. Ibid, 213.
44. Albert Lewis Rhodes, "Authoritarianism and Alienation: The F-Scale and the Srole Scale as Predictors of Prejudice," *The Sociological Quarterly* 2 (1961), 193–202, at 194.
45. Merton, *Social Theory and Social Structure* (see note 9), 217.
46. Ibid, 190.
47. Ibid, 223.
48. Ibid, 245.
49. Ibid, 216.
50. See Durkheim, *Suicide* (see note 7), particularly 220–239; drawing on Durkheim's thesis eg Dwight G. Dean, Jon A. Reeves, "Anomie: A Comparison of a Catholic and a Protestant Sample," *Sociometry* 25 (1962), 209–212; Leslie G. Carr, William J. Hauser, "Anomie and Religiosity: An Empirical Re-Examination," *Journal for the Scientific Study of Religion* 15 (1976), 69–74.
51. Pius X, "Encyclical *Vehementer nos* on the French Law of Separation," 11 February 1906, no 8, *Acta Sanctae Sedis* 39 (1906), 3–16, at 8–9.
52. See Fay, "Differential Anomic Responses" (see note 8), 69–70.
53. Ibid, 75.
54. See Merton, "Social Structure and Anomie" (see note 17), 673–674.
55. Ibid, 674.
56. Ibid.
57. Eg Niklas Luhmann, "Positivität des Rechts als Voraussetzung einer modernen Gesellschaft," *Jahrbuch für Rechtssoziologie und Rechtstheorie* 1 (1970), 175–202, at 191.
58. Eg Ladislav M. Orsy, "The Interpreter and His Art," *The Jurist* 40 (1980), 27–56, at 42.
59. Eg Neil Ormerod, "Sensus fidei and Sociology: How Do We Find the Normative in the Empirical?," in Peter C. Phan, Bradford E. Hinze, eds, *Learning from All The Faithful: A Contemporary Theology of the Sensus Fidei*, Eugene, OR, Pickwick Publications, 2016, 89–102, at 97–102; Peter C. Phan, "Sensus Fidelium, Dissensus Infidelium, Consensus

Omnium: An Interreligious Approach to Consensus in Doctrinal Theology,” in idem, Bradford E. Hinze, eds, *Learning from All The Faithful: A Contemporary Theology of the Sensus Fidei*, Eugene, OR, Pickwick Publications, 2016, 213–225; Bradford E. Hinze, “The Dissent of the Faithful in the Catholic Church,” *Horizons* 45 (2018), 128–132; Richard R. Gaillardetz, “Beyond Dissent: Reflections on the Possibilities of a Pastoral Magisterium in Today’s Church,” *Horizons* 45 (2018), 132–136; Judith Gruber, “Towards a Theology of Dissent,” in Mark D. Chapman, Vladimir Latinovic, eds, *Changing the Church: Transformations of Christian Belief, Practice, and Life* (Pathways for Ecumenical and Interreligious Dialogue), London, Palgrave Macmillan, 2021, 29–36.

60. Merton, *Social Theory and Social Structure* (see note 9), 245.

61. *Ibid*, 237.

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