

# Chapter 11: “Journeying Together”: Does a Synodal Church Improve Respect for the Human Person?

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This paper discusses the question of whether synodality sufficiently addresses the “systemic” causes that have led to instances of sexual abuse within the Catholic Church. Therefore, we distinguish between synodality as an attitude (constitutive synodality) and synodality as a legally binding framework (constitutional synodality). I argue that strong forces within the Church prioritize a “soft” understanding of synodality as “inclusion of different voices” over substantive changes in canon law and ecclesiology. Such changes, however, would be necessary to make the desired improvements binding and effective.

The guiding premise of this paper is that “synodality” is an instrument from the socio-philosophical toolbox of late antiquity that is no longer applicable today. Democratic elements on the basis of rule of law and human rights are required for a synodally-structured Church today that effectively ensures the protection of individuals against sexual abuse and prevents its covering up. This paper outlines the challenges of the worldwide “synodal process” initiated by Pope Francis and asks the questions: “What could cause it to fail?” and “What are the prerequisites for its success?”

My argument will proceed in six steps. First, I note that power and systemic causes of sexualized violence and sexual abuse in the Church became a topic that can be openly discussed. In the second step, I work out the question of whether synodality, as it is currently being discussed and promoted in the Catholic Church, could be an effective instrument against such violence. This draws attention to the so-called “systemic causes” of abuse, which are introduced in the third section. In the following fourth step, the scheme of a specifically “Catholic synodality” is identified. This reveals two ‘blind spots,’ namely a lack of sensitivity for

the dimension of conflict that is always present in all sociality as well as ignorance of the central position of the public for social interaction in the church. In my summary, I draw some conclusions from this outcome that advise a certain caution against viewing a “synodal church” as a comprehensive remedy against the danger of sexual abuse.

## **The Courage to Consider a Specific Perspective on Sexual Abuse**

An important lesson learnt from the crisis of sexual violence within the Catholic Church is the increasing courage to ask about the “systemic” causes of such violence. The reports of the independent committees of inquiry that have been established in two of the largest European local churches—in France and in Germany—explicitly use the term “systemic.” Both the German and French bishops’ conferences have subsequently adopted the term.<sup>1</sup> This development represents a hermeneutical turning point as it has become impossible to refer to the crime of sexual violence as purely individual misconduct of some “brothers in the fog.”<sup>2</sup>

The focus on the “system” of ecclesial life raises the question of power. Who holds power? What kind of power is it? How is this power used? How is its use legitimized? And, above all, are there any means to control it? For a long time, it was considered to be inappropriate to ask these questions. In the Church, such a commonly held belief was that one should not speak of power but of authority that can exclusively be exerted by those belonging to ordained ministry. The continuous occurrence of

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<sup>1</sup> Deutsche Bischofskonferenz, “MHG-Studie,” September 25, 2018, [www.dbk.de/themen/sexualisierte-gewalt-und-praevention/forschung-und-aufarbeitung/studien/mhg-studie](http://www.dbk.de/themen/sexualisierte-gewalt-und-praevention/forschung-und-aufarbeitung/studien/mhg-studie); Conférence des Évêques de France, “Assemblée plénière des évêques de France, Résolutions votées par les évêques de France le 8 novembre 2021,” November 8, 2021, [www.eglise.catholique.fr/wp-content/uploads/sites/2/2021/11/AP Lourdes-nov-2021-Resolutions-votees-en-assemblee-pleniere.pdf](http://www.eglise.catholique.fr/wp-content/uploads/sites/2/2021/11/AP Lourdes-nov-2021-Resolutions-votees-en-assemblee-pleniere.pdf).

<sup>2</sup> Raúl Löbber, “Brüder im Nebel,” *Die ZEIT*, March 18, 2021, [www.zeit.de/gesellschaft/zeitgeschehen/2021-03/katholische-kirche-gutachten-sexueller-missbrauch-erzbistum-koeln-kardinal-woelki](http://www.zeit.de/gesellschaft/zeitgeschehen/2021-03/katholische-kirche-gutachten-sexueller-missbrauch-erzbistum-koeln-kardinal-woelki).

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sexual abuses no longer permits such ways of thinking and speaking. To the contrary, it urges us to view the church as a social system with a multitude of roles, authorities, and responsibilities and with rules and processes that define the position and scope of action of its members within a fixed institutional framework. As much as the exercise of power within the church theologically claims to be of divine origin and legitimation, it has to be recognized that even such legitimized exercise of power relies on the grammar of social systems. It is and needs to be “translated” into the “language” of worldly action.

More specifically, in social contexts, generally, people’s spheres of action are demarcated from one another, people are subordinated and superordinated, and freedom is both made possible and curtailed. This also happens within the Church, even if the horizon of meaning is of a completely different nature as compared to the rationale of a bourgeois society. Thus, it would be a fallacy to assume that the existence and exertion of power within the Church are negligible. The exertion of power is necessary whenever people co-operate within an institutional setting. It can be a resource for the productive, creative, and meaningful development of religious institutions. In the course of the revelations of sexual abuses, it has become clear, however, that the church is lacking sufficient mechanisms to place checks on power. The prioritization of the protection of perpetrators and the interest for their continuance in pastoral practice dramatically shows that structurally embedded rules and processes, as well as a “culture” of checks on power in general, are largely absent.

The *Meeting on the Protection of Minors in the Church* (2019) addressed the challenge to raise a general awareness of the problem among the bishops worldwide. It was necessary to put an end to mutual recriminations and the view of the situation that alternately blamed the problems on a “too secularized church in the West” or on a “tribally

influenced” church in the South.<sup>3</sup> Pope Francis thus laid the foundation for openly discussing and working on the question of “systemic causes” of sexual abuse at the level of the world Church. It has become evident that answers to this question are urgently needed. These answers should not be of a purely analytical nature but also include specific proposals for a changed ecclesial practice in future.

### **Can Synodality be an Answer?**

Democracy is considered to be the form of political rule that most effectively and systemically guarantees checks on power without completely excluding its proper, adequate exertion. In relation to the Church, however, there are some restrictions. To conceive of the church *tout court* as a democracy would misjudge its inner nature. As a community called by God, its legitimacy is not based on the sovereignty of the church members, but on the divine will of its founder. It is indebted to a higher truth that must never be subjected to the volatile decision-making processes of majorities.<sup>4</sup> Instead of analyzing if and how far democratic processes could reasonably be deployed within the Church, often, a general incompatibility of democracy and Church is hastily alluded to. If there is any form of rule that can do justice to the nature of the Church, so the rationale goes, that form has to be “synodality.”

“Synodality” refers to a decision-making and decision-taking process of the old Church that originally aimed at producing the cohesion of monarchically governed and largely autonomous local churches with

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<sup>3</sup> “Theologe Halik: Kirche in Osteuropa spielt Missbrauch herunter,” *katholisch.de*, January 24, 2022, [www.katholisch.de/artikel/32853-theologe-halik-kirche-in-osteuropa-spielt-missbrauch-herunter](http://www.katholisch.de/artikel/32853-theologe-halik-kirche-in-osteuropa-spielt-missbrauch-herunter). It must be mentioned that Pope Emeritus Benedict also used this pattern of argumentation, see “Wortlaut: Der Aufsatz von Benedikt XVI. zur Missbrauchskrise,” *Vatican News*, February 24, 2019, [www.vaticannews.va/de/papst/news/2019-04/papst-benedikt-xvi-wortlaut-aufsatz-missbrauch-theologie.html](http://www.vaticannews.va/de/papst/news/2019-04/papst-benedikt-xvi-wortlaut-aufsatz-missbrauch-theologie.html).

<sup>4</sup> In particular, the central texts of the Second Vatican Council have repeatedly underlined these statements. It is crucial that the hierarchical constitution of the Church is emphasized. By its inner nature, it cannot form democratic structures, see *Lumen Gentium*, chapter III.

regard to doctrine and practice.<sup>5</sup> The Greek core of the term refers to the quest for a ‘common way’ and is today a criterion for processes and forms of church-building. It is a process that has its *Sitz im Leben* within a context where democracy and the rule of law in our modern understanding were largely unknown. Pope Francis uses “synodality” as a resource in his attempt to renew togetherness within the Church: “Synodality is a spiritual process not to be confused with a parliament that discusses and decides with majority votes.”<sup>6</sup>

If ‘synodality’ is today elevated to the leitmotif of church development, it must first of all be stated: It represents a linkage to an early line of Christian tradition that can contribute to overcoming the later heritage of absolutist narrow-mindedness. In this respect, the term has an emancipatory potential recognized by Pope Francis that must not be underestimated. His promotion of a synodal church is the positive counterpart to his criticism of all forms of clericalism. This suggests that whoever sets out together avoids the trap of clericalist interaction that is characterized by know-it-all-ism, arrogance and the presumption of authority. Horizontality instead of verticality, eye-level relation instead of subordination should be the culture of internal church communication.

Looking at the debate around the principle of synodality that has emerged over the past years, it becomes clear, however, that there is a double meaning of this term. On the one hand, the struggle for more synodality in the Church is seen as a *response to a serious crisis of faith*. The hope is that a church whose members interact in a spirit of synodality will establish a welcoming culture and witness to the good news of the gospel.

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<sup>5</sup> Thomas Böhm, “Der altkirchliche Weg zur Synodalität,” *Anzeiger für die Seelsorge* (2020): 37–41; see also John W. O’Malley, “The History of Synodality: It’s Older Than You Think,” *America*, February 17, 2022, [www.americamagazine.org/faith/2022/02/17/synodality-history-john-omalley-242081](http://www.americamagazine.org/faith/2022/02/17/synodality-history-john-omalley-242081); Francis Aloysius Sullivan, “Synod and Synodality: Theology, History, Canon Law and Ecumenism in New Contact (review),” *The Catholic Historical Review* 92, no. 2 (2006): 268–269, doi:10.1353/cat.2006.0154.

<sup>6</sup> “Papst Franziskus warnt: Eine Synode ist kein Parlament,” *katholisch.de*, September 3, 2019, [www.katholisch.de/artikel/22813-papst-franziskus-warnt-eine-synode-ist-kein-parlament](http://www.katholisch.de/artikel/22813-papst-franziskus-warnt-eine-synode-ist-kein-parlament). Pope Francis also made “synodality” the guiding topic of the 2023 Synod of Bishops.

On the other hand, the principle of synodality is seen as a *remedy against the church's susceptibility to abuse*. The expectation is that wherever ecclesial togetherness is shaped according to a spirit of openness, respectfulness, and benevolence, the risk of hidden sexual violence can be reduced.

The decisive question now is: Can synodality, as it is possible within the Catholic Church, effectively contribute to eliminating the systemic causes of sexual violence? Is it legitimate to link together the hope for a renewed life of faith and the fight against the causes of sexualized violence? To answer these questions, we first have to define what is to be understood by “systemic causes.”

### **The Systemic Causes of Sexual Violence in the Church**

Both the German and the French local churches have decided to address the issue of sexual violence. The MHG study that had been commissioned by the German Episcopal Conference was published in 2018.<sup>7</sup> In France, it was the CIASE report, which in 2021 brought to light the extent to which people have been made survivors of sexual violence by members of the clergy in recent decades.<sup>8</sup> Both studies explicitly mention “systemic” factors that have both enabled and encouraged such acts. The French and German Episcopal Conferences have both officially adopted the respective reports’ results and decided to investigate the systemic causes. The process of examination in both countries is still under way and far from being complete. Concurrently, a theological debate has started about how the theological tradition itself represents a “systemic” cause. In particular, theological debate has long failed to sufficiently question explicit and

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<sup>7</sup> Deutsche Bischofskonferenz, “MHG-Studie,” [www.dbk.de/fileadmin/redaktion/diverse\\_downloads/dossiers\\_2018/MHG-eng-Endbericht-Zusammenfassung-14-08-2018.pdf](http://www.dbk.de/fileadmin/redaktion/diverse_downloads/dossiers_2018/MHG-eng-Endbericht-Zusammenfassung-14-08-2018.pdf).

<sup>8</sup> Independent Commission on Sexual Abuse in the Catholic Church (CAISE), “Sexual Violence in the Catholic Church France 1950–2020. Summary of the Final Report,” October 5, 2021, [www.ciase.fr/wordpress/wp-content/uploads/CIASE-Summary-of-the-Final-Report-5-october-2021.pdf](http://www.ciase.fr/wordpress/wp-content/uploads/CIASE-Summary-of-the-Final-Report-5-october-2021.pdf).

implicit rules that govern ecclesial actions, thoughts and feelings.<sup>9</sup> To find an answer to the question of whether more synodality could be an effective barrier against sexual violence, it is necessary to give an overview of what is understood by “systemic causes.”

Within the Church, there is a network of interrelated attitudes and ingrained practices, an organizational ‘habitus,’ to take up a theoretical concept developed by the sociologist and philosopher Pierre Bourdieu.<sup>10</sup> This densely woven web of doctrine and practice often results in disastrous effects. The toxic dimension of Catholic ecclesiality stems from various elements and factors that are intertwined in multiple ways.

### ***The Sacralized Hull***

Over the course of church history, a sheen of supposed sacrality has settled on clerical roles and structure so that, in turn, the Church’s vessel and hull are themselves regarded as sacrosanct and venerable. It is less the action than the constitution of the Church that is regarded as representing the divine word in time and history. The symbolic reinforcement of such sacralization of a role, possible and usual in liturgical rituals, contributes to this phenomenon.<sup>11</sup>

### ***An Attitude of Reverence***

Sacralized forms and structures demand respect. They reinforce the sense of reverence which many believers hold towards office and office holders.

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<sup>9</sup> See, for example, Doris Reisinger, ed., *Gefährliche Theologien. Wenn theologische Ansätze Machtmissbrauch legitimieren* (Regensburg: Pustet, 2021); Jochen Sautermeister and Andreas Odenthal, eds., *Ohnmacht, Macht, Missbrauch. Theologische Analysen eines systemischen Problems* (Freiburg: Verlag Herder, 2021).

<sup>10</sup> Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977).

<sup>11</sup> Magnus Schlette, Volkhard Krech, “Sakralisierung,” in *Handbuch Religionssoziologie*, ed. Detlef Pollack, Volkhard Krech, Olaf Müller, and Markus Hero (Wiesbaden: Springer VS, 2018), doi.org/10.1007/978-3-531-18924-6\_17; See also Francesca Eva Sara Montemaggi, “Sacralisation: The Role of Individual Actors in Legitimizing Religion,” *Culture and Religion* 16, no. 3 (2015): 291–307, doi.org/10.1080/14755610.2015.1083455.

The differences between the “two bodies of the King,”<sup>12</sup> i.e., between his official role and his earthly, faulty and human personality, become increasingly blurred. The result is a mentality of subordination and dependence on official power that claims to be exerted “*in repraesentatione Christi*” representing Christ’s very own “*sacra potestas*.” How should one counter this? Who would, in this light, demand control or even participation? On the other hand, many ministers quickly and gladly get used to the tailwind that the “ordination bonus” brings with it and on which they can easily fall back in case “human” means do not suffice. This seems to be an essential part of what Pope Francis castigates as “clericalism.”<sup>13</sup>

### ***A Dangerous Concept of Centralized Power***

Sacralization has not only provided for an institution armored against criticism, but also for a far-reaching failure of binding control. Isn’t it a paradox to criticize an institution and to force corrections on it while believing in its sanctity? And, vice versa, why should one divide the omnipotence of an institution whose power is merely “borrowed,” stemming from a single source—Jesus Christ himself—and which one disposes only fiduciarly? Neoplatonic unity thinking and late antique court ceremonial have also contributed to the fact that a genuine division of powers, of which reform-minded bishops speak today, could not be established until now.<sup>14</sup>

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<sup>12</sup> Ernst Kantorowicz, *Die zwei Körper des Königs. Eine Studie zur politischen Theologie des Mittelalters* (München: dtv, 1994 [1957]).

<sup>13</sup> Klaus Unterburger, “Klerikalismus,” *Staats Lexikon*, July 18, 2022, [www.staatslexikon-online.de/Lexikon/Klerikalismus](http://www.staatslexikon-online.de/Lexikon/Klerikalismus).

<sup>14</sup> Herbert Haslinger, *Macht in der Kirche. Wo wir sie finden, wer sie ausübt, wie wir sie überwinden* (Freiburg: Verlag Herder, 2022); Johannes Ludwig, *System Kirche. Machtausübung zwischen Idee, Interesse und Institution* (Basel: Schwabe, 2022).



### ***Loyalty Among Clerics***

Undivided rule, armed with an aura of sacrality and supported by the “flock,” who lack meaningful ways of participation, this is only one side of the coin. The other side consists of the concrete persons and the corporatist structures that support this system: the clergy. The tradition of the Church has established a gender filter as the predominant selection criterion for clergy “membership.” This filter has led to a gender-homogeneous clergy which is at the same time and often indistinguishably a religious male-bonding system, with rituals of recognition and identification *ad intra* and isolationist tendencies *ad extra*. As an association shaped by loyalty and infused with a religious aura of determination, the clerical state lures with the promise of protection and fulfillment for deficient psychosexual habits and desires. And it carries—explicitly and implicitly—a constitutive devaluation of the other sex that is often reflected in the doctrine and practice of the Church.<sup>15</sup>

### ***The Long-Term Legitimacy Spiral***

In addition to the above-mentioned elements, there is another factor, albeit not one specific to the Church, that is of particular importance. Wherever things grow and are established over long periods of time, a confirmation bias of “tradition” and longevity emerges. Behavioral patterns, habitual role patterns, and institutional arrangements in the Church sometimes groan under the burden of multiple centuries. This burden develops what appears to be a legitimacy-infusing atmosphere. For a long time, open discussions about access to the ordained ministry, the monarchist church constitution, or the diversity of sexual identities were seen as taboo in this atmosphere, breaking the “gentlemen’s agreement” that things are good the way they are and have always been. Keeping quiet about impulses for innovation and the impetus to merely rely on long-

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<sup>15</sup> Compare *pars pro toto* Christine Büchner and Nathalie Giele, *Theologie von Frauen im Horizont des Genderdiskurses* (Mainz: Grünewald, 2020).

established scientific facts instead of curious and creative trial and error have therefore become second nature to the Church.<sup>16</sup>

### ***A Culture that Continually Generates Victims***

Even though only provisionally described, the already mentioned elements are interrelated and have consequences that go beyond this analysis. In light of such mechanisms, many people perceive a “poisoned” atmosphere within the Church. The crisis is manifest in numerous fields. Whatever topic one picks out of the intra-church reform debate (gender relations, lay participation, parish consolidation, resilience of priests), sooner or later one will encounter combinations of these toxic elements. Sexual violence and abuse is the field with the most visible and probably the most deeply wounded victims. As long as the chain reactions of these frequently emerging toxic elements are not stopped, the Church will continue to produce victims in different fields.

None of the above-mentioned elements in isolation directly leads to abusive misconduct. And, of course, many priests succeed in leading their lives in the spirit of the gospel despite the risks of clericalism. But the factors outlined above are “systemic” because their interplay allows for a culture within the Church that must be described as an opportunity structure for abuse and sexual violence. A social organization overburdened with sanctity leads to an overburdening of the actors. Since neither systemic regulation nor even the acknowledgement of its potential occurrence exists, failure needs to be covered up systematically. People with certain dispositions are susceptible to such opportunity structures: those who have a tendency toward pedophilia and ephebophilia but also those who struggle to maintain an appropriate distance from others and who tend to transgress boundaries. There is a high risk of them turning

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<sup>16</sup> Wilhelm Schmidt-Biggemann, “Tradition und Legitimation,” in *Die Frühe Neuzeit. Revisionen einer Epoche*, ed. Andreas Höfele, Jan-Dirk Müller and Wulf Oesterreicher (Berlin, Boston: De Gruyter, 2013) 47–84, doi.org/10.1515/9783110316407.47

into perpetrators. At the same time, they themselves become victims of this toxic core of the Church.

The term “victim” in this context is evasive. It is meant to say that the Church offers a culture that facilitates becoming a perpetrator and does not draw any boundaries that ensure that certain pre-dispositions do not actualize. Aren’t we all—given the abysmal pre-dispositions dormant in us as flawed human beings—dependent on mechanisms of formal and informal social control that prevent us from becoming perpetrators? This is precisely where an organization that has a dysfunctional relationship with transparency, public criticism, accountability, and gender diversity is doomed to fail. In no way does this excuse the actions of perpetrators. But it does, from another angle, shine light on how problematic the Church’s “systemic factors” are.

I begin my explanation with a comparison: The binding standards of a state governed by the rule of law and its mandatory obligations to punish violations of these standards help people resist becoming perpetrators. The Church, however, has sent very ambivalent signals for far too long. Perpetrators were pitied, and the protection of the clergy was more important than the prosecution of their deeds and greater justice. When an institution acts in this way, it sends signals to potential offenders: “You can become an offender without much happening to you.” This is also a very serious irresponsibility towards people with a paedophilic disposition. There is no institutional framework that prevents their predisposition from being acted upon. On the contrary, the framework “invites” it.

### **A Specifically ‘Catholic Synodality’?**

Can a newly discovered “synodality” become the basis for an effective protection against sexual violence and abuse in the Catholic Church? In order to answer this question, we finally determine the meaning of “synodality.” First of all, it is noteworthy that “synodality” is not a clearly defined term but rather allows for a panoply of different interpretations. They range between ideas for quasi-constitutional structures on the one hand and loose recommendations for a certain style of action on the other

hand. How exactly is the understanding of synodality in the current debate in the Catholic Church to be classified? In this respect, it is instructive to look at the preparatory document *For a Synodal Church. Communion, Participation, Mission* that was published by Pope Francis in the fall of 2021. It is both the starting point and the basis for the synodal processes of local churches that have begun worldwide and is to lead to the Synod of Bishops in 2023.<sup>17</sup>

This document refers to the main goal of synodality as an attempt to return to a dynamic of “journeying together” (no. 2) in order to overcome the opposition, disconnectedness, and lack of mutual understanding that make it difficult for the Church to bear witness to its mission. In the Vatican’s International Theological Commission’s widely cited 2018 document,<sup>18</sup> which is referred to by the pope, synodality means the “the specific *modus vivendi et operandi* of the Church, the People of God, which reveals and gives substance to her being as communion when all her members journey together, gather in assembly, and take an active part in her evangelizing mission” (no. 10). A synodal church, then, begins at a fundamental level. It is about understanding what the Church should be categorically characterized by: concord (Latin: *concordia*) in doctrine and faith. This is the antithesis of the concern for fragmentation and fracture of the body of the Church. It therefore comes as no surprise that Pope Francis, at a central point in his writing, quotes Augustine’s “*concordissima fidei conspiratio*.” (no. 11).

It thus becomes clear that the pope understands synodality primarily as what is called a “process metaphor” in contemporary cultural and social

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<sup>17</sup> Synod of Bishops, “For a Synodal Church: Communion, Participation, and Mission,” September 7, 2021, [press.vatican.va/content/salastampa/it/bollettino/pubblico/2021/09/07/0540/01156.html#INGLESEOK](https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2021/09/07/0540/01156.html#INGLESEOK).

<sup>18</sup> International Theological Commission, “Synodality in the Life and Mission of the Church,” March 2, 2018, [www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_cti\\_20180302\\_synodalita\\_en.html](https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_synodalita_en.html).

sciences.<sup>19</sup> That is, “synodality” is about the style and attitude of a desired movement within the social body of the Church. The pope’s understanding of synodality refers to both individual and collective actions and aims at renewed collective expressions of faith. In other words, synodality first and foremost appeals to the attitude and virtue of ecclesial actors of all kinds, some of whom shall put more effort into listening to each other and some of whom are called to participate with their gifts for the common good. Synodality only subordinately refers to structures, rules, and the “constitutional” order of the Church (no. 27). The document, however, makes unmistakably clear that such constitutional implications of synodality should never go so far as to call into question the framework of the traditional “*communio hierarchica*” of the Catholic Church as a whole: the “People, gathered together by its Pastors, adheres to the sacred deposit of the Word of God” so that “it becomes on the part of the Bishops and Faithful a single common effort” (no. 13). Again, the word fields of “unity” and “uniformity” stand out: “It is in the fruitful bond between the *sensus fidei* of the People of God and the magisterial function of the Pastors that the unanimous consensus of the whole Church in the same faith is realized” (no. 14). And this “bond”, according to the document, can exclusively be realized within a “hierarchically structured community” (no. 14).

Thus, the appeal to an attitude of synodality is authentic and credible. The appeal concurs with a faith that wants to move hearts and that relies on the creative potential of each individual. At the same time, the argumentation maneuvers into a dead end. Although it concedes that such a renewed attitude could also have institutional consequences, the traditional structural framework of the Church is presented as unchangeable. This leads us to raise two critical questions. First, is the call to openly listen to one another and to acknowledge one another’s talents

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<sup>19</sup> I am thinking in particular of the neopragmatist sociology of Hans Joas. See Hans Joas, *Im Bannkreis der Freiheit. Religionstheorie nach Hegel und Nietzsche* (Berlin: Suhrkamp Verlag AG, 2020).

and gifts without reservation really new? And, second, is it possible that there are strong forces within the Church that understand the concept of synodality as implying a vague “inclusion of diverse voices” and hence would be unwilling to allow real changes in canon law and ecclesiology even though the dynamics of a synodal church attributed to the work of the Holy Spirit would make this advisable? If one was to make the desired improvements binding and thus effective, such structural and institutional reforms, which primarily affect the monarchist ecclesial constitution and its underlying conception of ordained ministry, would be necessary.

## **Two Blind Spots: Conflict and the Public**

We can now draw conclusions from these observations. The debate about the conception of synodality as “constitutive” (attitude-oriented) or “constitutional” (rules-oriented) reveals two blind spots that have particular consequences for the inner culture of the Church. Both are factors that tend to facilitate an atmosphere where sexual violence and abuse are committed and covered up.

The first blind spot refers to the strong emphasis on the commitment to concord and “unanimity in faith.” Of course, it is undisputed that the fundamental articles of faith, as contained in the Creed, are the foundation of the Church and its collective practice of faith. There can be no fundamental dissent, and it is not without reason that the Creed that the faithful speak together during Holy Mass on Sundays is articulated in the mode of “confessing” (*confessio*). But while the Creed may call for unity in the form of a symbolic condensation, this does not apply to its interpretation and lived implementation in faith practice and church life. In the latter, there are necessarily different points of view, opinions, and ways of interpretation.<sup>20</sup> The consequences of the confession of the one

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<sup>20</sup> Exemplary for this assessment is the importance of the term “unity” in the work of the important theologian Yves Congar; see Hervé Legrand, “Yves Congar (1904–1995). Une passion pour l’unité. Note sur ses intuitions et son herméneutique œcuménique, à l’occasion du centenaire de sa naissance,” *Nouvelle Revue Théologique* 126, no. 4 (2004): 529–554, [www.cairn.info/revue-nouvelle-revue-theologique-2004-4-page-529.htm](http://www.cairn.info/revue-nouvelle-revue-theologique-2004-4-page-529.htm). See also the very

God revealed in Jesus of Nazareth must be discussed and even disputed about. In light of different historical and social contexts and mental and cultural languages, the one Creed is interpreted in highly differing ways. Disagreement, dissent, and conflict are naturally associated with the practice of faith that is situated in time and history. It is a fundamental, ideological error to conclude from the required unanimity in the *Symbolon* (the Creed) that the no longer symbolic but concrete historical reality of the ecclesial implementation of this confession must be likewise unanimous.

At this point, one must critically ask: Isn't that precisely the kind of temptation the Church is constantly confronted with? Her law is declared "divine law," her hierarchical structures and the sacred ministry are considered to be a direct translation of the divine will of salvation and thus receive a sacrosanct cover. The fatal consequence is that every expression of difference and dissent is seen *a priori* critically instead of being acknowledged as a catalyst for a greater truth. This has led to a mentality and culture of consensus within the Church that is hierarchically governed. Dissent and disagreement are framed as deviance and are not valued.

This bears dramatic consequences for an inner culture of the Church that could be sensitive to the risk of sexual violence, as such a culture should instead signal to each and every one that "You are allowed, even encouraged to say 'No!'" Dissent and criticism are possible. A church, however, that stresses the requirement for ubiquitous unanimity restricts and eliminates spaces for such dissent and criticism. More precisely, one would have to say that, although contradiction and opposition in the Church are possible, there are no established procedures on how to deal with violations in such a way that consequences follow. In the context of such a culture, saying 'No!' becomes a heroic act for which one has to risk nearly everything—much more than in many other fields where sexual

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instructive analysis about the heritage of medieval Catholicism given by Ernst Troeltsch, *Die Soziallehren der christlichen Kirchen und Gruppen* (Tübingen: Mohr, 1912), 178–426.

abuse of children and youth equally occur, e.g., in sports clubs or in educational institutions. Considering the undifferentiated application of the image of *concordia* in the preparatory document for the Synod of Bishops, a legitimate concern arises that a merely “constitutive synodality” will not contribute to a cultural change within the Church that empowers survivors of sexualized violence and those threatened by it to publicly speak up. “Journeying together” is, no doubt, a valuable attitude. But as long as this attitude is not grounded on institutionally anchored human rights, the claim for synodality poses an even greater risk. The culture of concord could serve as a cover for the dark and toxic practice of abuse that is built on the assumption that survivors and confidants opt to remain silent rather than having the courage to speak out.

It is precisely here that the second blind spot, which is related to the discussion about “constitutive synodality,” emerges. It is the lack of a specific and differentiated public within the Church, as formulated, for example, by democracy theory in the paradigm of the public as the “fourth power.” In an ecclesiastical polity that regards itself as a hierarchical community and ensures its internal cohesion through an attitude of “constitutive synodality,” there is no room for the functioning of a critical and controlling public sphere.<sup>21</sup> Such a public sphere would be a place for open and critical discussion about the conduct of Church leadership without the constant fear of sanctions. It would be a forum in which Church leadership would be obliged to explain and justify its actions, in short, a forum of transparency. Transparency, control, and accountability are, however, categories foreign to a culture of synodality. In connection with cases of sexual abuse, there has been much talk of the “*omertà*”, i.e., of mafia-like ecclesiastical spirals of silence. Such mechanisms are almost never consciously established but rather arise due to a lack of counter-mechanisms.

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<sup>21</sup> Karl Gabriel and Hans-Joachim Höhn, *Religion heute öffentlich und politisch. Provokationen, Kontroversen, Perspektiven* (Paderborn: Schöningh, 2008).



More synodality aims at higher degrees of participation, cohesion, and collective identification within the social body of the Church. This is, of course, a valuable goal. Such “synodal dynamics,” however, in the absence of believers’ adequate protection of personal rights, can actually increase the defenselessness of potential victims of sexual violence since the moving forces within the body of the Church are strengthened by the higher degrees of integration and cohesion. In contrast, a freely established, critical, intra-ecclesial public sphere would be an ideal place to claim believers’ rights and protection on a regular and systematic basis. However, an appreciation of the potential positive contributions of such public opinion formation is absent in all the statements of Vatican documents on the process of synodality. To the contrary, they mention only unanimity in spirit, as in, for example, “In a synodal style, decisions are made through discernment, based on a consensus that flows from the common obedience to the Spirit” (n. 30).

### **Conclusion: Cautions Against a Cure-All Solution**

We can now draw conclusions from the observations and considerations. The initial question was: To what extent can the current move towards increased synodality in the Catholic Church help to prevent sexual violence and abuse? The analysis has revealed that the answer to this question is multifaceted.

First of all, it must be appreciated that synodality is an attitude that aims at increasing the active and passive participation of all parts of the Church and can contribute to empowering people to become creative actors. In the best-case scenario, it will lead to increased attention and awareness among lay people and parishioners with regard to sexual misconduct. The semantics of synodality would then contribute to a general attitude where a person prioritizes their own vocation to be an active part of God’s people and to authentically witness the gospel over the respect for tradition and cultural restraints. In this positive sense, synodality could mean that each and every one may and must speak up and be heard, if inspired by the care

for an authentic testimony for the gospel. It is beyond question that sexual abuse fundamentally contradicts such testimony.

In spite of these potential positive resources with which a “synodal church” could combat sexual abuse and violence, there remain disputed aspects. These disputed aspects not only cloud the chances of synodality but are prerequisites for a synodal church in the first place because they contribute to the prevention of sexual abuse. The main points of criticism result from the considerations made regarding the two blind spots in section 5. The programmatic word “synodality” pursues the goal of a higher internal integration and cohesion of the Church through a changed attitude of all actors: all parts of the Church are called to actively participate and listen to each other in order to improve the decision-making according to the rules of a hierarchical church.

In this way, “synodality” is to be understood as a process category describing desirable changes within the ecclesial social body. It is neglected, however, that these changes remain reliant on the monarchist constitutional framework that bears a substantial share of responsibility for the fact that sexual abuse has happened and has been covered up for so long. The current agenda of synodality does not address urgently needed steps for the development of constitutional frameworks. For such a development to occur, it is key to overcome the monarchist understanding of ordained ministry that serves as the basis for the broader monarchist structure of ecclesial leadership. This would lay the foundation for the gradual establishment of a culture in which opposition, dissent, and conflict are regarded as expressions of constructive participation. A public sphere providing for control and accountability can only emerge if rule and leadership do not stem from a single source (*mon-archic*).

In other words, “synodality” is an outdated instrument from the socio-philosophical toolbox of late antiquity, a time where democratic constitutional patterns based on the rule of law and the separation of powers were largely unknown. The Church’s current emphasis on synodality as adequate constitutional framework thus reveals a fatal blind spot and a lack of awareness for the real challenges of its constitutional

reform that have dramatically become visible through sexual abuse and violence. The necessary development can be summed up in a short formula: Not “synodality instead of democracy” but “synodality as a modus of participation on the basis of believers’ guaranteed fundamental rights.” Therefore, a constitutional debate within the Church is badly needed. We’re only at the beginning!



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