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The Silence of Organizations— The Difficulties of Organizations to Detect and Unveil Capital Crimes

Abstract Why do crimes such as sexual abuse or serial murders of patients go unreported in organizations for so long? Why does, even in the case of capital crimes, collective silence prevail in organizations? The article discusses two different answers to these questions. The first answer is given by rational choice theory: under the conditions of organization, a cooperation dilemma of rational egoists occurs, leading to collective silence, the sub-optimal outcome for all. The second answer is provided by institutional theory: the informal norms and interpretive organization's orders make collective silence appear as normal and justified. A form of organizationally useful illegality is established in dealing with crimes. The two explanatory approaches are exploratively applied to the example of patient killings and the cases of abuse in the Catholic Church and discussed in terms of their explanatory scope and the generalization of the findings.

Keywords rational choice theory, institutional theory, silence, abuse, serial killings, organizations

1 Introduction

What is the reason for brutal crimes being undetected in legal organizations for such a long time? Can one look away when patients are killed in series or children are sexually abused one after the other? The horror we feel about this makes it even harder to explain how this is possible.

In such cases, the moral appeal for the individual is significant. In legal organizations, therefore, there will hardly be anyone who welcomes such crimes and their cover-up. If this assumption is correct, the long period until detection cannot be explained by individual actors' intentions. If each individual outside an organization decided to cover up or to expose the manslaughter or sexual abuse, the vast majority would choose exposure as a course of action. It is the organized collective context in which the acts of homicide and abuse are embedded that—according to our hypothesis—ensure that their disclosure is delayed or that the acts only come to the organization's attention when there is an external cause. The cases discussed below are also particularly interesting because they do not appear to be in the gray area of legality. In this gray area typical of white-collar crime, organizations suggest at the same time compliance and non-compliance with their personnel's legal standard, often in ambivalent ways (see Pohlmann et al. 2016; Pohlmann et al. 2020). However, in what follows, we are dealing with offenses for which—according to our assumption—there is no collectively applicable informal rule to cover crimes. Thus, we move into the realm of unintended consequences of the action of organizational self-regulation.

In every society, there are situations and circumstances that can inhibit our helpful actions. For example, on the subway, we may be afraid of becoming victims ourselves and suffering harm. Or in the case of war, the civil value system can be reversed, and killing and abuse become habitual acts. Nevertheless, in the cases of the morally challenging crimes chosen here, none of this applies. As a rule, the “by-standers” in these cases do not run the risk of becoming victims themselves, and the canon of values of society, as well as its laws, do not justify these acts either. This is why we have chosen these cases because it appears sufficiently puzzling as to why a long-lasting silence about these acts has come about. How can we explain this silence in organizations and their difficulties in preventing and detecting these major crimes? The following article is devoted to this question.

We will discuss two different answers to this question. On the one hand, the rational choice theory proposes to understand the collective silence about the crimes as rational egoists' rational actions, who realize a suboptimal outcome in their interaction. It is suboptimal because it does not correspond to their primary preferences because they are not helped, and the offenders are not stopped. On the other hand, with the help of the institutional theory of organization, one can answer that in organizations, “parallel worlds” emerge in which informal interpretive orders and unwritten rules come into play, providing strong justifications for collective silence, based on hierarchy, socialization, and dogma. Here, the collective omission

no longer appears as an unintended consequence of action in the tragic interplay of rational egoists but as a “normal” activity of the organization and its personnel that conforms to norms in a parallel interpretive order with the organization’s own unwritten laws and rules.

We have deliberately chosen extreme cases because, on the one hand, they should serve us like a magnifying glass. We want to see how strong, even under circumstances of complete societal, organizational, and individual rejection of such acts, the “organizational effect” that leads to collective silence is and what mechanisms become apparent. In this sense, we follow the general idea that if we study extremes, some valuable insights can be gained to apply to organizations’ whole population (Statistics How To, “Extreme Case Sampling.”). Second, the selection of extreme cases should help us to better illustrate and clarify the two proposed responses: this is because the two theories behind them are particularly challenged in their explanatory scope to explain such extreme cases. At the same time, we also see more clearly where their strengths and weaknesses are.

In order to better illustrate the nature and scope of the two proposed responses, I have thus chosen two extreme cases as examples on which we can base the discussion: the patient homicides in German hospitals and the cases of abuse in the Catholic Church. In both cases, the moral appeal is very high, and, at the same time, a collective silence about the crimes prevailed for a relatively long time.

We treat the two extreme cases in terms of an exploration, an inquiry to better understand the organizational mechanisms that lead to collective silence. Our analysis draws on publicly available court records, testimonies, interviews with affected individuals, and secondary analyses of existing studies. This results in empirical limitations, which also limit the generalizability of the results. Thus, it is purely exploratory and is intended to explore this field of crimes with high moral appeal to expose them in preparation for further studies.

To this end, we first turn to the state of research on bystander effects. In the discussion of literature, it will become clear that in the context of a (legal) organization, the processes and mechanisms that lead to collective acts of omission in detecting crimes are different from those in the public sphere (2.). We then turn to the explanatory proposal of rational choice theory (3.). We will then use the example of Niels Högel, a convicted serial killer of patients in two German hospitals, to test and illustrate how far we get with the rational choice theory explanation. We then turn to the second proposed explanation, institutional theory. Again, we turn to an extreme case: the Catholic Church’s long-standing silence in Germany about abuse by its priests, and we test out an institutional theory explanation (4.). A concluding chapter then sums up how far we have come with the two proposed explanations and what we have learned about the organizational mechanisms behind collective silence about serious crimes (5.).

2 The Bystander Effect

When “bystander effects” are mentioned in literature, they are often based on rational choice theory, although this is rarely stated, and the systematic and theoretical reference is often missing (cf. Dieckmann 1985; Kliemt 1986; Campos-Mercade 2020). The following remarks are intended to change this. Using the example of patient homicides in hospitals, the bystander effects elaborated in literature will be related to Coleman’s rational choice theory and will find their systematic classification here. We start with the bystander effects and place them in the paradigm of the rational choice theory. On this basis, we then take up the well-known German case of the male nurse Niels Högel, whose conviction for killing 85 patients became final in 2020.

There are numerous studies on so-called bystander effects, especially in psychology and social psychology (see only Latané and Darley 1968; Latané and Nida 1981; Fischer et al. 2011; Liebst and Philpot 2018; Hussain et al. 2019, and many others). They refer to the phenomenon that bystanders do not intervene when they witness a crime and that the probability of intervention decreases the more observers there are at a crime scene.¹ This effect is generally explained in literature by three factors, in addition to personality traits such as “self-efficacy,” gender, and effects of different situations (see, e.g., Krieger et al. 2017; Mabry and Turner 2016; Leone et al. 2017).

- 1) First, it is argued that a cognitive redefinition of the situation occurs, which allows for moral justifications. For example, sexual harassment is deciphered as harmless flirting behavior, thus eliminating the need to report the potential offense or to intervene (see, e.g., Allison and Bussey 2016; Thornberg 2017; Thornberg 2020, and many others). (Cognitive Restructuring).

1 For many years, social psychological studies of violence have focused on the role of bystanders. One example is the well-known “Genovese effect,” first observed when 38 witnesses to the brutal rape and murder of Kitty Genovese in New York in 1964 observed various perpetrator-victim interactions but did not intervene. This effect states that the greater the number of bystanders who witness aggression, the less likely any of them will intervene (Latané and Nida 1981, 309) unless they perceive it to be particularly dangerous (Fischer et al. 2011). Many other variables have been shown to influence bystanders’ willingness to intervene, including membership of an “in-group” or “out-group,” as well as various characteristics of the victim, the bystander, and the situation (Paull et al. 2012, 352). The bystander effect is a widespread phenomenon. When other people are present (or believe they are present), individuals are less likely to intervene in a scenario of street violence (Levine and Crowther 2008) or in a simulated bicycle theft situation (Fischer and Greitemeyer 2013), help with a flat tire (Hurley and Allen 1974), and respond to an email request (Blair et al. 2005). It even occurs when individuals merely imagine the presence of others (Garcia et al. 2002). A recent meta-analysis (Fischer et al. 2011) confirms these findings and finds strong support for the notion that others’ presence inhibits helping (Greitemeyer and Mügge 2013, 774).

- 2) Second, easily accessible schemas that have been used frequently before are more likely to be applied to ambiguous situations than competing schemas that are not so easily accessible. For example, in the case of sexual harassment, ambiguity is reduced to the motto: lovers like to tease each other (see, e.g., Samosh 2019; Garcia et al. 2002). (Reducing Uncertainty).
- 3) Third, it turns out that the more information regarding a rule violation circulates among employees, the less each employee feels responsible for giving hints or intervening (see, e.g., for meta-analyses: Fischer et al. 2011; Hortensius and de Gelder 2018; but also for a discussion of positive bystander effects, Fischer and Greitemeyer 2013, among others). (Diffusion of Responsibility).

In psychological and social psychological literature, it is seldom known exactly which explanatory approach lies behind these factors, nor how they are classified in a theoretical explanation. The following remarks attempt to remedy this deficit.

Currently available literature is also devoted to bystander effects in the workplace. In addition to characteristics of the workplace and the employees (see only Hellemans et al. 2017), three organizational effects are particularly emphasized in the various studies:

- 1) Bystander reactions depend on how the organization handles misconduct or suspicious incidents (see, e.g., Ferguson and Barry 2011; Christianson 2015). (Sanction Culture Effect).
- 2) Intervention is prevented by unspoken rules, such as not confronting colleagues in front of others, or by hierarchical barriers (see, e.g., MacCurtain et al. 2018; Coine et al. 2019; Ng et al. 2020). (Organizational Culture Effect).
- 3) Because managers have authority over employee performance appraisals and promotions, bystanders often choose to tolerate misconduct out of fear (see, e.g., Gao et al. 2015; Samosh 2019). (Hierarchy Effect).

Again, it is noticeable that the organization effect is not theoretically illuminated and not traced back to the basis of rational choice theory. Although the effects are named as results of the studies, they are not further substantiated theoretically.

However, in the workplace, mechanisms come into play that differ from those in the disorganized context of public space. However, these differences and organizations' specifics receive too little attention in mainstream literature on bystander effects.

When we move into organizations' context, the collective background of silence about crimes changes significantly: we want to call this the "organization effect." It can facilitate the detection of crimes, e.g., using compliance departments, but at the same time, it can also make it more difficult.

The organization effect is determined by structuring the context in which the omission occurs through the organization's rules. In this context, many things change. Thus, the person becomes the personnel, the affiliation becomes the so-

cial entity, and the membership becomes contractually regulated. The autonomy of action is temporarily restricted in favor of order, and bound by instructions in a hierarchy. Even the standard rules of conduct experience a different, new imprint in this social context. After a period of membership, the organization's culture shapes its members cognitively, as well as normatively and habitually. This means that actions in this context follow a different pattern than those without this context. These principled differences, with their implications for the nature and likelihood of acts of omission, are rarely clearly elaborated in bystander effects literature. They will be considered in more detail below, based on the example of patient killings analysis using rational choice theory.

3 The Case of Niels Högel and the Rational Choice Theory

To explain these bystander effects using rational choice theory, I will refer to Coleman's approach (1990) in the following. In his work "Foundations of Social Theory," he provides an analytical model applied to omission cases with sufficient explanatory scope. To illustrate this, we refer to Hartmut Esser's reformulation of the model (only 2001, 203f.; 2011, 54ff.), without thereby adopting its substantive theoretical assumptions. In our case, we are left with an explanatory strategy that only pretends that audiences are utility maximizers and asks how far we can get with such an explanation.

"Rescue Rambo" or "death Högel" were the nicknames given to male nurse Niels Högel, who was respected for his resuscitation skills. On June 6, 2019, Högel was found guilty of 85 counts of patient homicide and sentenced to life in prison for the second time. The court found an exceptional gravity of guilt. The Federal Supreme Court confirmed the sentence on Sept. 11, 2020. Högel worked as a male nurse in hospitals in Oldenburg and Delmenhorst from 1999 to mid-2005, committing numerous murders that are believed to be the most extensive murder series in German criminal history. In total, the authorities initiated preliminary proceedings on suspicion of murder in 332 cases.

Niels Högel brought patients into life-threatening situations with drugs, only to appear indispensable during their resuscitation. However, because he administered various antiarrhythmic drugs or even potassium chloride in high doses, the resuscitations were often unsuccessful. This is because these drugs themselves can trigger life-threatening arrhythmias. So how could these serial murders at the two hospitals have gone undetected for so long?

The answers we can give to this question with the help of rational choice theory lead first to the logic of the situation and its perception (1).

(1) Logic of the Situation

Unlike in the public space, *the logic of the situation* is characterized by hierarchical orders and the contractual relationships between the principal and his agents. Besides, there are often forms of long-standing familiar cooperation in which the bystanders see themselves again and again as “personnel” and move within predefined forms of cooperation.

The organizational effect in hospitals is different from many other organizations. This is because they are organizations in which life-and-death decisions are part of everyday life and in which the element of being “blindly” dependent on each other in cooperation is of existential importance. Teams often work together for many years. The hierarchical gradient is steep and determined by the medical profession. Public hospitals are profession-based administrative organizations in which the principal—federal, state, or local government—sets a large number of rules, but is often only indirectly present in the hospital itself. In its place, the hospital management assumes the principal function.

The public hospital is particularly unique in another regard as well. Because of the individual, organizational worlds of nursing, administration, and the medical profession with their own laws, there is also a form of collective ignorance of the respective counterpart, despite all the practical instructions to one another. In clinical interaction, everyone is united around the patient with hierarchical gradations—in the public hospital organization. However, they are divided by different hierarchies. The professional segregation of medicine, nursing, and administration, each with their own hierarchies, career systems, and forms of work organization, creates blind spots. While one’s world is more sensitive to deviations that fall outside the expected bounds, this sensitivity is less pronounced in the other worlds (cf. Beine 2011; Beine and Turczynski 2017; Yorker et al. 2006; Yardley and Wilson 2016).

(2) Bridge Hypothesis

In the theory of cognitive framings (*bridge hypothesis*), the act must first be recognized as such and not accounted for under the organization’s usual routine framings.

It is well known in sociology that people develop interpretive routines and habits that help them classify things without giving them much thought. These frameworks are often taken for granted and maintained until something forces us to classify things differently: thus, as in H’s case, to evaluate the cause of resuscitation not in the context of a disease event but to recognize it as the result of deliberate manipulation. This initially everyday conservatism is even increased in organizations. Their busy operational form gives rise to collective habits of interpretation that become firmly established. The stronger the “corporate identity,” the more such interpretive habits frame everyday life in organizations. The natural adherence to these

interpretive routines is referred to as organizational conservatism. It regularly causes resistance when changes are imminent. This is because the well-rehearsed routines mean security for hospital employees and ensure that someone can be “blindly” relied upon, especially when life and death are at stake. These frameworks are maintained and ensure that the probabilities of detection for patient killings decrease. The manipulative killing of patients falls outside the frame and is therefore dismissed as unlikely. Warning bells do not ring on the organization’s radar.

Anything out of the ordinary cannot be considered because of the extreme time pressure, the high workload, and the existential pressure—unless it is forced to be taken into account. However, the selectivity of what is perceived is always high and ensures the collective organizational tunnel vision necessary to operate as a matter of course, daily. Against this background, deaths after resuscitation appear to be normality, and only their accumulation can bring attention. The “bystanders” are—besides the relatives of the patients, who can only see the individual case—the personnel themselves working under these extreme conditions.

At the same time, the hospital’s operational radar is set to life-sustaining, curative patient treatment measures and risks. The set of warning signs that receive regular attention is also oriented toward this. This “professional deformation,” which is essential for patients’ survival, leaves out the other side of the distinction: not wanting to heal, waiting, cheating, and destroying life. This dark side becomes a taboo zone. The professional orientation toward the treatment of the sick is usually so strong that all indications of a deviation from it are blanked out as long as they do not have to be taken note of. Even if, as in the case of Michaela R., who became known as the “Angel of Death” in Wuppertal, suspicion arises and is reported after prolonged hesitation, the credibility of the observations is doubted rather than the professional loyalty of those suspected of a crime (effect of organizational culture).

This is an integral part of the cognitive restructuring of the situation and the “frame selection” of the onlooking staff. A former colleague reports that *“in the beginning, people said that Högel was a jinx because the patients’ condition always worsened when Högel was on duty. Later it was said: ‘oh dear, the death Högel is on duty again.’ At first, no one really took it seriously until the conspicuities became more frequent. [...] The mistrust of the colleagues grew. Högel was not stopped.”* (Ramm, “Mordprozess gegen Ex-Krankenpfleger ‘Ach herrje, der Todes-Högel hat wieder Dienst.’” Translation M. P.)

(3) The Logic of Selection

According to the organizational culture, the benefits and costs of non-intervention in the *logic of selection* are now determined according to the organization’s payoff matrix and the probabilities of their occurrence. A and B are no strangers to each other but colleagues. The preference ordering that determines the utility of an intervention is now twofold. A not only wants to stand as the right person for himself and others but also as a good employee for the principal and colleagues.

Only when there is a perception of suspicion does the logic of selection apply in this case. Since helping and healing are part of the organization's professional self-image, the order of preference is shaped. The benefit of helping and avoiding further deaths in a preventive way may be considered as high and may argue for colleagues to express their concerns about making the suspicions public. It is also in the principal's interest, the hospital's sponsors, to prevent patient homicides. Since the lives of patients are at stake, the benefit is considered to be exceptionally high. Also, the likelihood that the benefit will occur, when concerns are raised is high, in the case it is brought to external institutions' attention, e.g., the media or the public prosecutor's office. However, the costs of whistleblowing are there as well. For one thing, it means reputational damage to the hospital, which the agent wants to avoid in the principal and supervisor's interest. Thus, the senior physician in heart surgery of the hospital in Oldenburg stresses, *"It was also about the reputation of the hospital. Strictly speaking, we were afraid of committing character assassination. That is why the matter was handled very discreetly."* And according to a former colleague of Niels Högel: *"Then the doctors and the head of administration at the time said, 'No, we're not going to press charges under any circumstances. Because, of course, such negative press is bad for such a hospital.'" (Krausz, "Er arbeitete umsichtig und gewissenhaft.' Über den Krankenhausmörder Niels Högel." Translation M.P.)*

On the other hand, existential fears came into play. Some accuse the whistleblower of being a slanderer, others of defiling their reputation. According to the hospital's organizational culture as well as its "corporate identity," Högel's colleagues are more likely not to incur these costs. For example, a former colleague and witness at the trial reported, *"She [a colleague] said to me that I had no evidence and therefore I should watch out because otherwise, I would commit character assassination,"* the nurse said. *"From then on, I was scared and kept my mouth shut."* (Effect of sanction culture). So, neither the costs nor the probabilities of them occurring are low, but the benefits seem to outweigh them. Furthermore, in isolated cases, there were internal whistleblowers. However, how was it possible that Niels Högel remained undetected for such a long time and that the hospital organization did nothing to put a stop to him?

(4) The Aggregation Logic

The game between agent A and agent B in the *aggregation logic* is no longer a prisoner's dilemma but a cooperation game. In this, it can be rational that—under the condition that A and B have to achieve a joint outcome—agent A tries to contribute as little as possible to it, especially if he sees that agent B is doing a lot. This problem is known as the "free-rider" problem. Again, the suboptimal outcome in dealing with this problem may be that neither A nor B contributes much to the joint outcome. It may follow from this form of cooperation that aggregation logic does not lead to the joint outcome of detecting the crime but collective omission. A and

B fuel the rumor mill, but do not decide to intervene, either alone or together. However, unlike in the public sphere, here, the principal and the central management of the corporate actor play a crucial role. The reason for that is that in organizations, such cooperation problems are well known and are addressed in various forms of management and work organization.

Even if the common cynical nicknames such as “angel of death” or “rescue Rambo” give indications that at least accumulations of deaths have become evident, silence usually prevails in the hospital for a long time—based on “ignorance” of the facts—as well as astonishment and disbelief when the serial murderers do come to light.

Let us assume that nurse A and nurse B are engaged in a cooperation game or a “volunteer’s dilemma” (see Dieckmann 1985; Kliemt 1986). Both are interested in a common result that Niels Högel is exposed and condemned, but equally having to do as little as possible for it and take as little risk as possible. This “free rider problem” leads on the one hand back to the situation we already know from the prisoner’s dilemma game: if B does a lot for it, A can pull back and vice versa. This leads to both holding back and waiting, hoping that the other will do something first. On the other hand, however, the cooperation game is set in a hierarchical organization: A’s and B’s perceptions of what the principal and superiors expect of them in terms of the joint outcome of an intervention play a significant role in the cooperation game. Moreover, there is much to suggest that the principal, as well as the management were not considering it as necessary, based on A’s and B’s suspicions. This is crucial in this case for the aggregation of decisions not to intervene in A and B’s cooperation game. For example, a colleague of Högel’s testified in court, “*When I informed the ward management about the incident, he said, ‘Don’t act like that, people are getting older and dying.’ The ward manager said to me, ‘If you can’t handle that, you need to find another job.’*” (Effect of sanction culture). Or the head doctor of the cardiology department in Oldenburg stated about a tally list of deaths, which the head of nursing had prepared, that he had not known about it, “*I am seeing these here for the first time; he says when the court shows them to him. The list showed a particular cluster of resuscitations when Högel was on duty. Underneath is a handwritten comment: the evidence is ‘in no way’ sufficient to inform the public prosecutor’s office.*” Or a former colleague of Högel reports that he reported his suspicions to the ward nurse: “*But they didn’t draw the right conclusions. Or didn’t want to.*” Thus, it becomes clear that the executives’ perceived expectations and reactions triggered the suboptimal result of the collective omission. As far as can be seen, these expectations and reactions of the superiors (hierarchy effect) tended to point toward welcoming an omission more than a disclosure of the incidents.

(5) Transformation Rules

The theory of the corporate actor can be applied, especially in the case of the *transformation rules*. The sanctions and informal reactions of the principal and central management help determine whether and in what way cooperation games of this kind are tolerated in the organization.

The delegation of responsibility recognizably played an essential role in the cooperation game. It became clear from the court proceedings that the rumor mill around Niels Högel began to bubble early on, and the cynical names given to him indicated that at least many had an inkling, even if they were still protecting themselves from the clear realization of reality, if necessary. The background here is the horizontal and vertical delegation of responsibility, a kind of externalization of the problem. It is typical for organizations. The more hierarchically structured they are, the more responsibility is delegated not only downward but especially upward. From the perspective of the employees, the superiors are supposed to decide this. Since hospitals are usually profession-based administrative organizations in Germany, the hierarchical gradient in them along the three corporate worlds of administration, nursing, and the medical profession is very strong. There are barriers to interference, especially when trained and proven medical expertise is lacking. This is why the higher valuation of utility in the logic of selection does not translate into a better outcome in the interaction of A and B. The possibility of upward delegation—in this case, without consequences—also prevents this.

However, not only delegation upwards and horizontally to colleagues plays a role in hospital organization but also a delegation of responsibility by superiors using the transfer to another department. This is part of a “percussive sublimation” or “lateral arabesque”, if someone is kicked upstairs or moved with praise to another department, typical in organizations (cf. Peter and Hull 1969, 34f.). Its hallmark is that personnel who prove to be low-performing or critical to handle are praised away and sometimes even kicked upstairs. Due to this mechanism in organizations, Niels Högel was not only transferred to anesthesiology but they were also not informed about the concerns in cardiology. Due to this form of delegation of responsibility upwards and sideways, i.e., horizontally towards other colleagues and departments, which is common in organizations, the logic of selection did not translate into a logic of aggregation that led to an intervention involving the external principal, the public prosecutor’s office, or the media. While there were isolated tips passed on to superiors, the next step was not taken when these proved inconsequential.

4 Dealing with Abuse in the Catholic Church—an Explanation in the Light of Institutional Theory

While the rational choice theory is the dominant paradigm in literature to explain bystander effects, it is not without alternatives. A second proposed answer to our question is inspired by institutional theory. Drawing on it to address how collective silence can occur in the face of extreme acts of high moral incitement refers to the organizational rules in dealing with these crimes and what force of validity they can acquire in the organizations as in the organizational field.

In this context, an institutional theory perspective shows that omission should not be understood as isolated opportunistic-criminal behavior of individual employees but can be linked to institutionalized, i.e., taken-for-granted expectations and practices in their organizational field. Within the particular organizational field, it may be rational and legitimate to behave in silence in the organization's interest because even behind the facades of formal specifications of organizations, there are unwritten rules.

Niklas Luhmann (1964, 304ff.) refers to the organizationally useful deviation from formal rules as “useful illegality” in early work. In the case of organizationally useful illegality, there are, in turn, rule deviations that appear legitimate and rule deviations that appear illegitimate. The culture of an organization then determines which rule deviations receive recognition and which do not. In our argumentation, we move to the next level of explanation, which is about how the organization and its employees deal with these rule deviations. We want to show that on this level, organizationally useful illegality or organizational deviance can occur, which does not report the serious appalling rule violations to the public prosecutor's office but endures them according to the informal rules, interpretative orders, and informal norm orientations of the organization and remains silent about them to the outside world. This perspective will be illustrated in the following using the example of abuse in the Catholic Church.

The abuse in the Catholic Church has already been reported on, and there are many excellent studies on it (including Dreißig et al. 2018; John Jay Report 2004). Nevertheless, it remains quite a mystery as to why the church did not merely transfer suspected priests to administration or a convent but often to new parishes—where they again had access to children and potentially new victims. At times, there was even bartering between dioceses: “I will take your problem case if you help me with another problem or with my problem case.” That is just the scandal behind the scandal.

That the acts of abuse in the Catholic Church are a structural problem is beyond question. This has been convincingly highlighted by the results of the study by Dreßing, Dölling, Hermann et al. (2018), commissioned by the German Bishops' Conference. The research group's evaluation of the personnel and hand files of a total of 38,156 clerics of the 27 dioceses from the years 1946 to 2014 revealed that evidence of accusations of sexual abuse of minors was found in a proportion of 4.4% (1,670) of

the clerics. The number of victims was 3,677 children and adolescents—62.8% boys and 34.9% girls. On average, there were 2.5 affected persons for every accused person, with around 42.3% being “multiple accused persons” (Dreßing et al. 2018, 5). Thus, the impressive database already shows that the cases of abuse are by no means to be seen as the misconduct of individual black sheep but rather point to deviant processes within the institution of the Catholic Church.

However, the form of organizational deviance can also be found, in particular, in the way the crimes and potential offenders are dealt with in the Catholic Church. This is because the moral incitement character of the acts contrasts here with the established practice of transferring and concealing in the Catholic Church. At this point, we want to examine how far we can go with the explanatory approach of institutional theory—concerning the phenomenon of ecclesiastically useful illegality in dealing with potential crimes and offenders.

(1) The organizational field: the Catholic Church is not an organization like any other. Its range extends from voluntary services to regular forms of interest and work organization to forms of total institutions, such as those practiced in monasteries and seminaries. This hybrid variety of social forms under one roof is not the only characteristic of the Catholic Church: it is a purpose-driven, ideological organization, i.e., its organizational purpose and membership motive are closely linked. It has a dogmatic and canonized core of “eternal truths” that it has tried to maintain for more than two millennia in the face of changing zeitgeist currents. In doing so, it has succeeded in obtaining special rights. These include its own jurisdiction and, for example, its own labor law or church tax like in Germany, which is collected by the state. The list of privileges and special rules is long. However, this applies to many churches and religious organizations worldwide. Scientology or the megachurches in the USA have also achieved numerous benefits, e.g., regarding tax treatment. Moreover, the claim to autonomy is high, and the handling of abuse cases is similar (see, e.g., Kern and Schimank 2013; Starks 2013; Bakari 2019).

In the organizational field of religious organizations or institutions, it is good (or bad!) custom to treat good and bad shepherds’ transgressions primarily and, if possible, exclusively according to their own rules. Nevertheless, this is not all. Much more importantly, they are interpreted in the religious interpretive order of the organization—the dogma. This “theorization” of the misdemeanors, along with a dogmatic order of justification and interpretation, also results—more or less necessarily—in a certain way of dealing with the misdemeanors. Depending on the offense, this can range from public branding and internal punishment to prescribed repentance and correction.

One of the peculiarities of the Catholic Church is its head, the Pope. His directive authority is used in various ways, but always refers to misconduct in the church, priests, the faithful people, and the rest of humanity. For example, in his speech at the Eucharistic celebration after the Child Protection Conference at the Vatican, February 21–24, 2019, Pope Francis proclaimed:

“Consecrated persons, chosen by God to guide souls to salvation, let themselves be dominated by their human frailty or sickness and thus become tools of Satan.” He goes on to ask, “So what would be the existential ‘meaning’ of this criminal phenomenon? In the light of its human breadth and depth, it is none other than the present-day manifestation of the spirit of evil. If we fail to take account of this dimension, we will remain far from the truth and lack real solutions.” (Vatican, “Address of his holiness Pope Francis at the end of the eucharistic concelebration.”)

He had previously established such a line of interpretation of the potential offenses that portray the abusers as Satan’s victims and tools; thus placing them both under the primary jurisdiction of the church (Who but the church can discern this truth and find solutions to it?) and suggesting their pastoral treatment as deceived prodigal sons who can repent, be healed, and be led back to the right path only in the bosom of the Church.

(2) The autonomy of the Church: the Catholic Church considers itself as an independent institution, superior to the secular powers. Therefore, when misconduct occurs in the church, there is no direct path to the state and state executives. Not only the cognitive and normative institutions are oriented accordingly but also the regulative institutions of the church. Thus, in legal and administrative procedures, it follows its own norms of secrecy (*secretum pontificium*, papal secret), the violation of which is punishable. The church superiors litigate themselves since only they can maintain the religious order (“hierarchy”). Likewise, the church conveys within its doctrine of faith, derived from the sacrament, that only ecclesiastical representatives can judge sin and misconduct and impose appropriate sanctions, such as confession. This may explain why only 19.4% of criminal charges overall were filed by representatives of the Catholic Church (Dreßing et al. 2018, 297). Thus, in the cases of abuse that became public, the first steps toward dealing with the acts under criminal law were often taken only at a time when the Pope or the curia feared for the power and reputation of the church. However, in the case of the U.S., this also occurred only in isolated cases and with a long-time lag from the crime (Formicola 2004, 2011; Plante 2004; Wasserman 2017). In most cases, family members or the victims themselves brought the charges. The initiation of proceedings was equally hesitant. Consequently, on average, more than 13 years passed between the first offense and the initiation of proceedings in criminal charges, and 22 years in the case of proceedings under church law (Dreßing et al. 2018, 298).

The Catholic Church’s hybrid organization’s dogmatic side is still in line with its “culture of sanctions” in dealing with priests, bishops, and cardinals accused of abuse.

Nevertheless, this changes when we look at the internal sanctioning measures of the Catholic Church. Here, the facade and everyday practice in dealing with potential offenses committed by its pastors diverge. It is surprising that in more than half of the cases, the Catholic Church did not use its possibilities to initiate inter-

nal procedures (“sanction culture”). Overall, the church was very reluctant to take sanctioning measures against the accused. In the case of more than half of those accused of sexual abuse of minors (53%), no proceedings under church law were initiated (Dreßing et al. 2018, 294). It was even less common to report to the Congregation for the Doctrine of the Faith at the Vatican (Dreßing et al. 2018, 296). Considering the seriousness of the offenses, it is also alarming that more than a quarter (27.2%) of the internal proceedings ended with no sanctions at all, and that sanctions that were drastic from the perspective of canon law (e.g., dismissal from the priesthood) were handled very hesitantly overall (Dreßing et al. 2018, 295).

In the Church’s interpretation, the Catholic Church’s religious order, which is to be protected, takes precedence over individuals’ misconduct, in some cases, even when they became victims of this misconduct. Clearly, this also shaped the organizational culture, the unwritten rules in dealing with the abuse cases.

This was also underlined by a religious interpretation of the upper personnel, who appear as “representatives of God”:

“The priest is sacral, he is untouchable, he is the master pastor, and when this image of the priest prevails, authoritarianism is, of course, the constant danger. The priest determines everything, and there is the danger that the priest is allowed to afford more than the others.” (Bayerischen Rundfunk, “Missbrauch in der katholischen Kirche: Eine Frau kämpft um Aufklärung.” Translation M.P.)

The many years of socialization of the personnel, as well as the nuns and monks, do the rest in cultivating this practice. The appropriation of life in the monastery’s total institution leaves its mark on those who have entered into this total form of communion.

A clarifying conversation between Doris Wagner, a former nun and abuse victim, and Cardinal Schönborn from Vienna, which was broadcasted on TV Bayerischer Rundfunk on February 6, 2019, shows such an interpretation par excellence. The former nun reports about her emotional world after the rape by a priest, “*My first impulse was: I can never tell anyone about this, and the most important thing is that no one ever finds out about this because otherwise, people would doubt the church. [...] What responsible people have when you tell them about it? The most important thing is that nothing happens to the church. And that comes naturally to people because the church is their home and no one wants to lose their home.*” (Bayerischen Rundfunk, “Missbrauch in der katholischen Kirche: Eine Frau kämpft um Aufklärung.” Translation M.P.)

This shows, although in the extreme case of a totally included nun, how much socialization establishes an order of interpretation as a matter of course, in which the protection of the church has the highest priority, even when bad things have happened to the person herself by representatives of this order.

The former nun continues to report, “*My superiors represent the place of God for me, they are commissioned by the Church, in a community that is recognized by the*

Church. God has called me into this community, i.e., whatever they ask me, it comes from him and is therefore somehow good. [...] And I believed in that. I was convinced of that. That always worked for me. Until the moment when a priest stood in my room, undressed me, and raped me. That is when I knew: it does not make sense anymore. [...] Why does God allow this? (Bayerischen Rundfunk, "Missbrauch in der katholischen Kirche: Eine Frau kämpft um Aufklärung." Translation M.P.)

This incorporation of a formal and informal system of norms in an organization, which in the case of the Catholic Church is not only theologically based but to- tally inclusive concerning leadership positions or membership in monasteries—i.e., it appropriates the members with their lives—is a first explanatory building block for the organizational criminality behind the transfer and cover-up practices. If membership is very closely linked to the "sacred" purpose of the organization, as is common in churches as "purpose driven ideological organizations," rule-breaking in favor of the sacred purposes seems more likely to be acceptable. This is because the exclusive dogma of eternal truths is baked into the organization's program structures, as it were, and the primary task appears to be to represent them independently of the profane external world and its concurrent impulses.

(3) Atonement and forgiveness: from a sociological perspective, the faithful people are the Catholic Church's clientele. They are reached through the "shepherds," who are the personnel of the Church. The faithful people are, therefore, part of the organization's environment. However, most of the activities of any organization, including the Catholic Church, are directed inward, not outward. For the Catholic Church, the shepherds are far more essential than the flock, especially since their replacement—unlike that of the flock—is severely limited in the Catholic Church. Priests are appointed to a parish ministry for life. Therefore, their exchange is very difficult—as with once appointed professors—and entails special burdens of justification. Besides, the paternalistic way of interpreting caring guidance claims validity not only outwardly toward the flock but also inwardly. In this interpretation pattern, care is directed primarily to shepherds who have committed missteps and have been specially tested by God in this matter. The shepherds who have stumbled experience special treatment on the path of atonement and forgiveness for their sins. According to the John Jay College of Criminal Justice study (2004), reliance on psychiatric or pastoral healing has been too great for the Catholic Church in this regard. In this interpretation pattern, both the possible return to the path of Christian virtue and the duty of care along the way are central elements. They can explain why inner transfer and concern for the return of the lost shepherds were firmly anchored in the repertoire of action of the Catholic Church. An underlying system was established—in great contrast to the organization's facade—which, in addition to sanctions such as early retirement or leave of absence, operated mainly based on transfers and made it possible to get rid of "problem cases" at short notice. The study found that diocesan priests accused of sexual abuse of minors were transferred more frequently within the diocese (4.4 times on average) than diocesan priests who

were not accused (3.6 times on average)—and the situation was similar for transfers between dioceses (Dreßing et al. 2018, 304). Nearly one-fifth of intradiocesan and international transfers of accused persons and about one-quarter of interdiocesan transfers were explicitly linked to sexual abuse by the dioceses themselves (Dreßing et al. 2018, 306). The researchers concluded from the data that “the more frequent transfers of the accused [...] had not come about by chance but were subject to a systematic approach in a statistically significant sense.” (Dreßing et al. 2018, 306; translation M. P.). A kind of “abuse carousel” was established in the church’s work organization. Furthermore, evidence was also found “that the majority of these transfers or changes were not accompanied by appropriate information to the receiving parish or diocese about the respective accusation or the possible risks for repeat offenses associated with the change.” (Dreßing et al. 2018, 9; translation M. P.). However, transparent documentation of the accusation for the respective receiving diocese was omitted in 91% of the cases (Dreßing et al. 2018, 308). While most sanctions issued appear to be light overall, the findings also reveal that those responsible—by placing the accused in a mostly unsuspecting environment—accepted the potential risk posed by the accused. Ultimately, this “sanctioning culture” contributed to the fact that the perpetrators were not infrequently supplied with new victims.

At the same time, such a practice tied in with firmly established routines in the church’s handling of misdeeds. Not only the opportunity but also the habit legitimized the inhumane way of dealing with the abuse offenses of priests toward the victims. The many years of socialization in the church, as well as the hierarchy, support not only the legitimization but also the habitualization of this concealment and cover-up practice of the organization. It was in line with the interpretive order and the unwritten rules for dealing with the “lost sons.”

Therefore, there was no rational choice of the actors, which could be easily explained based on individuals’ calculating actions. Only the organized, collective context in which the acts of abuse are embedded ensures, according to our assumption, that their disclosure is delayed or that the acts only come to the attention of the church upon the external cause. As we have seen, all the ingredients for classification as organizational deviance are present. The collective failure to report abuse was as illegal as it was useful to the church. Longstanding socialization, ecclesiastical hierarchy, justificatory interpretive patterns, and cognitive and normative institutions were essential factors in framing the collective omission as regular organizational action. Justifications were plentiful. However, it became apparent how much the facade and the actual activity structure began to diverge over time. This triggered a late dynamic of change, which we are witness to today. The church is opening up more to the secular external world and promises to make abuse allegations heard by the public prosecutor’s office in the future. Whether this will be broken again by the informal interpretive order, the future will have to show. In any case, a first step has been made to discredit the collective omission as “normality” and to give the indications of providing the uncovering of abuse cases with more legitimacy. After all, the Pope is now also behind it.

5 The Explanation of Collective Silence in Organizations—Discussion and Conclusions

We have become acquainted with the two answers as to how it is possible for such extreme cases as the series of murders in the hospital and the sexual abuse in the Catholic Church to go partially undetected in organizations or remained undisclosed for a long time. In doing so, we have approached the task of solving the puzzle by applying two theoretical approaches without going into more detail about their scope, their difficulties, and their limitations. In conclusion, I would like to provide this in the required brevity. The advantage of Coleman's rational choice theory is that it offers a precise set of tools and precise analytical terminology to analyze the bystander effect in organizations in more specific terms than psychological and social psychological literature has done so far. While the latter wallows in many empirical findings without explaining them systematically, Coleman's rational choice theory does this par excellence. Conversely, however, it has the problem that it develops its precision in analytical terms and is based on hypothetical attributions that are difficult to test empirically. While it can provide good empirical evidence of collective omission and the negative or positive effects of cooperation, it remains dependent on model assumptions at the level of the logic of selection. Here, research on these cases would rely on measuring the preferences and calculations of the actors involved, which often works only approximately, if at all, and outside of the laboratory, not on a case-by-case basis. The other way around, the institutional theory is very well redeemable empirically, but the conceptual and theoretical tools are too general and not precise enough. While the institutional theory debate has gained momentum in recent decades and many theoretical fragments have been added, a precise general theoretical blueprint is not yet liberated (see, e.g., Senge 2011; Meier 2011; Bromley 2017; Tempel 2006; Meyer 2015; Teriesen et al. 2015). Too much can still be explained with it. Nevertheless, it is possible to give important hints as to which direction an explanation can lead at this point.

In other words, there are limitations in both approaches: on the one hand, in their theoretical precision and, on the other hand, in their empirical foundation, and both have problems in ensuring their empirical refutability. However, that is not what we are concerned about in this article. It aims neither at a comparison of theories nor at a comparison of cases. For the time being, it only wants to show how the explanatory problem can be approached exemplarily and how the puzzle can be solved. A comparative analysis of extreme cases is still pending here.

It was essential to show that both approaches can solve the puzzle and how much the organization effect—often neglected or left undefined in literature—applies. Nevertheless, more importantly, we wanted to show how it comes into play. On the one hand, we wanted to clarify that the interaction of rational egoists in the organization—unlike in the public sphere—is determined by the organization and that the tragic outcome of suboptimal cooperation, collective default, can also

be prevented by it.² Second, we wanted to emphasize the extent to which the informal orders of organizations can promote collective silence and endow it with recognition—so that criminal omission becomes a legitimate act that conforms to norms. This does not only require sects or total institutions but just regular organizations.

The empirical generalization of our exploratory findings has not yet been done here and is still pending in the currently available literature. The contribution of the paper to the question of generalization is rather in the argument that led us to investigate the extremes in the first place: if organizational effects take hold to this level even in such extreme cases, we hypothesize, do they take hold even more strongly in less severe forms of rule and law-breaking in organizations? At the very least, our analyses of corruption and manipulation cases so far support this assumption. In half of the cases, such organizational effects and forms of organizational deviance could be detected. Thus, these extreme cases can indeed serve as a magnifying glass to learn more about the organizational mechanisms that lead to collective silence in organizations.

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2 Thus, there are many psychological, social-psychological, and pedagogical literature and empirical studies on what can be done to avoid bystander effects or reverse them into positive effects.

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