



PROFESSOR
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Cox's compar-
ison of the
cases of Bish-
ops Defregger

and Shannon got a big play in the press, or at least in one of my city's daily papers. It wasn't treated this way because anything Cox said made sense, but when anyone accuses the Vatican of a "monstrous abortion of justice" as Cox did, you can count on Associated Press writer Bennett Bolton, among others, making the biggest thing possible out of it. Never mind the matter of distinctions or logic—just give Cox his soapbox to preach from, and you will find the feature writers of the secular press (and some in Catholic journalism as well) listening in awe.

The distinctions are what make all the difference in the matter at hand, and while we cannot expect an existentialist such as Cox to appreciate them, surely we could have hoped that a trained journalist such as Bolton would. Never mind—since neither saw fit to examine the matter logically and dispassionately, it is up to us to do so.

BISHOP DEFREGGER IS the man who, as a captain in the German army, passed on an order for the execution of Italian hostages. He has stated that he tried his best to have the order countermanded, but when it became apparent the executions were going to be done anyway, he transmitted it. What the state of his con-

science at the time was I certainly don't know and I doubt if anyone but Bishop Defregger knows. Suffice it to say he has admitted to deep remorse apparently at not doing what he sees at least now in hindsight would have been the heroic thing. Whether the amount of cooperation given by then Captain Defregger was objectively immoral or not would demand the decision of a trained moral theologian.

Bishop Shannon is the man who had doubts about the rightness of the Papal decision concerning contraception (Pope Paul VI's encyclical *Humanae Vitae*), and who as a result of those doubts made some sort of offer to resign his post as Auxiliary to the Archbishop of St. Paul. He subsequently took leave to teach at a non-sectarian college, finally married a woman who as far as can be determined was not in the eyes of the Church free to marry even if Bishop Shannon were, which he was not, and now holds a full-time administrative post at the college where he had been teaching. His actions in regard to the marriage incurred automatic excommunication, which is a legal penalty for certain violations of Church discipline or teaching.

Although there are some similarities in the two cases, I think the distinctions are immediately obvious. Both may have been objectively sinners—and both may be either subjectively guilty or subjectively innocent. As I say, there is no way really to know about the latter point. But what

is absolutely certain is that Bishop Defregger never did anything that would make it essentially impossible for him to serve the Church as a Bishop, whereas Bishop Shannon most certainly did. Therefore it is patent nonsense for Cox to write (*Christianity and Crisis*), "A church that harbors its Defreggers and kicks out its Shannons has sacrificed yet another claim to credibility and respect."

The Church, I am sure, is every bit as willing to harbor Shannon as well as Defregger, indeed as it harbors you and I and every other frail and fallible human. But what the Church cannot do, and what Cox evidently believes it should, is to alter its fundamental structure and traditional form and discipline that a person may function as one of its officers completely on his own terms.

IS THAT WHAT allowing Bishop Shannon to function as an active member of the Hierarchy in the shepherding of souls would have meant? Certainly at least to some degree, and thus the Church could only let Bishop Shannon choose to leave.

First, in regard to his disagreement with *Humanae Vitae*; The Constitution of the Church, both from the matter of Tradition and history and from statements of the Second Vatican Council, demands that in teaching a Bishop be in unity with the Chief Shepherd of the Church—the pope. It seems quite clear that Bishop Shannon appreciated this, and resignation was certainly the proper and honorable step for him to make. The fact is, he

could have served the Church is some capacity certainly, even with his interior doubts about *Humanae Vitae*—but here Shannon seems to be in some agreement with Cox, for he evidently felt it incumbent upon the Church to let him somehow function as a Bishop, that is as a teacher and shepherd. It is impossible to see how the Church could do this.

The point, however, now is moot. For the next step taken by Bishop Shannon—his marriage—was a voluntary removal of himself from the Church Militant and placing of himself beyond some of its benefits and functions. For Cox to insist the Church is unjust regarding Shannon, is simply for Cox to insist the Church change its basic structure to accommodate Shannon's subjective conscience. If the Church were to do that, the Church would be rapidly dismantled, with each of its officers serving strictly on his own terms and as his own lights direct. Cox must know there is no institution on earth that functions, or could function, in such a manner.

It is almost impossible not to question either the sincerity or the basic reasoning power of a man such as Cox. He claims to be speaking out in the matter because of a concern for the Catholic Church's credibility and respect. Indeed, all that Cox has written is so directly contradictory to Catholicity, that one may fairly wonder if he at least subconsciously refuses to see the facts when the Church without cause or blame is made the victim by the very Children it loves.