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Australia archbishop: Dog incident played role in excommunication

Brian Roewe | Oct. 3, 2013

After it looked like Melbourne Archbishop Denis Hart had moved the conversation surrounding excommunicated former priest Greg Reynolds [1] away from an incident in which a dog was fed a piece of the Eucharist, recent comments seem to have brought that particular liturgy back into frame.

Hart told *NCR* Sept. 26 that "from media reports, the Archdiocese is aware of the presence of Reynolds where the sacred species were given by another person to an animal." The comment appeared to corroborate Reynolds' assertion that although he was in the same room at the time, he did not perform the act.

In August 2012, an Australian newspaper reported that during a liturgical celebration of the Inclusive Catholics group, a first-time participant broke off a piece of the Eucharist and gave it to his dog as the Communion was passed around the room.

Reynolds has denied rumors [2] he personally distributed the consecrated host to the dog, and a witness who attended the liturgy confirmed the dog's owner performed the act.

Even so, that particular liturgy still may be the catalyst behind the citation of Canon 1367 in the Vatican decree for Reynolds' excommunication.

"The conduct giving rise to Canon 1367 was the public celebration by Reynolds of a liturgy in which the sacred species was violated," he said in a separate email Tuesday when asked to what specific act the canon referred. He did not provide further detail about which specific liturgy brought about the violation.

The Vatican decree regarding Reynolds twice lists Canon 1367, once among several canons cited as "grave reason for action" in the document's opening paragraph, and according to canonists who reviewed the document, again in regard to a declaration of *latae sententiae* excommunication.

"By this decree, because of the lack of repentance, there is declared the pain of automatic excommunication (Canon 1367)," the document said, according to an *NCR* translation from the original Latin.

Listed under "penalties for individual delicts" in the Code of Canon Law, Canon 1367 states:

A person who throws away the consecrated species or takes or retains them for a sacrilegious purpose incurs a latae sententiae excommunication reserved to the Apostolic See; moreover, a cleric can be punished with another penalty, not excluding dismissal from the clerical state.

Canonists who spoke to *NCR* said Canon 1367 can refer to a variety of acts, most commonly the use of the Eucharist in black Masses or satanic rituals. Other violations of the canon include spreading consecrated hosts on the floor or throwing away those remaining instead of storing them in the tabernacle, misusing the consecrated wine and feeding the Eucharist to an animal.

"It has to be something that is malicious and intended to malign or disgrace the concept of the Eucharist," said

Dominican Fr. Tom Doyle, a canon lawyer.

Two canonists speaking on background said it was uncommon for a guilt-by-association application of Canon 1367. Still, one said it isn't entirely uncommon in other instances, using abortion as an example, where others besides the woman receiving the procedure could be vulnerable to some form of penalty.

Hart's latest comment gives some clarity to his previous explanation, made both in a letter to his priests and in a statement to *NCR*: "The decision by Pope Francis to dismiss Fr. Reynolds from the clerical state and to declare his automatic excommunication has been made because of his public teaching on the ordination of women contrary to the teaching of the Church and his public celebration of the Eucharist when he did not hold faculties to act publicly as a priest."

Canonists indicated it would be unusual for the latter action to be grouped into Canon 1367. Hart concurred, replying with a simple "No" when asked if the celebration of the Eucharist by a priest who had resigned and no longer held priestly faculties would qualify under the precepts of Canon 1367.

But questions still remain, canonists say, regarding procedure and ultimately whether the process still requires formal declaration of excommunication.

A total of five canonists spoke to *NCR*, four of them on the condition of anonymity, and reviewed the Latin version of the Vatican decree.

One canonist said a violation of Canon 1367 is a delict reserved to the Apostolic See. The canonist interpreted the canon's reference in the decree as not declaring the automatic excommunication but rather authorizing the ordinary to begin a penal procedure to verify "with moral certainty" that Reynolds committed the crime of desecration of the Eucharist, in addition to the crime of contumacy in schism, mentioned in the decree as necessitating a censure.

But another canonist read it differently, saying Rome had declared a censure related to desecration of the Eucharist but had reserved for the ordinary the right to declare the censure related to schism.

That interpretation appears to reflect the decree's reading by the Melbourne archdiocese. On Thursday, Reynolds made public [3] the archdiocese's English translation of the Vatican decree from the Congregation for the Doctrine of the Faith.

"By the Pontiff's decree, in view of his (the presbyter's) failure to repent, the penalty of automatic excommunication (*latae sententiae)* is declared in accordance with Canon 1367. Pardon from this excommunication is reserved to the Apostolic See," the archdiocese's translation reads.

In either case, both canonists agreed that while an automatic excommunication incurs immediately, to formally declare and make it public normally occurs through a written document exclusively addressing the excommunication. In his email Tuesday to *NCR*, Hart challenged the interpretation that the decree called for him to begin a new penal process. What makes it difficult to determine what process was completed and what was required, the canonists said, is the congregation's apparent interruption of an already ongoing investigation within the archdiocese.

Hart had said previously that after Reynolds resigned, he had requested on several occasions to no avail that Reynolds cease both conducting public celebrations of the Eucharist and preaching contrary to church teachings. In August 2012, the archbishop initiated an investigation "to determine whether [Reynolds'] conduct warranted an application for his dismissal from the clerical state." Prior to that investigation's conclusion, Hart said the congregation contacted him and asked that he "send all relevant documents," which he did in September 2012.

The timeframe Hart presented includes the Aug. 6, 2012, report from the Melbourne-based *Age* newspaper, which reported the dog event. Four days after that story published, Hart wrote a letter to Reynolds [4] about the story as well as an interview conducted by a local radio station, saying that "both of which were occasioned by your public celebration of the Eucharist in a situation which is both irregular from the point of view of your suspension from the active ministry and also with regard to liturgical law."

Hart said that Reynolds' statement to the radio station -- that he sought to provide alternative forms of Eucharist -- was not "in accord with a wish to act in communion with the Church" and warned that he would take further canonical action if Reynolds did not assure him in writing he would honor the terms of his suspension, not present himself in public as a priest and not associate with groups in defiance of church authority.

After Reynolds responded to Hart, Salvano wrote him [4] Sept. 5, 2012, informing him that the archbishop intended to begin the procedure to dismiss Reynolds from the clerical state. Salvano requested a meeting with Reynolds to discuss specific accusations against him and discuss his rights to defend himself.

Reynolds told *NCR* that he informed Salvano he did not wish to attend such a meeting and had no further contact with church officials until he received notice of the Vatican decree.

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