

Church Teaching against Contraception prior to 1054

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1. General comment.

People do not receive moral instruction about things that hardly anyone tries to do. And people do not *try* to do what they do not believe they can do.

It must be hard for modern Americans to believe it, but there was a time when “birth control” was not a thing commonly attempted by people, nor a frequent topic in Christian instruction. In fact, that time lasted from antiquity to the end of the 19th century. Until about a hundred years ago, few people believed that they could forestall conception while embracing in marriage. There was no widely credited means to do so — other than abstention. There were non-abstainers who didn’t want children to result from their actions, of course, and they came in several varieties. In ancient times, there were parents warned by oracles to fear the deeds of their offspring. There were wealthy couples who wanted to consolidate estates by having a single heir. There have always been prostitutes, adulteresses, etc. But in the general absence of credited anti-conceptive measures, the hopes and plans of such persons were pinned to exposure (infanticide) or abortion.

Such was the cultural situation of the Church in the days before the unpleasantness of 1054; and given it, one is hardly surprised that Church authorities were explicit and insistent, right from the beginning, against infanticide/abortion, but they were sporadic in teaching against anti-conceptive measures.

Nevertheless, they *did* teach against it, mostly in statements about the moral use of marriage, and out of these statements there emerged disciplinary measures — penances imposed for attempted contraception, even apart from abortion — and out of these sources there arose, eventually, canonical legislation.¹ I am referring to the early forms of the canon *Si aliquis*, which were being quoted a century and a half before the East/West split, although the canon was not incorporated into the universal law (of the West) until it was included in the *Decretals* of Gregory IX in the year 1234.

Before we look at these matters more closely, it will be useful to say a few words

¹ The best history of these matters is John T. Noonan, Jr., *Contraception* (Cambridge: Harvard University Press, 1965). A paperback edition was released by Mentor-Omega in 1967.

about what prompted the appearance of these Church teachings, despite the general cultural situation sketched above. Although the *general* populations of late Roman Europe, Byzantium, and early medieval Europe put no reliance on contraceptive measures, some local people did. *Here and there*, the women would believe in the sterilizing virtue of some herb or potion; and if the superstition came to the bishop's attention, he would say something against "taking potions." *Here and there*, groups converted (back) to Christianity from some form of Gnosticism (or later, Manicheanism) would contain people who clung to an awkward sexual practice, such as *coitus interruptus* or *amplexus reservatus*, too frustrating to be widely popular, but serviceable to prevent conception;² and again, if it came to the bishop's attention that people were still doing such things, he would say something against it.

In what follows, the abbreviations refer to the various big editions of the works of the Fathers:

CC = Corpus christianorum: Series latina (Turnhout, Belgium: 1953 --)

CSEL = Corpus scriptorum ecclesiasticorum latinorum (Vienna: 1866 --)

GCS = Die griechischen christlichen Schriftsteller der ersten 3 Jahrhunderten (Leipzig: 1897 --)

PG = Patrologia graeca, ed. J. P. Migne (Paris: 1857-1866)

PL = Patrologia latina, ed. J. P. Migne (Paris: 1844-1865)

2. Some statements of the Fathers.

"We Christians either marry only to produce children, or, if we refuse to marry, are completely continent."

— Justin Martyr, *Apology* 1.29 (PG 6:373)

"As the husbandman, throwing seed into the ground, awaits the harvest, not throwing more upon it, so the procreation of children is the measure of our indulgence in appetite."

² It is hard to explain these practices without arousing prurient interest. *Coitus interruptus* began as normal intercourse, but the man withdrew before ejaculating (hence some Fathers compared it to the sin of Onan). *Amplexus reservatus* was a form of intimacy in which the man would give the woman any pleasure she liked, but he himself would forego orgasm.

— Athenagoras, *Legation on behalf of Christians* 33 (PG 6:965)

[The Christian law is for] “husbands to use their wives moderately and only for the raising up of children.”

— Clement of Alexandria, *Stromata* 3.11.71.4 (GCS 15:228)

“Because of its divine institution for the propagation of man, the seed is not to be vainly ejaculated, nor is it to be damaged, nor is it to be wasted.”

— Clement of Alexandria, *Paedagogus* 2.10.91.2 (GCS 12:212)

“To have coition other than to procreate children is to do injury to nature. . . . Marriage is the desire to procreate offspring, not the desire to ejaculate semen pointlessly; that is outside the laws and alien to reason.”

— Clement of Alexandria, *Paedagogus* 2.10.95.3 (GCS 12:214)

[Hippolytus argued that wealthy Christian women should not be permitted to marry their Christian slaves. Why not? Because when such women were allowed to marry slaves, there followed a wicked result, namely, that] “on account of their prominent ancestry and great property, the so-called faithful want no children from these slaves or low-born commoners, and so they use drugs of sterility [*atokiois pharmakois*, ‘anti-bearing drugs’] or bind themselves tightly, to expel a fetus already conceived.”

— Hippolytus, *Philosophoumena* 9.12.25 (GCS 26:250)

Lactantius condemned various non-procreative sexual acts in book 5 of his *Divine Institutes* (9.17); then in book 6 he considered the case of a Christian who is too poor to raise a large family. The only solution for such a man, he said, is complete continence — *Divine Institutes* 6.20.25 (CSEL 19:559).

“They [certain gnostic groups] exercise genital acts yet prevent the conceiving of children. Not in order to produce offspring, but to satisfy lust, are they eager for corruption. . . .” [This practice is] “most foul impurity . . . the devil has plunged them into a deep whirlpool . . .” [Their abhorrence of children is] “the worst conduct and crime.”

— St. Epiphanius, *Panarion* 26.5.2 (GCS 25:281)

“Why do you sow where the field is eager to destroy the fruit? Where there are

medicines of sterility? Indeed, it is something worse than murder, and I do not know what to call it; for she does not kill what is formed but prevents its formation.³ What then? Do you condemn the gift of God, and fight with His laws? Do you seek what is a curse [sterility] as though it were a blessing?

— St. John Chrysostom, *Homily 24 on Romans* (PG 60:626f.)

[Men who are avaricious and want to avoid children as a burden] “mutilate nature, not only killing the newborn, but even acting to prevent their beginning to live.”

— St. John Chrysostom, *Homily 28 on Matthew* (PG 57:357)

Ambrose condemned the use in marriage of “potions” which he described in such a way as to cover both abortifacients and contraceptives. In commenting on the birds of the air, he praised the mother crows for taking care of their young, while human mothers do not. The poor abandon their babies. The rich] “lest their patrimony be divided among several, deny their own fetus in the uterus and, by a parricidal potion, extinguish the pledges of their womb in their genital belly, and life is taken away before it is transmitted.”

— St. Ambrose, *Hexameron* 5.18.58 (CSEL 32/1:184)

Jerome drew a stinging portrait of nominally Christian, upper-class society girls in Rome around 385. Some (he said) shack up, only to be abandoned by their boyfriends when they get pregnant: “You may see a number of women who are widows before they are wives.” Some contracept: “Others, indeed, will drink sterility . . .” Some abort, etc.

— St. Jerome, *Letter 22, To Eustochia* 13 (CSEL 54:160-161)

³ The view that acting to prevent a child from being formed in the first place — contraception — is similar to homicide and in some ways more radical than it, was not unique to St. John Chrysostom. It turned up again and again in later Fathers and provided, as we shall see, the basis for the medieval canon *Si aliquis*. The point being made by this great saint (and by many others) is that a will to prevent the transmission of life is an anti-life will, very different from a will to forego the transmission (by virginity or abstinence). Among modern moralists, the one who has done the most to recover and defend this point of view is Germain Grisez. See Germain Grisez, Joseph Boyle, John Finnis, and William E. May, “‘Every Marital Act Ought to be Open to New Life’: Toward a Clearer Understanding,” *apud* John Ford, S.J., Germain Grisez, Joseph Boyle, John Finnis, and William E. May, *The Teaching of Humanae Vitae, A Defense* (San Francisco: Ignatius Press, 1988). See also W. H. Marshner, “Can a Couple Practicing NFP be Practicing Contraception?” forthcoming in *Gregorianum*.

“But indulging in pleasure more frequently, they [the Manichees] hate the fruit that necessarily comes from their acts; and they command that bodies be joined in ways that go outside what is lawful [e.g. outside the natural orifice] . . .”

— Titus of Bostra, *Against the Manichees* 2.33 (PG 18:1197)

“Aren’t you the ones who used to warn us to watch as much as we could the time after purification of the menses, when a woman is likely to conceive, and at that time to refrain from intercourse, lest a soul be implicated in the flesh? From this it follows that you think marriage is not to propagate children but to satiate lust. Marriage, as the marriage tablets [of Roman law] themselves proclaim, joins male and female for the procreation of children. Whoever says that to procreate children is a worse sin than to copulate thereby prohibits marriage; and he makes the woman no more a wife but a harlot . . . If there is a wife, there is matrimony; but there is no matrimony where motherhood is prevented; for then there is no wife.”

— Bl. Augustine, *The Morals of the Manichees* 18.65 (PL 32:1373)

“For thus the eternal law, that is, the will of God, creator of all creatures, taking counsel for the conservation of natural order, not to serve lust, but to see to the preservation of the race, permits the delight of mortal flesh to be released from the control of reason in copulation only to propagate progeny. But the perverse law of the Manichees commands that progeny above all be avoided by those having intercourse . . .”

— Bl. Augustine, *Against Faustus* 22.30 (CSEL 25/1:624)

“The consequence is that you [Manichees] violate the precept, ‘You shall not commit adultery’. For what you most of all detest in marriage is that children be procreated, and so you make your Auditors [*i.e.* disciples] adulterers of their wives when they take care lest the women with whom they copulate conceive. They take wives according to the laws of matrimony, by tablets announcing that the marriage is contracted to procreate children; and then, fearing because of your [Manichean] law, lest they infect a particle of God with the foulness of their flesh, they copulate in a shameful union only to satisfy lust for their wives. They are unwilling to have children, on whose account alone marriages are made. How can you fail, then, to be those ‘forbidding to marry,’ as the Apostle predicted of you so long ago [I Timothy 4:3], when you try to take from marriage what marriage is? When this is taken away, husbands are shameful lovers; wives are harlots; wedding beds are

stews; fathers-in-law, panderers.”

— Bl. Augustine, *Against Faustus* 15.7 (CSEL 25/1:429-430)

[Augustine was aware that, within Christian marriage, intercourse is not always chosen with procreative intent. For instance, married Christians owe each other] “not only fidelity in sexual intercourse for the purpose of procreating children but also the mutual service, in a certain measure, of sustaining each other’s weakness, for the avoidance of illicit intercourse.”

— Bl. Augustine, *The Good of Marriage* 6 (CSEL 41:195)

[But Augustine distinguished this pardonable mutual service from the wholly illicit case where procreation is excluded by contraceptive intent; the latter is like eating food that will kill you, while the former is like eating good food, but too much of it:] “What food is for the health of an individual, intercourse is for the health of the species, and each is not without carnal delight. If this delight, modified and restrained by temperance, is brought to a natural use, it cannot be lust. As unlawful food [*i.e.* a ruinous diet] stands to supporting life, so fornication or adulterous intercourse stands to seeking offspring; and what unlawful food is, in the wantonness of the belly and gullet, unlawful intercourse is, seeking in lust no offspring; and what immoderate seeking of lawful food is, for some, that is what pardonable intercourse is in spouses.”

— Bl. Augustine, *The Good of Marriage* 16.18 (CSEL 41:210-211)

[In Sermon 9 (PL 38:88), Augustine said that when spouses hop into bed together for the sheer pleasure of it, without procreative intent, but also without contraceptive actions, their act is the very light kind of sin that may be cleansed by ordinary acts of Christian charity, such as almsgiving. Indeed, he admitted that 1 Corinthians 7:6 can be read as meaning that there is no sin at all in such a case, but he preferred the interpretation that there is some sin, but very light and excusable.]

“It is one thing not to go to bed at all except with the sole will of generating: this has no fault. It is another to seek the pleasure of the flesh in going to bed, although within the limits of marriage: this has venial fault. I am supposing that, in this case, although you are not going to bed for the sake of procreating offspring, you are not obstructing their procreation (out of lust) by an evil resolve [*votum*] or an evil deed. Those who do that [*i.e.* obstruct procreation], although they are called husband and wife, are not; nor do they

retain any reality of marriage, but with a respectable name cover a shame. . . . Sometimes their lustful cruelty, or cruel lust, comes to this, that they even procure poisons of sterility [*sterilitatis venena*]; and if these do not work, they somehow extinguish and destroy the fetus in the womb, preferring that their offspring die before it lives, or if it was already alive in the womb, to kill it before it was born. Assuredly, if both husband and wife are like this, they are not married; and if they were like this from the beginning, they come together not joined in matrimony but in seduction. If both are not like this, I dare to say that either the wife is in a way the harlot of her husband, or he is an adulterer with his own wife.”

— Bl. Augustine, *Marriage and Concupiscence* 1.15.17 (CSEL 42:229-230)

[The Blessed Augustine’s theology of marriage was closely paralleled in the East by St. Cyril of Alexandria. He, too, said that marriage is wholly good only when used for procreation. See his *Adoration in Spirit and Truth* 15 (PG 68:690). In his commentary *On Psalm 50* v. 7 (PG 69:1092), Cyril spoke about how original sin and the mere seeking of pleasure soil intercourse. With acts done to frustrate conception he compared the act of Onan: *Critical Comments on Genesis* 6 (PG 69:309).]

“Anyone at all can issue this warning: no woman may take a potion whereby she becomes unable to conceive, or whereby she condemns in herself the nature that God willed to be fecund. As often as she could have conceived or given birth, of that many homicides will she be held guilty; and unless she undergoes suitable penance, she will be damned by eternal death in hell. If a woman does not wish to have children, let her enter into a religious agreement with her husband; for chastity is the sole birth control [*sterilitas*] of a Christian woman.”

— Caesarius of Arles, *Sermons* 1.12 (CC 103:9)

[Actually, this “sermon” was a pastoral letter to the bishops and clergy of the whole province of Gaul (ca. 525 A.D.). Cf. also his sermons 44.2 and 52.4 (CC 103:196, 231-232).]

The above quotations are fully *representative* of what one finds in the works of the Fathers. There is no contrary tradition of any kind. Even Noonan, who hunted through everybody’s *opera omnia* to find a whisper of dissent, could not find it. We are confronted, then, with five simple facts of Patristic research. (1) No Father of the Church ever

allowed marriage to be defined apart from its procreative purpose. (2) No Father of the Church ever said that, if abortion was avoided, measures to prevent offspring could be licit in marriage. (3) No Father of the Church ever said that, besides abstinence, a Christian couple could employ other means to limit their family size. Thus (4) no Father of the Church ever said that the procreative purpose of marriage could be acted against, licitly, by chemical means, by barrier means, or by “outercourse” (to give some Gnostic practices a contemporary name). Rather, (5) every Father of the Church who ever addressed the topic at all condemned such means.

Normally, this situation is called a *consensus* of the Fathers, and any such consensus shows, in effect, a world-wide agreement. It certainly does in this case: we have quoted bishops from Egypt to Gaul to Constantinople. In turn, a world-wide agreement in the Church’s teaching in antiquity is optimal evidence of the Apostolic tradition. Hence, a consensus of the Fathers carries such great authority in the Church that it is never reversed.

3. Penitential Discipline

Since the great monastic centers of the early Middle Ages were also pastoral centers, from which wide areas would be evangelized, and to which pilgrims would come, often to make confession and receive penance, the monks of the 6th through 11th centuries prepared “penitential books.” These were works in which sins were categorized and, for each kind, a suitable penance prescribed. Sometimes the penitential books also instructed confessors on how to question those who came to confess, so that all the information appropriate to assigning a penance would be elicited. Although precious few documents survive from those turbulent centuries, the penitential books were copied so often that examples have come down to us from Irish, Anglo-Saxon, Frankish and German monasteries.

Penitential books were also found in the medieval Russian Orthodox Church. Although some have speculated that these came from older Eastern sources, the prevalent view today is that the apostles to the Slavs, Sts. Cyril and Methodius, brought with them Carolingian penitentials.⁴ The earliest known Greek penitential, printed in Migne’s *PG* vol. 88, was long attributed to John the Absterger, a Patriarch of Constantinople in the 6th

⁴ See H. F. Schmid, “Pénitentiels byzantins et occidentaux,” in *Actes du VI Congrès international d’études byzantines* (Paris, 1950), pp. 359-363.

century; but this is now thought to have been a mistake, and work is dated to some time between 800 and 1000.⁵ Anyway, whoever wrote it, it condemns as grave sin “the drinking of a drug as a result of which one cannot further procreate” (*PG* 88:1904).

It is just possible, however, that there was some older and entirely Eastern tradition of penitential books. We have such a book from Armenia, of all places, written by a David of Ganjak (died 1140). It condemns anti-conceptive acts, such as *coitus interruptus* and the taking of sterility drugs. He says that women who “take drugs to prevent pregnancy are counted among those who kill their child in the womb.”⁶ The scholar who has translated and edited this work, Prof. C. J. F. Dowsett, thinks that it was not inspired by Western penitential sources. I shall return to this possibility below.

The Western sources, at any rate, are plentiful, and explicit references to contraception go back to the eighth century. Chapter 3 of the *Irish Collection of Canons* quotes St. Jerome on “drinking sterility,” and chapter 4 denounces women taking “diabolical drinks by reason of which they can no longer conceive.” Penance is to be meted out according to the formula: “so many conceptions prevented, so many homicides.”⁷ A Frankish penitential attributed to St. Hubert (dating to the period 680-780) denounces potions taken by a woman “in order not to conceive, or to kill what she has conceived” (chapter 56). The penance is a fast of 10 years!⁸ Interestingly, enough, there was also a civil penalty for taking contraception potions (*maleficium*) in Merovingian France, under the Salic Law of the Franks as revised by Guntram (567-593): “If a woman has committed *maleficium*, so that she cannot have infants, she will be judged liable to a fine of 62 gold *semis*.”⁹ The German penitential attributed to Burchard of Worms (ca. 1010) denounces women who use “*maleficia* and herbs” to prevent conception, and sets the penance as 10 years fast; the penalty applies both to those who use such means and to those who teach them how (*PL*

⁵ See Emil Herman, S.J., “Il più antico penitenziale greco,” *Orientalia christiana periodica* 19 (1953).

⁶ See *The Penitential of David of Ganjak*, n. 53, translated by C. J. F. Dowsett, in *Corpus scriptorum christianorum orientalium* vol 217 (Louvain, 1961).

⁷ The text is in F. W. H. Wasserschleben, ed., *Die irische Kanonsammlung* (Leipzig, 1885).

⁸ The text is in F. W. H. Wasserschleben, ed., *Die Bussordnungen der abendländischen Kirche* (Halle, 1851).

⁹ See *Pactus legis salicae* title 19, c. 4, ed. Karl A. Eckhardt (Hannover, 1962), p. 82.

140:972).

It would be tiresome to go through the whole catalogue of these works. Suffice it to say that all the penitential books that mention anti-conceptive acts at all condemn them in strong terms drawn from the Fathers (especially Jerome, Augustine, and Caesarius of Arles), and that if a penance is assigned, it is quite severe, like those just cited.

4. Canonical Legislation

Beginning in the late 6th century, synodal legislation began to appear, similar in content to the monastic tradition which was to develop in the penitential books. The first part of this story is highly controversial and centers on whether one can believe the testimony of St. Martin of Braga (died 579).

Martin had been born in Pannonia, whence he travelled to the East and sojourned in the Holy Land. He felt God calling him to be a missionary in the wilds of the West, and so he began to teach and evangelize in the far northwest corner of the Iberian peninsula. In 572 he was made archbishop of Braga, where he discovered a lingering Manichean influence, known locally as Priscillianism. To deal with this, he presided over the first council of Braga (572), whose eleventh canon said: "If anyone condemns human marriage and is horrified at the procreation of the newborn, as Mani and Priscillian, let him be anathema."¹⁰

Now comes the controversial part. Martin felt that the bishops round about him in this remote corner of Europe (like Bp. Nitigisius in Lugo) were hindered in their ability to deal with the moral problems of the laity by their own ignorance of canonical legislation as it existed in the older and better Christianized lands to the East. So, for their instruction, he drew up a list of canons known to him from the Eastern Fathers; he called this list *Chapters from the Synods of the Eastern Fathers*. In section 77 of this work, he presented the following as Church legislation from the East:

If any woman has fornicated and has killed the infant thence born, or has desired to commit an abortion and kill what she has conceived, *or has desired to take steps so that she may not conceive, either in adultery or in legitimate*

¹⁰ See Claude W. Barlow, ed., *Martini episcopi Bracarenensis opera omnia* (New Haven, 1950), p. 108.

marriage, the earlier canons decreed that such women might receive communion at death; we, however, in mercy judge that such women, or other women who are accomplices of their crimes, should do penance for 10 years.

— *Opera*, ed. Barlow, p. 142 [emphasis added]

This remarkable text seems to be an expanded version of a canon we know from other sources, namely, of canon 21 from the Council of Ancyra (a council of 12 bishops from Syria and Asia Minor, held in 314 under the presidency of Vitalis, Bp. of Antioch). This canon, too, provided ten years of penance for women who have fornicated and then killed the child thence conceived; it, too, said that in setting this penance the bishops were softening an older usage, which excluded such women from communion until death.¹¹ The problem is this: canon 21 of Ancyra is exclusively about abortion/infanticide; it says nothing about contraception. It was taken up by St. Basil as anti-abortion legislation, but no source independent of St. Martin of Braga has come down to us that cites, applies, or amends this canon to include contraception.

So the question comes down to this: was the Portuguese bishop deliberately interpolating the authentic canon, creating an expansion of it to cover contraception, out of whole cloth? Or was it really true that he knew such a form from the East, so that he was a witness to a tradition now lost to us?

Needless to say, the opponents of *Humani vitae* disbelieve St. Martin of Braga. Noonan calls his text an interpolation and refers to it repeatedly as “St. Martin’s concoction” and “this spurious canon.”¹² But the present writer is not so sure. I think it perfectly possible that Martin was putting into writing, so to speak, the actual way in which the Ancyra canon had come to be interpreted and applied in the East. We know that it had been “broadened” at least once, by St. Basil, who, when he put it into his canons, made this remark: “A woman who deliberately destroys a fetus is answerable for the taking of life. And any hairsplitting distinction as to its being formed or unformed is inadmissible with us” (*Letters* 188; *PG* 32:672). So, it was being interpreted to cover abortifacients. We know that the resort to “potions of sterility” could not be neatly categorized as between contraceptive and abortifacient intent, and we know that St. John Chrysostom (like Ambrose and Caesarius in the West) treated the two intentions as

¹¹ The text is in Mansi, vol 2, p. 519.

¹² Noonan, *Contraception*, pp, 186ff.

morally equivalent. It is immensely likely, then, that the practical interpretation of the Ancyra canon had come to cover “contraceptive” potions, so that Martin of Braga is giving us the effective meaning of the text, as he was taught it in the East. Moreover, this hypothesis (and this alone, so far as I can see) would explain where David of Ganjak, in far-off Armenia, got the penitential tradition that those who take drugs to prevent pregnancy “are counted among those who kill their child in the womb” (assuming that Dowsett is right in thinking that David did not get it from Western sources). Noonan himself is forced to ask, “Would this Armenian work reflect an older Eastern tradition?” (p. 208, footnote 23). Indeed, it would, if Martin of Braga is telling us the truth.

Leaving that controversy behind us, we come next to the beginnings of the canon *Si aliquis*. This text is first found in book 2, chapter 89 of *Churchly Disciplines and the Christian Religion*, written about 906 by Regino, abbot of the monastery of Prüm in Lorraine. It says:

If someone, to satisfy his lust, or in deliberate hatred, does something to a man or woman so that no children be born of him or her, or gives them to drink, so that he cannot generate or she conceive, let it be held as homicide.

— *PL* 132:301

The resemblance between this text and the doctrine of the monastic penitential books of the time (not to mention the doctrine of Caesarius of Arles and John Chrysostom) is obvious. We next meet the text about a hundred years later in the *Decretum* of Burchard, bishop of Worms. Worms was an important see in Carolingian times, and many synods of bishops met there. Burchard says that one of them promulgated this text, *Si aliquis*, as “canon 30” (see *PL* 140: 933). We do not know which synod he meant. We know that there was a Council of Worms in 868 and that it issued a canon 35 against abortion.¹³ If Burchard meant this canon, he was certainly confused. But he may have meant another. Noonan concedes: “It is possible that a synod enacted *Si aliquis*; the text has a legal form. . . . It may be urged that the records of these gatherings are not complete, and that Burchard, as bishop of the conciliar meeting place, may have had access to a text now lost” (Noonan, p. 209). That is precisely what later medieval canonists did maintain. From Bp. Burchard’s *Decretum*, the text passed into other collections; it became universal law in the West by being included in the *Decretals* of Pope Gregory IX, and it remained

¹³ The text is in Mansi, vol. 15, p. 876.

the universal law until the *Codex iuris canonici* was promulgated in 1917. That universal status came after 1054, of course; but the text was recognized as synodal legislation before the lamentable parting of the Latins from the Easterners.