

The Apostolic Constitution "Effraenatam" of Pope Sixtus V against abortionists

The Apostolic Constitution "Effraenatam" of Pope Sixtus V (1585-1590) against abortionists, was translated from Latin into English by Padre Antonio Trimakas of Mexico City, a multi-lingual, prolife priest. The English translation includes the essentials of the Latin and is presented with some parenthetical commentary.

Here is the English translation of "Effraenatam", somewhat abbreviated and with some parenthetical commentary:

Against those that procure abortions, or give sterility potions, or take them, or help these people, or give them counsel and consent.

SIXTUS V BISHOP

Servant of the Servants of God

For the perpetual memory of the matter.

Noticing that frequently by various Apostolic Constitutions the audacity and daring of most profligate men, who know no restraint, of sinning with license against the commandment "do not kill" was repressed; We who are placed by the Lord in the supreme throne of justice, being counseled by a most just reason, are in part renewing old laws and in part extending them in order to restrain with just punishment the monstrous and atrocious brutality of those who have no fear to kill most cruelly fetuses still hiding in the maternal viscera. Who will not detest such an abhorrent and evil act, by which are lost not only the bodies but also the souls? (Popes believe in the limbo of the little

ones) Who will not condemn to a most grave punishment the impiety of him who will exclude a soul created in the image of God and for which Our Lord Jesus Christ has shed His precious Blood, and which is capable of eternal happiness and is destined to be in the company of angels, from the blessed vision of God, and who has impeded as much as he could the filling up of heavenly mansions (left vacant by the fallen angels), and has taken away the service to God by His creature? who has deprived children of life before they could naturally see light or could be protected by maternal body from ferocious cruelty? Who will not abhor the cruelty and unrestrained debauchery of impious men who have arrived into such a state of mind that they procure poisons in order to extinguish the conceived fetuses within the viscera, and pour them out, trying to provoke by a nefarious crime a violent and untimely death and killing of their progeny. Finally who will not condemn to a most grave punishment the crimes of those who with poisons, potions and evil actions (for example tying up Fallopian tubes) sterilize women or impede that they conceive or give birth by pernicious medicines and drugs? (for example using hormonal abortive contraceptives synthesized from *Dioscorea composita* grown in Mexico). Sorcerers and evil magicians (Holy Father makes equal or matches the aforementioned people with sorcerers) says the Lord to Saint Moses, you will not suffer, allow and tolerate to live: because they oppose overly shamefully against God's will and, as St Jerome says, while nature receives seed, after having received nurtures it, nurtured body distinguishes in members, meanwhile in the narrowness of the uterus the hand of God is always at work who is Creator of both body and soul and who molded, made and wanted this child and meanwhile the goodness of the Potter, that is of God, is impiously and overly despised by these people. Saint Ambrose says that it is no small and trivial gift of God to give children in order to propagate mankind. It is a Divine gift the fecundity of childbearing woman and at the same

time by this cruel and inhuman crime parents are deprived of their offspring that they have engendered; the engendered children of their life; mothers of the rewards of maternity and marriage; earth of its cultivators; the world of those who would know it; the Church of those that would make it grow and prosper and be happy with an increased number of devoted faithful. Therefore for a good reason the Sixth Synod of Constantinople has decreed that persons who give abortive medicine (and abortive contraceptives) and those who receive and use poisons that kill fetuses are subject to punishment applied to murderers and it was sanctioned by the old Council of Lleida that those that were preoccupied to kill fetuses conceived from adultery or would extinguish them in the wombs of mothers with potions, if afterwards with repentance would recur to the goodness and meekness of the Church, should humbly weep for their sins for the rest of their lives (and pray) and if they were Clerics, they should not be allowed to recuperate their ministry (now days dispensation from irregularity is given by the Apostolic See with a long penance) and they are subject to all Ecclesiastic law's and profane law's grave punishments for those who nefariously plot to kill fetuses in the uterus of childbearing women or try to prevent women from conceiving or try to expel the conceived fetuses from the womb.

1. Therefore We after having repressed the temerity of those who presume to violate the laws of matrimony by pretending to dissolve the indissoluble bond and who with indecent incests are not ashamed to stain themselves (N.B. that in Papal Rome, according to civil law, there was death penalty for Sodomites, those guilty of bestiality, for certain kinds of incestuous, for certain kinds of pimps who would really violate virgins, and for certain kinds of adulterers), We are willing to exterminate in our times also this evil as much as a We can by the strength given to Us by the Lord: All and whosoever men and women of whatever state,

degree, order, rank and condition, even Clerics, secular or pertaining to whatever religious Order, of whatever dignity and Ecclesiastic or worldly illustrious preeminence who by themselves or interposed third persons procure abortion of fetus so that it is expelled by means of blows, poisons, medicines, potions, weights, burdens, work and labor imposed on a pregnant woman (and modern exercises), and even by other unknown and extremely researched means (e.g., for example, by fertilization - impregnation "in vitro" or by "cloning" or by intrauterine device), so that really abortion follows, and even the same pregnant woman, who knowingly did the aforementioned, incur in sanctions and punishments established by divine and human laws and by Canonic Sanctions and Apostolic Constitutions and which the civil and profane law inflicts upon true murderers and assassins who have actually and really committed murder (here We accept the concepts and terms of all these laws and want them to be literally inserted in this document) and by this our perpetually valid Constitution We state and order that the same punishments and laws and Constitutions are to be extended to the aforementioned case. (In Pontifical States there was death penalty, and it was applied, for first degree murder and still today death penalty is in force in Vatican City State by the Lateran treaty of 1929).

2. "Ipso facto", by that very fact, We deprive those who are Clerics of all Clerical Privilege, Office, Dignity and Ecclesiastical Benefice and declare them vacant and at the disposition of Apostolic See and declare these persons to be incapable to receive them in the future so that those who have committed this crime, not otherwise or differently than those who have committed voluntary homicide according to the Decrees of the Council of Trent, even though the crime was not proven judicially, nor by another reason is public, but is occult, cannot be promoted to the Sacred Orders, or minister in the Orders already received, nor is it permitted

to give them Ecclesiastical Benefice, even though it be without the care of souls, but that they be deprived in perpetuity of all Office and Benefice. (The Holy See can give dispensation).

3. We decree and declare that those that are not Clerics and have committed such crimes incur in all aforementioned sanctions and are unqualified to receive Orders and other aforementioned things.

4. We want that those who are subject to Ecclesiastical courts and have committed aforementioned crimes be deposed and degraded by an Ecclesiastical Judge and be handed over to civil court and secular power in order to be punished in the same manner as it is disposed by divine and profane civil laws against laymen truly and really murderers and assassins.

5. In addition We absolutely establish and decree that the same punishments are to be applied to those who give to women sterilizing potions, medicine and poisons in order to impede conception of the fetus and upon those who make and prepare such potions, medicine and poisons (e.g., for example, owners and employees of pharmaceutical companies directly involved and responsible) and upon those that give such a counsel, as well as on women who knowingly take such sterilizing potions, medicine and poisons. (Today we know that contraceptives are usually abortive).

6. Therefore We give order and command to all and each one of the Judges, ordinary and delegate, Ecclesiastical and Secular or Civil who have legitimate jurisdiction by reason of persons or crime, against offenders in crimes in this kind of cases, in such a way that there is a place for prevention, and in case of these crimes that usually are committed secretly, that they should proceed not only by accusation and denunciation but also by inquisition, and for proof of

this kind of cases witnesses, otherwise by law incompetent, can be called, at the discretion of the same Judges, who will take into account persons, cases, qualities and circumstances. Finally, the Judges must punish the guilty of these crimes in accordance to our decrees and sanctions.

7. Besides We want that the monstrous gravity of these brutal, cruel, ferocious and inhuman crimes be punished not only by temporal sanctions but also by spiritual censures and for this reason We decree that all persons of whatever state, degree, Order or condition, laymen as well as Clerics, secular as well as religious of whatever Order, as well as secular lay women or women professed in whatever religious Order, who as principal parties or accomplices in order to commit aforementioned crimes have helped, counseled, shown favor or knowingly given potions and/or whatever kind of medicine, have written private letters, or have given receipts (today credit cards or bank checks), and/or identification cards or made payments, or by other words and signs have helped or counseled (in our times by television, radio, internet, telephone and/or by voting) besides the aforementioned sanctions are also "ipso facto", "latae sententiae", automatically excommunicated by Us. (In our times according to Canon #1398 are excommunicated those persons that commit abortion and their accomplices if abortion really was provoked and taken place. Besides, heretics who deny the fifth commandment "do not kill" and those persons who deny Papal infallibility in faith, customs and morals as is defined by I Vatican Council are excommunicated by Canon #1364).

8.

9. We decree that in all aforementioned things all ordinary and delegate Judges, even the Apostolic Palace Auditors and Cardinals of the Holy Roman Church have had taken away from them by Us the authority of judging otherwise and the faculty of otherwise interpreting. Anything done to

the contrary knowingly or by ignorance by any authority in any instance is null and void.

10.

11.

12. No man has the right to infringe or by temerarious audacity contradict this page of Our approval, renewal, sanction, statute, derogation of wills and decrees. If anyone would presume to attempt this he should know that he will incur indignation of Almighty God and of Blessed Apostles Peter and Paul.

Given in Rome on Mount Quirinal, in the Year of Incarnation of Our Lord 1588, November 29, IVth Year of our Pontificate.

Postscript: Translation from Latin into English of the Apostolic Constitution "Effraenatam" with parenthetical commentary.

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