

The Holy See's Promoter of Justice Grants an Interview About Clergy Sex Abuse: An Ally in the Church Is Found on Statutes of Limitations of Reform

By MARCI A. HAMILTON

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This week, the Italian Bishops' Conference newspaper, *Avvenire*, published an interview with the Holy See's Promoter of Justice at the Congregation of the Doctrine of the Faith, Msgr. Charles J. Scicluna. The English translation was posted on Vatican Radio, "The voice of the Pope and the Church in dialogue with the world." The topic was clerical sexual abuse.

As I have written in a [recent column](#), the drumbeat of criticism against the Church's mishandling of child sex abuse by clergy has been growing louder in Germany, the Pope's home country, as well as elsewhere in Europe. The United States is about eight years ahead of Europe with respect to the disclosure of the abuse and the subsequent public condemnation. Unfortunately, in recent years, the American media had become jaded about the issue, often letting developments regarding clergy abuse slide by without coverage. Fortunately, however, the European events have not only attracted media focus in Europe, but also brought American attention back to this pressing international problem. So, now, the spotlight is shining on the Holy See from both sides of the Atlantic (as well as from Australia).

Monsignor Scicluna's Striking Position on the Statute of Limitations for Clergy Child Sex Abuse

In the midst of this spotlight, Msgr. Scicluna answered pointed questions about the Holy See's policies and procedures. The very fact that he granted the interview reveals a Holy See that must be nearing panic mode. It is the last true monarchy, and often chooses imperial silence in the face of its own failures. Yet little in the interview was surprising except for the very last exchange. That exchange was stunning:

The reporter asked about the statutes of limitations in canon law governing clerical sexual abuse. Msgr. Scicluna answered that statutes of limitations had been "unknown in canon law." But, he added, in 2001 a statute of limitations for these ecclesiastical

crimes was set at age 18 plus ten years. Therefore, he noted, the ecclesiastical courts gave victims until age 28 to file charges in the Church's system.

But that is not all. Msgr. Scicluna then said that the courts had learned that "the limit of ten years is not enough in this kind of case, in which it would be better to return to the earlier system of *delicta graviora* [more serious offenses] not being subject to the statute of limitations." Thus, he concluded, in 2002, Pope John Paul II gave his office the power to "revoke" the statute of limitations in child sex abuse cases, and he has done so.

In other words, Msgr. Scicluna suggested, on behalf of the Holy See, that when it comes to clergy child sex abuse, no statute of limitations is the better path and any such limit should be abolished.

The Holy See's Position Is Supportive of the Grassroots Movement in the United States to Abolish Statutes of Limitations for Child Sex Abuse in the United States

As a country, the United States has been struggling to find the legal tools to deter and end child sexual abuse. The early tactics focused on the perpetrator, and on the criminal justice system – with the creation of sex offender registries and the imposition of more severe sentences for such offenders.

Those approaches were sensible enough, but when attention was trained instead upon the victims, it became apparent that a single legal hurdle had been keeping victims from justice – the respective statutes of limitations they faced in each state. As I have written repeatedly [here](#) and in my book, *Justice Denied: What America Must Do to Protect Its Children*, criminal and civil statutes of limitations need to be eliminated going forward, and victims need to be able to go to civil court even if the statute of limitations has already expired – for instance through the use of statute of limitations "windows."

So the Holy See, I, and many others who are working to help child sex abuse survivors are all on the same page: Statutes of limitations should not be applied to child sex abuse victims!

As Msgr. Scicluna suggested, if one has any experience in this arena, the justification for statutes of limitations becomes weaker and weaker as greater scrutiny is applied and more facts are gathered, until it is obvious there should be no statute of limitations at all. The American movement to eliminate the civil statutes of limitations for child sex abuse going forward and back, and to lengthen or eliminate criminal statute of limitations for the future, has gained momentum recently. After having been passed in California and Delaware, bills to this effect are pending in Arizona, Wisconsin, New York, and Guam, with hearings held yesterday (March 17) in Connecticut.

That point brings us to one of the roadblocks to this powerful and righteous movement: the United States Conference of Catholic Bishops and many of its members. They are spending untold dollars, expending their formidable political capital, and relying on a public trust that, in this case, is wholly undeserved in order to fight the victims of

childhood sexual abuse. Yet all these victims – victims of molestation and in many cases, rape and/or sodomy, at ages where the trauma cuts the deepest – are simply and justifiably demanding a shot at justice. (And let's not forget that the vast majority of victims have nothing to do with the Church anyway, having been abused within their families and family circles.) Finally, someone within the Church gets it.

Let's hope that on this side of the Atlantic, those in political power will embrace Msgr. Scicluna's insights and resist the arm-twisting and immoral premises of the American Bishops.

Marci Hamilton, a FindLaw columnist, is the Paul R. Verkuil Chair in Public Law at Benjamin N. Cardozo School of Law and author of [Justice Denied: What America Must Do to Protect Its Children](#) (Cambridge 2008). A [review of Justice Denied](#) appeared on this site on June 25, 2008. Her previous book is [God vs. the Gavel: Religion and the Rule of Law](#) (Cambridge University Press 2005), now available in paperback. Her email is hamilton02@aol.com. In the interest of full disclosure, she represents clergy abuse victims and other victims of childhood sexual abuse on constitutional and federal statutory issues, including one who is currently in litigation against the Holy See. For those interested in the statute of limitations movement, consult her website, www.sol-reform.com.