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The Policies of the Catholic Church Sex Abuse Scandal Analyzed Through Punctuated Equilibrium Theory, Multiple Streams Theory, and Diffusion Theory

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Abstract

The discovery of sexual abuse of children at the hands of Catholic Church priests resulted in extensive state policy suggestions, such as statute of limitations reform. To best understand the processes and factors that influenced the creation of such policies, Punctuated Equilibrium Theory, Multiple Streams Theory, and Diffusion Theory are applied in this paper. Punctuated Equilibrium Theory demonstrates how several large-scale public exposés of abuse generated enough attention to result in policy change. Multiple Streams Theory shows how awareness of sexual abuse within the Catholic church, continuous debate over proposed policies, and the opportunity for change can result in the passage of reform. Lastly, Diffusion Theory explains the patterns with which awareness of abuse spread amongst state governments and resulted in policy change. Overall, these theories provide pertinent information on policy creation, especially regarding an issue as controversial as statute of limitations reform.

Keywords

Policy Theory, Catholic Church, Sexual Assault, Criminal Justice

Disciplines

Policy History, Theory, and Methods | Public Affairs, Public Policy and Public Administration | Social Welfare

Comments

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The Policies of the Catholic Church Sex Abuse Scandal Analyzed Through Punctuated Equilibrium Theory, Multiple Streams Theory, and Diffusion Theory

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Public Policy 305

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Abstract

The discovery of sexual abuse of children at the hands of Catholic Church priests resulted in extensive state policy suggestions, such as statute of limitations reform. To best understand the processes and factors that influenced the creation of such policies, Punctuated Equilibrium Theory, Multiple Streams Theory, and Diffusion Theory are applied in this paper. Punctuated Equilibrium Theory demonstrates how several large-scale public exposés of abuse generated enough attention to result in policy change. Multiple Streams Theory shows how awareness of sexual abuse within the Catholic church, continuous debate over proposed policies, and the opportunity for change can result in the passage of reform. Lastly, Diffusion Theory explains the patterns with which awareness of abuse spread amongst state governments and resulted in policy change. Overall, these theories provide pertinent information on policy creation, especially regarding an issue as controversial as statute of limitations reform.

The Policies of the Catholic Church Sex Abuse Scandal Analyzed Through Punctuated Equilibrium Theory, Multiple Streams Theory, and Diffusion Theory

Since originally being discovered in 1984, state governments across the United States have continually uncovered disturbing patterns of child sex abuse in the Catholic Church. With the continued exposure of systemic cover ups of the behavior of clergy members came suggestions for new policy both within the Catholic church and amongst state governments. There have been many ideas for policy change, the most popular of which consists of expanding or entirely eliminating criminal and civil statutes of limitations in order to give elderly victims the opportunity to obtain justice. However, the process of policy proposal and implementation following the Catholic Church sex abuse scandal has not been straightforward. In order to understand this process, one can utilize policy frameworks and theories, which provide mechanisms for breaking down the process of policy creation and implementation. To further understand how policy resulted from the Catholic church scandal, this paper will apply Punctuated Equilibrium Theory, Multiple Streams Theory, and Diffusion Theory. The application of these three theories results in a broader image of the elements that caused passage of new legal policies amongst many states following the discovery of systemic sexual abuse and the Catholic Church's deliberate cover up of such atrocities.

Timeline of Catholic Church Sex Abuse

The first major breakout story of child sex abuse in the Catholic Church occurred in 1984, when priest Gilbert Gauthe was indicted by a Louisiana Grand Jury for sexual assault of multiple children (Renzetti & Yocum, 2013). The criminal case and civil litigation against him brought international attention, especially upon the discovery that the Diocese of Lafayette had received reports of his behavior since 1977 and merely sent him to a rehabilitation center in 1983

(Renzetti & Yocum, 2013). This resulted in some small-scale policy change within the Catholic church, and in 1985 the National Conference of Catholic Bishops (NCCB) proposed that a committee be created to specifically address predatory priests (Renzetti & Yocum, 2013). Although this committee was not carried out, an intervention plan was developed by the NCCB the same year (Renzetti & Yocum, 2013). Their plan focused on psychological treatment for priests who sexually abused children, and did not involve any criminal justice measures (Renzetti & Yocum, 2013). Between 1950 and 2002, 1,624 priests received treatment, with a peak in the 1980s (Renzetti & Yocum, 2013). In 1992, the NCCB released the official Policy on Priests and Sexual Abuse of Children, which outlined measures that had to be taken should a priest be reported for abuse (Renzetti & Yocum, 2013). The policy stated that reported priests should be investigated immediately and removed if necessary, and that other clergy members should follow reporting obligations according to civil law, extend pastoral care to the victim, and seek treatment for the offending priest (Renzetti & Yocum, 2013). Still, the policy did not include any police involvement or attempts to get justice for the victim (Renzetti & Yocum, 2013). Few cases other than Gilbert Gauthé were prosecuted through the criminal justice system, and between 1950 and 2002 only 3.4% of reported abusers were incarcerated (Renzetti & Yocum, 2013). The policies set up by the church were focused not on criminal intervention, but on rehabilitation and reintegration of offending priests (Renzetti & Yocum, 2013). The statute of limitations also prevented many victims from obtaining criminal justice or civil settlements, for many did not report until after the statute of limitations had run out (Renzetti & Yocum, 2013). The combination of the Catholic church's policies focused on covering up abuse and states' criminal statutes of limitations prevented priests from being prosecuted and victims from obtaining justice.

The next major exposé of Catholic Church sex abuse occurred in 2001 with the Boston Globe Spotlight Team's investigation and reporting of abuse in the Boston Archdiocese. Cardinal Bernard Law admitted to transferring Reverend John J. Geoghan to a new parish despite knowing that he had been accused of molesting several children (Pfeiffer, 2003). The new editor of the Boston Globe, Martin Baron, wanted to know why church documents on Geoghan's case were shielded from public view by a court order, and the Boston Globe persuaded the court to unseal 10,000 church records (Pfeiffer, 2003). Meanwhile, the newspaper's investigative reporting team, Spotlight, discovered more than 150 priests in the Boston Archdiocese who had been credibly accused of assault (Pfeiffer, 2003). More disturbingly, they discovered patterns of concealment and forgiveness for serious offenses of sexual assault of children (Pfeiffer, 2003). By 2003, the Boston Globe had published over 900 stories detailing the extent of the scandal, generating a massive shift in the narrative towards Catholic Church sex abuse (Pfeiffer, 2003). Prior to 2001, newspapers across the country had been writing about abuse in the Catholic church, but all stories appeared to be isolated incidents (Pfeiffer, 2003). The Spotlight team unveiled a large-scale issue including systemic cover ups, and it resulted in new church policies, state investigations, and the resignation of top church officials (Pfeiffer, 2003).

The Spotlight Team's reporting caused states to begin their own investigations into their Catholic archdioceses. In 2005 a Philadelphia Archdiocese Grand Jury Report identified over sixty predator priests (PA Office, 2018). In 2016, an Altoona-Johnstown report named 50 priests (PA Office, 2018). However, the most action-provoking report was the 2018 Pennsylvania Grand Jury Report, which detailed the Attorney General's investigation into sexual abuse in six Pennsylvania dioceses (PA Office, 2018). The report named 300 priests who had been credibly

accused of assault and identified over 1,000 victims, a figure believed to likely be an underestimate (PA Office, 2018). Once again, the investigation found a pattern of concealment to avoid scandal in the Catholic Church instead of helping victims (PA Office, 2018). In nearly every case, the victims were once again too old for their cases to be prosecuted due to the criminal statute of limitations, which only gives victims 12 years after turning 18 to report their cases, or until the age of 30 (PA Office, 2018). The Pennsylvania report triggered investigations into Catholic dioceses by Attorney Generals in 13 other states and Washington DC (Burton, 2018). The states include Missouri, New York, New Jersey, Kentucky, New Mexico, Illinois, Nebraska, Wyoming, Vermont, Maryland, Florida, Michigan, and Virginia (Burton, 2018). Wyoming is the only state where the investigation is being done by police and not the Office of the Attorney General (Burton, 2018). Due to differences in legal procedures, most states are not able to conduct investigations as broad and time intensive as Pennsylvania's, for Pennsylvania's legal structures grant the Attorney General large amounts of power to conduct investigations as they see fit (Burton, 2018). In many states the Attorney General must receive permission from state legislature to launch a grand jury investigation or requires the full cooperation of the diocese being investigated (Burton, 2018). As a result, the Offices of the Attorney General in many states must overcome several obstacles to even begin investigating sex abuse in the Catholic church.

Proposed Policies

Unlike past investigations, the Pennsylvania Grand Jury Report included an explicit list of policy suggestions to prevent abuse from occurring in the church in the future. The first suggestion was to extend or suspend the criminal statute of limitations, such as the proposed amendment allowing victims to seek prosecution until age 50 (PA Office, 2018). It also

suggested the creation of a civil window allowing older victims to sue the diocese after the civil statute of limitations had run out (PA Office, 2018). In Pennsylvania, victims have only two years to sue following an incident, and young victims were not likely to pursue legal action immediately after being assaulted (PA Office, 2018). For most victims, the two years passed before they even realized they had a case, and reopening the two-year window would allow them to receive some form of justice (PA Office, 2018). The report also called for an improved law on mandated reports of abuse, specifically in terms of making the language more concrete (PA Office, 2018). The current law states that mandatory reporters will be penalized for not reporting current and active abuse, which the investigators believe offers too much room for inaction (PA Office, 2018). Finally, the report suggests the creation of a law on confidentiality agreements, specifically that non-disclosure agreements should be made illegal in criminal investigations (PA Office, 2018). In civil cases involving a criminal investigation, non-disclosure agreements should not allow parties to decline cooperation with law enforcement (PA Office, 2018).

The main policy change that occurred as a result of investigations into Catholic Church sex abuse was statute of limitations reform. In 2020, three states passed statute of limitations reform bills, including Indiana, Virginia, and West Virginia (2020 SOL Summary). Indiana and Virginia both extended their criminal statutes of limitations, and West Virginia extended the civil statute of limitations (2020 SOL Summary). Twenty-nine states introduced statute of limitations bills into legislature, with thirteen eliminating the criminal statutes of limitations entirely, fourteen states extending them, and fifteen states enacting a civil window (2020 SOL Summary). Many states had reformed their statutes of limitations prior to 2020 as a more immediate response to the investigations of Catholic diocese, and there are 43 states overall who have eliminated the criminal statute in some capacity (2020 SOL Summary). Of those 43 states, only

eleven eliminated the criminal statute entirely, with the remaining eliminating it based on the age of the victim, the severity of the crime, or the classification of assault (2020 SOL Summary).

Overall, statute of limitations reform has been the most notable and widespread policy change to occur as a result of exposure of child sex abuse within the Catholic church.

Punctuated Equilibrium Theory

Background

Punctuated Equilibrium Theory was developed by Frank R. Baumgartner and Bryan D. Jones in their book *Agendas and Instability in American Politics* (Kuhlmann & van der Heijden, 2018). They sought to explain why policies that are static for long amounts of time can be suddenly and drastically changed, and theorized that the relatively stable field of policymaking is occasionally interrupted by punctuations that bring increased attention to an issue (Kuhlmann & van der Heijden 2018). As a result, policy change can occur based on whether it receives positive or negative feedback (Kuhlmann & van der Heijden, 2018). Ongoing negative feedback is likely to minimize issues and change, whereas positive feedback amplifies issues and is likely to result in change (Kuhlmann & van der Heijden, 2018).

According to Baumgartner and Jones, the course of public policy in the United States is not incremental, but is disjointed and episodic (2009). Public policy is characterized by periods of stability interrupted by bursts of energy around an issue (Baumgartner & Jones, 2009). This policy stability occurs due to two sources: the “rules of the game” and bounded rationality (Baumgartner & Jones, 2009, p. xxiii). The “rules of the game” make it difficult for action to occur in the political system, and act as a set of norms that legislators do not want to interrupt (Baumgartner & Jones, 2009, p. xxiii). Bounded rationality is defined by Baumgartner and Jones

as the “failure of people to tally up costs and benefits from a potential decision and then to choose the best course of action” (2009, p. xxiii). Policymaking organizations are merely groups of human beings who are cognitively biased and constrained, and therefore susceptible to making incorrect decisions (Baumgartner & Jones, 2009). Human beings have limited attention spans and limited capacity for information, which alters proposed policies (Baumgartner & Jones, 2009). In order for policy change to occur, the rules of policymaking and bounded rationality must be overcome (Baumgartner & Jones, 2009).

A punctuation is characterized by new information, interpretations, or definitions that cause a sense of urgency in the public and result in policy mobilization (Baumgartner & Jones, 2009). Once public and media attention is brought to an issue, change is likely to occur quickly (Baumgartner & Jones, 2009). Policy images, or how people understand and discuss a policy, are crucial for spreading awareness of an issue, and may be altered depending on whether one is a proponent or opponent (Baumgartner & Jones, 2009). Changes in policy image result in changes in policy venue, and increased rhetoric around an issue brings it to increasingly powerful institutions to enact change (Baumgartner & Jones, 2009).

Punctuated Equilibrium Theory and the Catholic Church Sex Abuse Scandal

Statute of limitations reform occurred due to not one large punctuation, but multiple punctuations varying in scale. The series of small exposés identifying one or two predator priests were not substantial enough to generate change, but the Spotlight Team’s and Pennsylvania Attorney General’s reports of large-scale abuse occurring in multiple dioceses generated change. The individual reports were unable to overcome bounded rationality and the rules of the political system. Although the 1985 prosecution of Gilbert Gauthe in Louisiana received international attention, it was generally perceived to be an isolated incident (Renzetti & Yocum, 2013). The

Spotlight investigation was a larger punctuation, but could not fully overcome bounded rationality and political norms. First, religion is a highly sensitive topic and major form of bias that would be difficult for lawmakers to ignore. Additionally, the Catholic Church maintained a strong policy image throughout the Spotlight investigation by frequently denouncing media coverage as immoral and insisting that a private matter had been blown out of proportion (Pfeiffer, 2003). The combination of religious bias and the Catholic church's image likely heavily influenced the cognitive ability of policymakers. It is already extremely difficult to process the concept of someone sexually abusing a child; the idea of a priest, who is supposed to be the most moral and pure of human beings, committing such atrocities is unthinkable. Although the Spotlight exposé was a notable punctuation, religious bias and the Catholic church's image fed into bounded rationality of policymakers. Also, the rules of political institutions prevented change from occurring, for the Catholic church maintains a large influence in state legislatures, especially in conservative states. The Catholic church could even be considered a policy monopoly due to its strong core values and institutional reinforcement in state legislatures (Baumgartner & Jones, 2009). Even more so, outsiders who question the expertise of Catholic church leaders are met with indignation, another characteristic of a policy monopoly (Baumgartner & Jones, 2009). For that reason, the influence of the Catholic church on political systems could not be overcome, and large-scale policy change could not occur.

The largest and most important punctuation consisted of the Pennsylvania Grand Jury Report in 2018. The discovery of 300 predatory priests in six Catholic dioceses in Pennsylvania generated enough outrage to grasp and maintain the attention of lawmakers. Although some religious bias remained, the evidence included in the report was graphic and strong enough to overcome the bounded rationality that had been an obstacle for years. Additionally, this report

tore apart the Catholic church's previous policy image, for church leaders could no longer deny the issue of child sex abuse in the church or their complicity in the matter. The inclusion of state policy improvements in the report supplied the crucial element that government intervention would help solve the issue, and policies such as statute of limitations reform were finally on lawmakers' agendas. At the very least, policy venues shifted from merely the Catholic church to state offices of Attorney Generals, and at the most, to state legislatures. The combination of many small punctuations with the large punctuations of the Spotlight exposé and the Pennsylvania report were strong enough to finally put statute of limitations reform on policymakers' agendas.

Multiple Streams Theory

Background

Multiple streams theory consists of the concept of three "streams" aligning at the same time to create a "window of opportunity" which results in policy change (Cairney & Zahariadis, 2016). The problem stream consists of attention being brought to an issue following a focusing event, and is often influenced by group and elite theory (Cairney & Zahariadis, 2016). The policy stream consists of the introduction of policy solutions to an issue, in which policy entrepreneurs promote their solutions to policymakers (Cairney & Zahariadis, 2016). Lastly, the politics stream consists of actors gaining the motive and opportunity to create policy (Cairney & Zahariadis, 2016). When these three streams converge, a policy window opens, and new policy is passed.

Multiple Streams Theory and the Catholic Church Sex Abuse Scandal

First, the problem stream came to fruition with the highly publicized 1985 arrest of Gilbert Gauthe in Louisiana, and continued with all reports of child sex abuse in the Catholic Church. As previously described with punctuating equilibrium theory, the 2001 Spotlight

investigative report on the Boston Archdiocese and the 2018 Pennsylvania grand jury report were the main focusing events. Within the problem stream, events are more likely to generate change if they reinforce an idea that is already on people's minds (Cairney & Zahariadis, 2016). People were already aware of predatory catholic priests following the Boston Globe's report in 2001, and the making of an Academy Award winning film based on the investigation, *Spotlight*, brought the story back to the public's attention in 2015. When the Pennsylvania Office of the Attorney General published the explosive grand jury report, it heavily reinforced concepts that the public had already been exposed to. The report reinvigorated the issue and energized efforts for change.

Next, the policy stream involves actors analyzing problems and proposing solutions, as was seen beginning in 1985. The National Conference of Catholic Bishops created their own intervention policy for the Catholic Church, but other policy experts did not find it substantial. The Attorney General's policy suggestions in the grand jury report put forth the most explicit solutions, which were then further developed by other actors. In this situation, those involved with the grand jury report acted as policy entrepreneurs, for they had the power and knowledge to create policy solutions and promote them to policymakers (Cairney & Zahariadis, 2016). Researchers, interest groups, and congressional staffers further altered the originally proposed policies until feasible options had been created. For example, the report originally suggested expanding or eliminating the criminal statute of limitations in Pennsylvania. However, after interest groups and state legislature debated, the policy shrunk to eliminating the criminal statute of limitations in cases concerning rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, institutional sexual assault, aggravated indecent assault, and incest (2020 SOL Summary). Pennsylvania state legislature also failed to adopt the revived civil statute

of limitations, demonstrating how policies are altered within the policy stream (2020 SOL Summary). In the policy stream, actors develop policy and alter it in order to make it more likely to be enacted.

Lastly, the politics stream consists of the moment when policymakers have the opportunity to create policy addressing an issue (Cairney & Zahariadis, 2016). This occurred when lawmakers began launching investigations and introducing policy into state legislature, which was mostly after 2018. Policymakers had to be especially willing to set aside their personal beliefs while considering solutions to the child abuse in the Catholic Church, for they had to ignore their religious beliefs in order to create effective policy. This was likely extremely difficult for some policymakers due to the notable influence the Catholic Church has as an institution as well as considering how passionate people can be about religion. Additionally, the national mood influences the politics stream, and the #MeToo movement was prominent at the time of the Pennsylvania Grand Jury Report. Although the #MeToo movement is more focused on sexual harassment of women in the workplace, it brought national attention to the prominence of sexual assault. Since people were already having conversations about sexual assault and demanding change, policymakers had a good opportunity to pass policies preventing future sexual abuse of children in the Catholic Church.

These three streams converged following the Pennsylvania Grand Jury Report in 2018, resulting in the creation of a policy window. The combination of national attention on predatory priests in the Catholic Church, the Pennsylvania Office of the Attorney General's policy suggestions, and a national discussion of sexual assault during the #MeToo movement generated the perfect environment for policy change. Many states began their own investigations into Catholic dioceses within their jurisdiction and pushed for policy reform. The most successful

change to occur was statute of limitations reform, which the majority of states altering at least their criminal statutes of limitations by 2020. Overall, multiple streams framework outlines the elements that resulted in the passage of new policies allowing victims of child sex abuse to obtain justice.

Diffusion Theory

Background

At its most basic, policy diffusion theory addresses how policies spread from one government to another (Shipan & Volden, 2012). Diffusion occurs through five mechanisms: learning theory, imitation, normative pressure, competition, and coercion (Shipan & Volden, 2012). Learning theory is the ability of governments to learn from other governments, which can be constrained by cultural bias (Shipan & Volden, 2012). Imitation occurs when governments imitate the policies of governments that are within the same region (Shipan & Volden, 2012). Normative pressure is the pressure governments feel to remain within the established norms, which may prevent or create policy (Shipan & Volden, 2012). Next, competition is the motivation for governments to pass policies better than other governments policies in order to attract more citizens (Shipan & Volden, 2012). Coercion is when a government uses threats, incentives, or force to influence the policies of another government (Shipan & Volden, 2012). The more complex a policy is, the slower it will spread, whereas policies that are generally more compatible are likely to spread faster (Shipan & Volden, 2012). The spread of policies can appear as either cooperation or manipulation of governments, depending on the mechanism used to diffuse the policy (Shipan & Volden, 2012).

Policy Diffusion Theory and the Catholic Church Sex Abuse Scandal

Following the publication of the Pennsylvania Grand Jury Report, thirteen states launched investigations into their Catholic Archdioceses. State lawmakers began proposing reform on criminal and civil statutes of limitations as the extent of abuse was discovered. The mechanisms that most influenced this diffusion were likely learning theory, imitation, and normative pressure. Governments follow other governments' examples, as is evident by the thirteen states who launched their own investigations of the Catholic Church following Pennsylvania's (Shipan & Volden, 2012). Those thirteen governments learned from Pennsylvania, and Attorney Generals in the other states realized the potential abuse that could be occurring in their state's dioceses (Burton 2018). However, governments can be bounded by their ability to learn as well as by their cultural biases, which may prevent policy adoption. For this reason, states with a strong Catholic population or influence on government may have been less likely to learn from the Pennsylvania report and open an investigation.

Next, the imitation mechanism influenced the diffusion of statute of limitations reform following the exposure of child sex abuse in the Catholic Church. Governments are more likely to imitate the policies of governments that are geographically close by (Shipan & Volden, 2012). A map summarizing 2020 statute of limitations reform for child sex abuse shows that states with proposed reform bills are generally clumped together, such as South Carolina, Georgia, and Florida (2020 SOL Summary). States without reform bills are also clumped together, such as Washington, Oregon, and Idaho (2020 SOL Summary). However, there are some states without reform bills that are in the middle of clumps of states with reform bills, where other mechanisms are likely at play.

Finally, normative pressure is the pressure governments face to remain within the established norms. Concerning statute of limitations reform, this policy may explain more so why policy did not diffuse. The Catholic Church is a powerful institution, and religion is a sensitive topic. States, especially those with catholic representatives or high catholic populations, likely felt pressure to leave the church alone. In the case of Pennsylvania, state legislature was unable to pass statute of limitations reform due to the Republican majority state senate, many of whom had direct connections to the catholic church. In that situation, normative pressure prevented reform from occurring. Alternatively, normative pressure could put pressure on governments to enact change. Governments may have felt pressure from other states adopting statute of limitations reform following the exposure of the Catholic Church, resulting in the diffusion of policy. Learning theory, imitation, and normative pressure help to explain why policies did or did not diffuse following the discovery of abuse within the Catholic Church.

Conclusion

The introduction of statute of limitations reform, civil windows, and other legal policies aimed at granting justice to victims of child sex abuse were characterized by gradual change leading up to large scale reform. By examining this introduction of policy through punctuated equilibrium, multiple streams, and diffusion theory, one can further understand the mechanisms and elements that ultimately result in change. Punctuated equilibrium theory demonstrates how media attention and social awareness of an issue can result in policy introduction. Multiple streams theory shows how different environments must be combined with perfect timing to generate change. Diffusion theory shows how a policy, once introduced, may or may not spread to other governments. Overall, policy theories and frameworks allow policy analysts to effectively examine the elements that resulted in change, as seen through the application of

punctuated equilibrium theory, multiple streams theory, and diffusion theory to policies introduced after the Catholic Church sex abuse scandal.

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