

Panel T08P07-Session 1

Policy Narratives in Social and Medical Policy Issues

The moral controversy on the Child and Adult Protection Authorities in Switzerland: a public agency in the clutches of the media

Work in progress. Comments are welcome!

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Abstract

In 2008, the Swiss Parliament approved a new Law on Child and Adult Protection, which came into force on 1 January 2013. Part of this law was the creation of a new public implementation agency, the Child and Adult Protection Authorities (CAPA). This legal reform hardly resulted in any public reaction at that time. Only since the CAPA has started working, negative headlines appear and the CAPA's role and behaviour is criticised, especially in the German-speaking region, less so in French-speaking Switzerland. We analyse the emergence of this public discourse on the CAPA and its variance in the two language parts by conducting a media analysis from 2013-2015 based on the Narrative Policy Framework. Preliminary findings show that cultural and institutional characteristics influence the differences in the discourse on the CAPA. However, they are not sufficient to mitigate the impact of a focusing event, which led to an increased negative discourse in French-speaking Switzerland. Further studies may focus on the effect of diffusion from the German- to the French-speaking region in order to explain this phenomenon.

1. Introduction

This paper analyses the effect of cultural and institutional characteristics, and focusing events on the emergence of different narratives about a public agency. The case for this project is the Swiss Child and Adult Protection Authorities (CAPA)¹, which have been established in 2013 after a legal reform. Child and adult protection measures address persons that are unable to assume their rights and control their assets (Germann et al. 2017). Their targets are for example orphans, children that are abused by their parents, parents in custody disputes or elderly persons affected by dementia. In Switzerland, since the legal reform, a massive public and moral discourse has emerged heavily criticising the new authorities and regularly presenting stories of parents, relatives or elderly people who arguably suffer from decisions taken by the CAPA. The paper analyses the development of this public discourse on the CAPA in the media and compares the discourses in the French- and German-speaking parts of Switzerland. Hence, our research question is as follows: How did the public discourse on the CAPA emerge in the French- and German-speaking regions in the first three years of its existence, i.e. 2013-2015, and what elements shape the discourse? This case provides the rare opportunity to investigate a new public agency and its public standing from scratch.

Switzerland's history of state welfare is not a glorious one. Throughout the twentieth century, based on a 1912 guardianship law, representatives of the state often decided without due process over the lives of persons who did not conform to societal standards (Hofmann 2013). For instance, the guardianship authority robbed the children of unmarried or travelling people, and imprisoned women and men considered to display "promiscuous behaviour" (Germann et al. 2017). In 2008, a legal reform led to a new Law on Child and Adult Protection, which came into force on 1 January 2013. This reform established the CAPA as new and professional implementation agency.

The legal reform was a formal process that hardly led to any public reaction at that time and remained uncontested by the members of parliament. But when listening to the political and public discourse today, one gets a different impression: a majority of the population fears and mistrusts the CAPA (Schmid and Gruhnwald 2017). Nevertheless, experts negate that the reform has failed. They acknowledge that the CAPA had to overcome some initial difficulties, but overall they claim that the new system works effectively and achieves the set objectives (Ecoplan 2018, Interface 2016, the Swiss Federal Council 2017).

To answer the first part of the research question (emergence of the discourse), we focus on the public discourse dynamics in the media by uncovering underlying narratives with the help of the Narrative Policy Framework (NPF). Until today, the NPF has mainly been used to analyse political campaigns (Shanahan et al. 2017, 2011). In our study, we apply the NPF to a policy implementation process instead. We thereby argue that policy implementation debates may also lead to policy learning or even policy change. Hinterleitner (2018) shows a similar process in the Swiss "Carlos" case, where a massive public discourse on the appropriate treatment of a youth offender led to a policy change in juvenile justice. We aim to contribute to strengthening the NPF's standing in public policy research by broadening its application towards implementation research as a potential new research venue for the NPF. To answer the second part of the research question (shape of the discourse), we analyse two dimensions of variance, a regional and a temporal, based on three theoretical strands: cultural differences, social learning, i.e. policy paradigm shifts and new institutionalism, and focusing events.

¹ In the German-speaking part of Switzerland, the acronym used is "KESB" for "Kindes- und Erwachsenenschutzbehörden". In the French-speaking part, the authorities have different names but the most common one is "APEA" for "Autorités de protection de l'enfant et de l'adulte".

Preliminary findings² show that both cultural and institutional characteristics influence the differences in the discourse on the CAPA. However, they are not sufficient to mitigate the impact of a focusing event, which increased the negative discourse in the French-speaking region.

The paper is structured as follows: in the next section, we introduce our case, the CAPA. Subsequently, we elaborate on the NPF and further literature on culture, institutions, and focusing events. Section 5 illustrates our research design, followed by the results of the data analysis. The paper concludes with a continuing discussion of the findings, some limitations and a research outlook.

2. Case: the Child and Adult Protection Authorities (CAPA)

The CAPA has been established on 1 January 2013 as professional authorities in charge of implementing the new Law on Child and Adult Protection in a consistent way throughout the country. This case is relevant not only because it is relatively rare in public policy research that a completely new authority can be investigated, but also because the CAPA has attracted enormous public attention in a very short time – and in a mostly negative way. This negative media hype in turn may lead to policy learning as integral part of the implementation process. What is more, child and adult protection is a sensitive topic challenging many Western European countries. The issue of child and adult protection leads to moral controversies about the role and power of the state and its right to intervene in its citizens' privacy. Increasingly polarized political debates exacerbate these controversies. Child and adult protection can therefore be considered as a 'symbolic policy' for many very relevant issues of today's public policy.

Child and adult protection measures are subject to social change over time. We provide a short historical summary of the development of the child and adult protection policies in Switzerland: With few exceptions, the guardianship law in the Swiss Civil Code has remained untouched since its entry into force in 1912 until the legal reform of 2008 (Swiss Federal Council 2006: 7002). Already in the 1950s it became increasingly clear that the paternalistic and often stigmatising guardianship system was no longer acceptable. With the ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), fundamental rights have become more important and state interventions in the privacy of its citizens led to tensions between the principles of self-determination and heteronomy (Häfeli 2013: 7, Meier and Lukic 2011: 4). The social understanding of care had changed and the idea of protection of the vulnerable individual had come to the fore.

Due to the federalist tradition, largely leaving the implementation of policies in the competence of the cantons, the guardianship system in Switzerland was regulated very unevenly (Voll 2013: 39). While in most French-speaking cantons courts were responsible for guardianship decisions, the guardianship authorities in German-speaking cantons often consisted of the municipal council, i.e. politically elected laypersons (Swiss Federal Council 2017: 9). In view of the importance of the decisions, various stakeholders expressed more and more concerns regarding the lack of expertise of the lay public authorities. According to the Federal Council, the lay authorities barely had the necessary control and monitoring facilities nor the resources to arrange measures in a timely manner (Swiss Federal Council 2006: 7020).

² This paper is part of a PhD project sponsored by the Swiss National Science Foundation. The PhD will investigate the development of the public discourse on child and adult protection measures in the past and the present and the effects of strong (and negative) media coverage on the CAPA's reputation and actual work practice. This paper is a preliminary and limited analysis.

Despite the clear need for reform, it finally took until the 1990s until the revision of the guardianship law was addressed. The guiding principles of the revision were to better guarantee the right of self-determination of vulnerable persons, but at the same time to ensure proportionate measures designed differently depending on each case (EJPD 2011, Häfeli 2013: 8, Swiss Federal Council 2006: 7015-7016). In addition, professionalisation of the authorities should increase transparency, procedural safety and equal treatment (Häfeli 2013: 264, Noser 2017, Strebel 2010: 57).

The revised guardianship law, renamed Law on Child and Adult Protection, was approved by Parliament in December 2008 and became effective on 1 January 2013, after the referendum deadline passed unused (Bundesamt für Justiz 2012). All decisions in the area of child and adult protection have since been concentrated in interdisciplinary specialist authorities, i.e. the CAPA. Throughout Switzerland, the existing 1'415 guardianship authorities were replaced by 142 CAPA offices (KOKES 2017a). Depending on the canton, the CAPA now operate as judicial or administrative authorities and are organized cantonally or (inter-) municipally in circles whose catchment area varies in size (Swiss Federal Council 2006: 7021). However, the main task of the CAPA is the same in all cantons: they decide upon measures of child and adult protection, entrust the mandate holders (for example assistants or guardians) with their tasks and supervise them (KOKES 2017b).

Strikingly, the legal reform hardly led to any public reaction at that time and remained uncontested by parliamentarians. Only after the implementation, i.e. after 1 January 2013, a massive public discourse has emerged fueled by heavy negative headlines on the CAPA. According to CAPA workers, parents are alarmed when they receive a call from the CAPA and often think about alerting a lawyer or even a newspaper instead of cooperating with the authorities. In addition, a group of affected parents and right-wing politicians call for a return to the old system (Murmman). This negative discourse seems mainly to be focused on the German-speaking region, while the CAPA do not seem to be as negatively perceived in the French-speaking part of Switzerland.

3. Phenomenon to be explained: policy narratives

We use the Narrative Policy Framework (NPF) as the main theoretical basis and analytical tool to investigate this massive public discourse on the CAPA as a whole in both language parts (dependent variable). According to the NPF, policy success and longevity not only depend on the real actions undertaken but also on how the story about a specific policy is rendered. This is due to the basic assumption that individuals are largely driven by emotions and boundedly rational. They rely on information shortcuts, known as heuristics, to process information and take decisions (Shanahan et al. 2017: 173, 181). The preferred form of a heuristic employed by individuals is the narrative. A narrative is a story that helps bringing order into the world's complexity and facilitates emotional evaluation.

According to Elizabeth A. Shanahan and her colleagues (2017: 198-201), a number of new research directions have opened for the NPF, among them some in the comparative analysis. This is where this paper aims to step in, specifically by focusing on a sector comparison within a single country, i.e. the narratives about the CAPA in the German- and French-speaking parts of Switzerland.

With the postulate of narratives being omnipresent in human thinking, it is a logical step for the NPF to assume that they play an important role in public policy processes (Shanahan et al. 2017: 182-183). To convince somebody of their opinion, policy actors strategically develop policy narratives reflecting their policy preferences and containing three characters: a villain causing or perpetuating what they

think is the problem at stake, a victim suffering from the problem and a hero that aims to solve the problem (Shanahan et al. 2017: 175-176)³.

4. Understanding difference in policy narratives: regional and temporal variance

As mentioned above, there are indications of differences between the public discourses on the CAPA in the two language regions. The discourse seems to be less pronounced and less negative in the French-speaking part compared to the German-speaking one. To explain this, we hypothesize the variance of narratives on the basis of two dimensions: regional differences, and variance over time.

4.1 Regional differences

We deduce the regional differences from two elements: culture and institutions. The relevant theoretical strands are presented below. The first is based on various studies on linguistic and constitutional differences in Switzerland. The latter is based on Peter Hall's social learning approach.

4.1.1 Culture

When trying to explain differences of the discourse on the CAPA in the French- and German-speaking parts, we have to consider existing research explaining the different political behaviour of these two regions 'simply' by their cultural differences. The linguistic cultural thesis is widely used, according to which the cantons of German-speaking Switzerland are characterized by direct democratic and participatory elements, while the cantons of the Latin regions are rather oriented towards liberal and representative democratic paradigms (cf. Kriesi and Wisler 1996, Ladner and Bühlmann 2007, Linder 2010, 2005, Stadelmann-Steffen and Freitag 2011, Vatter 2002). Another study by Bühlmann et al. (2013) adds an alternative explanation but confirms the general findings. They show that the constitutional movements during the emergence of the cantonal democratic orders in the mid-19th century influenced the different patterns of cantonal democracy. In cantons where democratic movements were strong at that time (i.e. where citizens demanded more direct democratic people's rights), democratic systems are still more participatory today. This is typically the case in many German-speaking cantons. French-speaking cantons, on the other hand, witnessed strong liberal movements without democratic demands. Therefore, until today these cantons are rather representative democracies. Whether linguistic or constitutional elements are the main driver of differences in the political culture of Switzerland is only of secondary importance for this research. What is of primary importance is that in the liberal tradition of thinking, the state is the lawful body legitimated by free individuals who have faith in the power of the government implementing the goals of the citizens (Bühlmann et al. 2013: 163). This is why we assume that a more liberal understanding of democracy explains the less negative discourse on the CAPA in the French-speaking media, while in the German-speaking part the CAPA is repeatedly criticised as the epitome of an encroaching state. We deduce the following hypothesis:

H1.1: Due to cultural characteristics, the public discourse on the CAPA is less negative in the French-speaking region than in the German-speaking one.

³ Empirical applications of the NPF have shown that narratives only rarely feature all narrative elements mentioned above. To account for this fact, NPF scholars have set a minimal threshold: To count as a narrative, a statement must contain "at least one character and [...] some public policy referent" (Shanahan et al. 2017: 176).

4.1.2 Institutions

Policy learning, rooted in the historical institutionalism and based on Peter Hall's social learning approach⁴, may be another useful theoretical approach to explain the observed regional differences in the public discourse on the CAPA. Historical institutionalism is part of the neo-institutionalist strand that has emerged over the last 30 years bringing back into research the role of institutions in determining social and policy change (Schmidt 2008).

Hall differentiates three kinds of policy changes due to learning processes: First order change, which is a change of the setting of instruments and constitutes normal policymaking processes. Second order change, which is a change of the instruments themselves, thus includes the strategic development of new instruments. And third order change, which constitutes a holistic policy change, including the change of overarching goals and instruments. Such a radical change is associated with a paradigm shift. This may occur when existing policy paradigms cannot satisfyingly explain current developments. In such cases, anomalies pop up and reveal policy failures discrediting the paradigm (Hall 1993: 281-287).

Related to this paper, the legal reform of 2008 can be considered a third order change on the national level, because the paradigm of child and adult protection changed from "ensuring public order and manners" to "protecting the individual". Due to Switzerland's federalist structures, the implementation of the reform, including the foundation of the CAPA, varied. In the German-speaking cantons, the foundation of the CAPA in 2013 can also be categorised as a paradigm shift because the institutions in charge of child and adult protection in these cantons were very different before the reform, i.e. local lay authorities. In contrast, most French-speaking cantons have already applied a similar system earlier (professional courts), thus the reform only led to a minor institutional change. We deduce the following hypothesis:

H1.2: Due to institutional characteristics, the public discourse on the CAPA is less negative in the French-speaking region than in the German-speaking one.

4.2 Variance over time

The public discourse on the CAPA may not only differ on a regional dimension, but also on a temporal one. We assume that narratives change over time due to various triggers such as scientific or social developments or external events. According to Hall (1993), new ideas and / or new (economic or political) developments are not always sufficient to provoke a policy change. Instead, a specific incident, grave enough to prove the anomalies of the existing paradigm, must occur (Hall 1993: 291). Focusing events are such incidents. They are sudden, relatively uncommon, attention-grabbing and in most cases harmful events which may open a window of opportunity for a policy change (Birkland 1998: 52).

Related to this paper, we consider a tragic child murder on New Year's Day 2015 in the German-speaking canton of Zurich a focusing event. A mother killed her two children to avoid returning them to a children's home. Immediately, the CAPA were in the center of attention and a massive public debate emerged about the question of whether the CAPA were responsible for this incident. The media, some politicians and interest groups scrutinized the system as a whole and raised deep moral

⁴ Peter Hall's main assumption is that the combination of previous policy experience and new information is most influential on a potential policy change. He defines social learning "[...] as a deliberate attempt to adjust the goals or techniques of policy in response to past experience and new information" (Hall 1993: 178).

questions about the right of the state to intervene in its citizens' privacy. Some CAPA employees even received death threats and needed protection by the police. We deduce the following hypothesis:

H2: The child murder in early 2015 constituted a focusing event and intensified the public discourse on the CAPA in both language parts.

4.3 Intertwining of regional differences and variance over time

From the combination of the hypotheses above, we deduce a final hypothesis based on the interaction between the identified synchronic and diachronic effects, i.e. between regional and temporal developments. We assume that the more liberal culture of the French-speaking region and the less extreme institutional change after the legal reform moderated the effect of the focusing event of 1 January 2015. What is more, the consequences and the potential harm of the child murder were further away in terms of geographic distance and therefore harder to detect, which also weakens the effect of a focusing event (Birkland 1998: 55, 73). We deduce the following hypothesis:

H3: In the aftermath of the focusing event, the negative discourse on the CAPA did not increase in the French-speaking region, whereas it did in the German-speaking one.

5. Research Design

In the following, we present the research design used for analysing the public discourse on the CAPA during the first three years of its existence (2013-2015). It is a mix of a comparative design (synchronic and diachronic) and a validating qualitative analysis. Below, we first elaborate on the NPF coding procedure, and second on the hypothesis test.

5.1 Measurement

To assess the development of our dependent variable, the public discourse on the CAPA, we conduct a content analysis of newspaper articles. The articles are coded manually, with a codebook based on previous NPF studies complemented with specific indications for this study⁵. Our unit of analysis is the narrative. We aim to code all narratives related to the new Law on Child and Adult Protection and / or the CAPA to reach a full understanding of their depiction in public. Hence, one newspaper article may yield several narratives. To identify a narrative, we look for normative statements about one or several NPF characters, i.e. villain, victim, or hero, reported in an article by direct or indirect citation. The statement can stem from an individual (including the journalist) or an organisation.

The dependent variable can have a positive form, i.e. a positive discourse, when the CAPA figures in the narrative character of the hero. To a lesser extent, we also consider the discourse to be positive, when the CAPA is presented as victim. On the other hand, the form can be negative, i.e. a negative discourse, in case the CAPA figures as villain.

We measure the independent variables culture and institutions by qualitative references to aspects mentioned in theory, i.e. we code respective key words in the media analysis. A cultural reference, for instance, could be a statement about the CAPA's too strong power over the municipalities. In this case, state intervention seems to be criticised and faith in the state seems to be limited. For the measurement of the variable institutions, a qualitative reference can be a statement, for example,

⁵ The codebook is depicted in the appendix.

that the system in German-speaking Switzerland has undergone major changes and that the CAPA is therefore confronted with greater challenges.

When it comes to the role of the media, a word of caution is appropriate at this point because a media analysis constitutes the main data basis for this paper. The media have a double-edged role related to narratives. On the one hand, they act as a mirror of the narratives used about a certain policy issue and enable the wider dissemination of these narratives. On the other hand, they are independent actors supporting or producing specific narratives themselves and thereby potentially contributing to the shape of a public discourse. The latter understanding of the role of the media, however, goes beyond the scope of this paper and is not part of this particular study.

5.2 Hypothesis test

Our main methodological approach is a comparison of newspaper articles based on the NPF. We analyse three French- and three German-speaking newspapers with high circulation in Switzerland⁶. To test hypotheses 1.1 and 1.2 we additionally compare the narratives referring to cultural and / or institutional differences in a synchronic way with the help of a validating qualitative analysis. In the German-speaking part we analyse *Neue Zürcher Zeitung* (quality newspaper generally assuming liberal positions), *Tages Anzeiger* (quality newspaper generally considered central-leftist), and *Blick* (tabloid). In the French-speaking part we analyse *Le Temps* (quality newspaper, rather liberal-centrist), *24 Heures* (quality newspaper, rather leftist), and *Le Matin* (tabloid). As this paper documents work in progress, it was not possible to analyse the whole data set yet⁷. To get a first impression, we selected and coded the first two articles appearing every three months in each of the six newspapers from 2013-2015, i.e. after 1 January, 1 April, 1 July and 1 October. In total, we coded 144 articles (72 French and 72 German)⁸. This preliminary time period includes the focusing event of the child murder, which occurred on New Year's Day 2015 (cf. section 4.2). We test hypothesis 2 by comparing all identified narratives before and after the focusing event of 1 January 2015, hence a diachronic comparison. We test hypothesis 3 by combining the synchronic analysis of the regional elements with the diachronic analysis on the temporal element.

6. Results: the moral discourse around the CAPA

In this paragraph, we analyse the preliminary sample of 144 articles from 2013-2015 first according to a quantitative counting of the identified narratives, and second according to the defined hypotheses. In section 7 we complement this analysis by a continuing discussion of the findings.

⁶ The search was conducted within Factiva, a global news database. Cf. <https://www.dowjones.com/products/factiva/> - last accessed on 12 February 2019. In addition, a media quality rating published every year by Medienqualität Schweiz, a dedicated Swiss foundation, helped us in selecting the appropriate newspapers. Cf. <http://medienqualitaet-schweiz.ch/> - last accessed on 9 May 2019.

⁷ The complete data set for the PhD project consists of all articles published with a mention of the Law on Child and Adult Protection and / or the CAPA from 2013 to 2018, i.e. from the first day of the CAPA until the most recent possible moment. This approach will allow us to trace the entire development of the public discourse on the CAPA and, in a later stage, to investigate the consequences on the CAPA's reputation and actual work practice.

⁸ As we are two researchers, one coding the German articles, one the French articles, it is important to ensure intercoder reliability. We first carefully defined and discussed our codebook (cf. appendix) based on the NPF in order to make sure that we share the same understanding of the concepts. Afterwards, we coded a random sample of 20% of our 144 articles in both languages twice and thereby checked the match of our coding. Krippendorff's Alpha: 0.71 (villain narratives), 0.62 (victim narratives), -0.01 (hero narratives). The latter value is mainly due to the fact that the analysed media articles generally presented very few hero narratives. In the further course of our investigation, we aim to improve the values by further clarifying our codebook. Literature references: Krippendorff 2019.

6.1 Quantitative findings

Overall, we have found more narratives related to the new Law on Child and Adult Protection and / or the CAPA in the German-speaking media than in the French-speaking one (101 vs. 85 narratives), which is a first indication that the public discourse is more pronounced in the German-speaking region. Table 1 provides an overview of the quantitative results of our media analysis.

The pure number of narratives with the **CAPA as villain, victim or hero** does not indicate a big difference in the public discourse between the two language regions. Only the number of CAPA-as-victim narratives is considerably higher in the French-speaking media compared to the German-speaking (7 vs. 1). We could consider this difference as a first indication for a less negative image of the CAPA in the French-speaking region, although the absolute numbers are minor. When looking beyond these pure CAPA-narratives, we observe a trend towards French-speaking media being more balanced. This is why we also analyse in the following all the narratives presenting other villains, victims or heroes than the CAPA but still related to the new law and / or the CAPA.

The number of **other villain, victim and hero narratives** shows first of all that almost every narrative in the German-speaking media presents a **victim** (98 victim characters in 101 narratives). Most German victim-narratives are about affected persons, parents, children or relatives. Other victims mentioned several times are Swiss municipalities, which say that they suffer under the new system causing high financial expenses. The French-speaking media does not seem to focus that much on victims (45 victim characters in 85 narratives). These victims are in almost all cases real victims of violent crimes, in some cases these are affected parents, children or relatives. A strong focus on victims in media articles may enhance the feeling of readers that there is really something going wrong in this policy field. Thus, this difference could be an explanation for a more negative public discourse in the German-speaking region.

Second, German-speaking media present more other **villain** characters than French-speaking media (36 vs. 24). The difference is not enormous, but this is still an indication for a more negative discourse in German-speaking Switzerland. Most of the villain characters are about perpetrators of violence, parents, spouses or the judiciary. Interestingly, external organisations involved in child and adult protection mostly figure as villains in the German-speaking media, while they are heroes in the French-speaking narratives. This could be an indication for blame avoidance strategies in the German-speaking part. Respective literature (cf. for instance Hinterleitner and Sager 2018) states that blame is potentially damaging for politicians' and public authorities' reputation. They try to pass on the blame to other actors or entities more or less involved in a specific policy failure. We will pursue this indication at a later stage of our research in a separate paper.

Third, regarding other **hero** characters, the French-speaking media generally present more heroes related to child and adult protection than the German-speaking media (14 vs. 8). These other heroes are diverse mainly including parents, relatives, neighbours, experts or other public authorities. As mentioned above, external organisations (for instance NGOs) also figure as heroes in the French-speaking media. The role of heroes in a public discourse can be a relevant one. According to Shanahan et al. (2017) heroes are the driving force of a narrative. In other words, the more readers like the hero of a story, the more positive the story turns and the more likely the readers are to believe the story (Shanahan et al. 2017: 197). Thus, the higher number of heroes in the French-speaking media is a further explanation for a less negative and less pronounced public discourse on the CAPA in this region.

	<i>French articles</i>	<i>%</i>	<i>German articles</i>	<i>%</i>
<i>Total no. of narratives⁹</i>	85	-	101	-
<i>Total no. of NPF characters</i>	123	100	183	100
<i>CAPA as villain</i>	27	22.0	34	18.6
<i>CAPA as victim</i>	7	5.7	1	0.5
<i>CAPA as hero</i>	6	4.8	6	3.3
<i>Other villains</i>	24	19.5	36	19.7
<i>Other victims</i>	45	36.6	98	53.6
<i>Other heroes</i>	14	11.4	8	4.3

Table 1: Overview of numbers of NPF characters in the French- and German-speaking media from 2013-2015.

After having measured the dependent variable, i.e. the public discourse, we now move on to explain its shape in more detail according to the two dimensions of variance, i.e. regional and temporal, previously defined in the hypotheses.

6.2 Results of the hypothesis test

Hypothesis 1.1

Due to cultural characteristics, the public discourse on the CAPA is less negative in the French-speaking region than in the German-speaking one.

In the 144 articles analysed, we found 6 French- and 14 German-speaking narratives explicitly using cultural arguments as defined for this analysis, i.e. for example criticising the power of the state or the CAPA, the weak position of the municipalities or the undermining of federalism. 2 out of the 6 French narratives relate to stories from the German-speaking region and could therefore be considered as not being “original” French narratives. Some extracts from articles below illustrate our findings:

A number of German articles criticised that municipalities do not have a say anymore in child and adult protection measures since the legal reform. For instance, they explain that

“the CAPA decide on their own competence. The communities have no right to a say or to appeal but they bear the costs. The CAPA is a black box.” (Tagesanzeiger, 22.07.2014, authors’ transl.)

A politician from the right-wing Swiss People’s Party, who had already described the CAPA as a Stasi authority, spoke of

“dogmatic, threatening and self-opinionated behaviour” (Tagesanzeiger, 02.04.2015, authors’ transl.)

because the CAPA had brought an action against a municipality. He called for the CAPA to be disempowered and for the municipalities to be given more powers.

⁹ A narrative consists of one or several NPF characters. NPF scholars have set a minimal threshold: to count as a narrative, a statement must contain “at least one character and [...] some public policy referent” (Shanahan et al. 2017: 176).

Mostly in French-speaking newspapers there was a number of articles published saying that the CAPA have too much power and that there is not enough of control. For instance, a group of affected parents and lawyers are cited in an article as

"having reservations about the power sometimes given to CAPA staff. Judges tend to trust them too much." (Le Temps, 22.06.2015, authors' transl.)

A parliamentarian from the canton of Waadt also questions the power of the CAPA by saying that

"lawyers are outraged by decisions taken by the CAPA that are clearly against the interests of children." (Le Temps, 22.06.2015, authors' transl.)

Another French-speaking article criticised that the national Parliament decided top-down on a specific institutional issue in the French-speaking canton of Waadt¹⁰. The article said that this kind of decision-making endangers the Swiss federalist tradition and the sovereignty of the cantons. This is summarised in the following quote with a sarcastic undertone:

"When Bern raises its finger, Waadt raises its arm! If no one makes federalism their priority, Waadt will soon have no more arms to lift: it will be displayed to the public in a window of the Federal Palace." (24 Heures, 08.07.2014, authors' transl.)

Summing up, with the current data we see a trend of French-speaking articles being less critical regarding the role of the CAPA and the state in the area of child and adult protection. The findings **corroborate hypothesis 1.1.**

Hypothesis 1.2

Due to institutional characteristics, the public discourse on the CAPA is less negative in the French-speaking region than in the German-speaking one.

Our current data set of 144 articles contains 9 narratives (5 French-, 4 German-speaking) explicitly mentioning institutional differences between the two language regions. Although this seems to be a rather low number, the content of these articles indicate that this hypothesis is correct. For instance, related to the introduction of joint custody mid-2014, German-speaking CAPA directors and employees were cited, saying that this additional legal change will be a critical burden for the new authorities in the region. A German-speaking politician said:

"Society and politics want joint custody, the CAPA must solve their problems." (Blick, 30.10.2013, author's transl.)

A French-speaking law professor and member of a coordination body for all CAPA offices said that the problems are expected to be greater in German-speaking Switzerland, where the authorities were remodelled on 1 January 2013:

"They already suffer from a lack of financial and personal resources and have not yet all "made their mark." In French-speaking Switzerland, there have been fewer changes in the organisation of the authorities and they should be able to cope." (24 Heures, 14.04.2014, author's transl.)

The findings **corroborate hypothesis 1.2.**

¹⁰ The canton of Waadt was the only canton, which for many years nominated citizens on a random basis to become the guardian of a vulnerable person. Selected citizens could not refuse this obligation. However, in recent years this practice has become more and more questioned and in 2014, after a request from a local parliamentarian, the national Parliament decided to forbid it.

Hypothesis 2

The child murder in early 2015 constituted a focusing event and intensified the public discourse on the CAPA in both language parts.

Figure 1 indeed shows a peak in the number of narratives after the focusing event of the child murder in the German-speaking canton of Zurich on New Year's Day 2015. However, there were very similar peaks in the negative discourse on the CAPA without a single focusing event in the years before. These came about simply due to an accumulation of a number of negative articles not including one specific or bigger incident.

In 2013, stories about first negative experiences with the CAPA led to the peak. For instance, a father told about his "fight with the CAPA" to obtain custody of his daughter and asked "why are the CAPA taking so long? Precious days pass with my daughter." (Blick, 20.08.2013, authors' transl.)

This article led to a number of reader comments as several readers took this opportunity to tell their own negative experience with the CAPA¹¹.

In 2014, mainly media reports about "municipal uprising" led to the peak (cf. above, Hypothesis 1.1) as well as articles stating that

"those affected and experts accuse the CAPA of arguing too legally. Medical, psychological and social work aspects are neglected. Those affected cannot comprehend CAPA decisions and can hardly defend themselves." (Tagesanzeiger, 22.07.2014, authors' transl.)

In 2015, the narratives were clearly dominated by the story of the focusing event and in many cases the CAPA were presented as villain. However, this incident does not seem to have led to a sustainable and longer-term negative effect. The peak of the focusing event lasted a little longer than the pinnacles before but then diminished as the previous ones did. To investigate whether the focusing event had a lasting effect on the level of the negative discourse, we will have to extend our data to the subsequent years. The current findings **corroborate hypothesis 2**, although a focusing event does not seem to be a necessary pre-condition for an increased public discourse.

¹¹ Due to the limited number of articles coded, we have to be careful regarding distortion. One German-speaking article of 2013 summarises comments from six readers, which are coded as separate narratives all negatively criticizing the CAPA. Thus, this single article increases the number of CAPA-as-villain-narratives in the German-speaking part in 2013. On the other hand, we can also imagine that this is not only a distortion but also a reproduction of the reality: the more negative narratives about the CAPA are presented, the stronger the negative image of the CAPA in the public becomes.

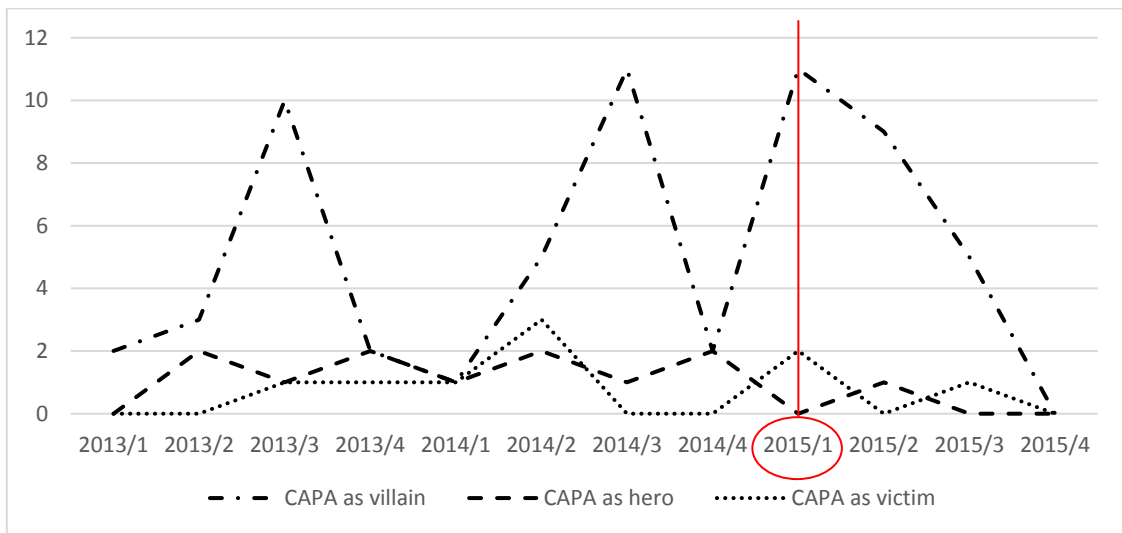


Figure 1: Development of all narratives over time.

Strikingly, the 2013 and 2014 peaks were clearly dominated by German-speaking narratives. In 2015, however, the peak after the focusing event materialised due to an equal presence of narratives in both language parts; even with a domination of narratives in the French-speaking media, especially in the second quarter of 2015. This result again points to differences between the French- and German-speaking discourse. To go deeper into the analysis of these differences, we defined hypothesis 3 which we examine in the following.

Hypothesis 3

In the aftermath of the focusing event, the negative discourse on the CAPA did not increase in the French-speaking region, whereas it did in the German-speaking one.

As hypotheses 1.1 (culture), 1.2 (institutions) and 2 (focusing event) are confirmed, one further option to analyse the public discourse and its variance in the two language regions is to combine these hypotheses and assume that cultural and institutional pre-conditions moderate the discourse in the French-speaking part.

Split into the two language regions, we recognize that from the beginning the CAPA did not start very positively in the French-speaking region but considerably less in the German-speaking one (cf. figure 2). While the negative level in the German-speaking region remained stable over the analysed period, the discourse in the French-speaking part aggravated after the focusing event in early 2015.

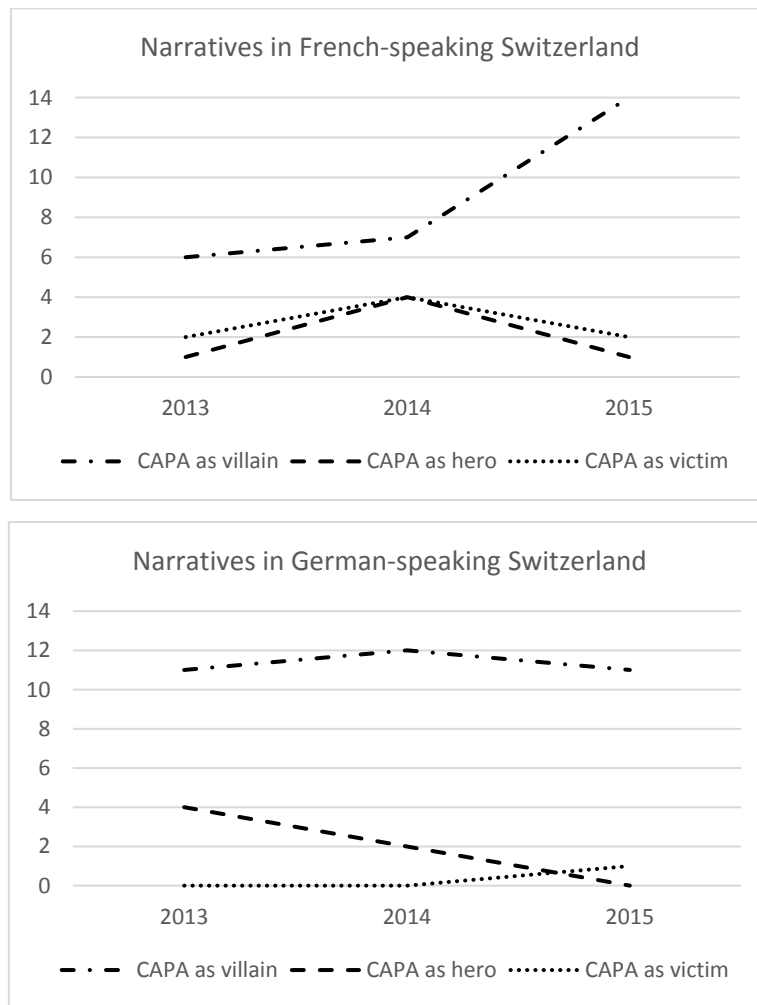


Figure 2: Number of narratives in French and German articles over time.

In 2013, there were some negative reports in the French-speaking media, which actually still covered the authorities before the legal reform. However, the media did not make a clear difference between these authorities and the CAPA and these negative reports had a direct effect on the CAPA after 2013. For instance, in February 2013 a guardian who has worked for the predecessor of the CAPA was arrested due to pornographic action with children. The authorities were blamed *“for not having sounded the alarm as soon as they learned that the man was sleeping with children”*. (Le Matin, 04.04.2013, authors’ transl.)

In the German-speaking media, CAPA-as-villain-narratives were directly related to the new authorities already in early 2013 and many personal and emotional stories were told. For instance, after the story of the father mentioned above who had to wait for a CAPA decision to take custody of his daughter, readers wrote the following:

“These officials probably have no children of their own and want to decide about a child.” (Blick, 20.08.2013, authors’ transl.)

“We fathers will still be judged 100 years from now by the authorities and courts to be incapable of raising our own children.” (Blick, 20.08.2013, authors’ transl.)

“The father concerned will have to be patient. It took me five years to get my daughters back. I wish him good luck.” (Blick, 20.08.2013, authors’ transl.)

In 2014, after the first year of the CAPA, the positive perception grew a little in the French-speaking media in the sense that reports presenting the CAPA as hero or victim increased. Still, CAPA-as-villain-narratives remained stable in both language regions.

In 2015, after the child murder of New Year’s Day 2015, which occurred in the German-speaking part, the CAPA-as-villain-narratives bounced up in the French-speaking media. Half the narratives originated from this child murder case or a few other negative cases from the German-speaking region, respectively. In the years before, only a small proportion of the stories (about 15-20%) were from the German-speaking part and led to CAPA-as-villain-narratives in French-speaking newspapers. Hence, without the reports on this tragic child murder no considerable increase in the CAPA-as-villain-narratives would have been observed in 2015. In the German-speaking media, the CAPA-as-villain-narratives did not increase after the focusing event; but the CAPA-as-hero-narratives decreased, which could also have a deteriorating effect on the CAPA’s standing in the public.

To sum up, the findings do **not corroborate hypothesis 3**. The regional characteristics of the French-speaking part and the characteristics of the focusing event itself did not lead to a moderating effect in terms of the child murder of 1 January 2015. On the contrary, French-speaking Switzerland seems to have reacted more strongly. We follow up on this phenomenon in the next section.

In summary, the results of the hypothesis test can be presented as follows:

Regional: - Culture - Institutions	Hypothesis 1.1	Cultural characteristics explain the differences of the discourse.	Corroborated.
	Hypothesis 1.2	Institutional characteristics explain the differences of the discourse.	Corroborated.
Temporal: - Focusing event	Hypothesis 2	The child murder in early 2015 led to an increase in the discourse.	Corroborated.
Regional and temporal	Hypothesis 3	The regional characteristics of the French-speaking region combined with the characteristics of the focusing event itself led to a moderating effect on the French-speaking discourse.	Not corroborated.

Table 2: Overview of preliminary findings.

7. Discussion

Our preliminary findings show that both cultural and institutional characteristics influence the differences in the discourse on the CAPA. However, they are not sufficient to mitigate the strong impact of a focusing event on the French-speaking discourse. A future analysis, extended to the years 2016-2018, will show whether we can observe a longer-term diffusion effect from German-speaking to French-speaking Switzerland. According to Shanahan et al. (2017: 198-201), a potential new research direction for the NPF could precisely be based on diffusion analysis. This is where this study could contribute to by asking whether CAPA-narratives from the German-speaking part spilled over in the course of time to the French-speaking region. If this was the case, we would expect a deterioration of the public discourse on the CAPA in the French-speaking part.

However, according to the current data, the French-speaking media generally seem to present the CAPA in a more balanced way than the German-speaking one. To expect a very straightforward diffusion may therefore be a too simple assumption. We use the focusing event of New Year's Day 2015, to illustrate the more balanced reporting: most French-speaking articles first explained the illegal behaviour of the parents and thereby legitimated the CAPA's intervention:

"First observation: the family in which the tragedy took place had serious legal and financial problems. Their lease had been terminated due to unpaid rents. The police had searched the couple's home and arrested the father. He's still in custody, accused of fraud. The mother was also detained, but was quickly released. After the search, the two children were placed in a home." (Le Temps, 05.01.2015, authors' transl.)

They also focused on the limited or even too little financial resources of the authorities. And they told the story of CAPA employees being threatened. Nevertheless, the CAPA figured as villain more frequently than in the years before, often with reference to the German-speaking media. In contrast, the German-speaking media focused much more on emotional stories such as the despair of the mother and the grandparents and the non-reaction of the CAPA on their messages:

"The grandparents wanted to take the children with them. But CAPA ignored their heart's desire." (Blick, 05.01.2015, authors' transl.)

A family lawyer said:

"I am shocked that children are simply placed in a home, even though their grandparents want and are able to take them in. This is a scandal." (Blick, 05.01.2015, authors' transl.)

Another factor speaking against a very straightforward diffusion is the fact that the analysed narratives are more diverse in the French-speaking media. In the German-speaking media almost all stories turn around negative experiences with the new law or the CAPA, including some further topics like increased financial burdens for municipalities, limited sovereignty of municipalities, custody disputes and the past administrative detention practice. The French-speaking media discuss many more varied issues like mediation services for divorcing parents, surrogacy, paedophilia, the scouts and adoption. Stories on financial pressure felt by the CAPA and heavy work load and limited capacities of CAPA employees are more prominent. All these French-speaking narratives transmit both understanding for the CAPA and their challenging situation and the feeling that the issue is complex and the CAPA alone cannot be blamed for negative experiences.

Does institutional path dependency explain this more balanced discourse on the CAPA in the French-speaking region? Hypothesis 1.2 provides a first indication for such an assumption, while hypothesis 3 provides a rather contrary indication. It is indeed true that the new Law on Child and Adult Protection has hardly forced the institutions in French-speaking Switzerland to deviate from their chosen path, while it did so in the case of the German-speaking counter parts. A continuation on the chosen path may lead to higher acceptance of a policy change and less scrutinizing, especially because new institutions are compatible with existing ones (cf. Ackermann 2001, Pierson 2004). There are some French-speaking articles presenting their "own" CAPA in a more positive and professional light than the German-speaking counterparts. For instance, one article is about strongly religious foster families that led to complaints from parents who did not want their children to grow up in such an environment. The article states that there are no such problems in the French-speaking region because

"In the process of evaluating a foster family, religion and values are among the topics that are treated seriously. The families are then followed up in a very strict framework, and any complaints are

immediately dealt with. The German-speaking CAPA are more likely to delegate the search for foster families to placement agencies, many of which belong to evangelical networks.” (24 Heures, 18.10.2014, authors’ transl.)

Or is political culture stronger than institutions? We assume that cultural differences have a (more subtle) effect on the longer-term development of the public discourse on the CAPA. It is conceivable that negative narratives increase in the French-speaking media (whether or not due to diffusion from the German-speaking region), but that their effects on the public discourse and on the public standing of the CAPA fizzle out due to cultural pre-conditions.

Finally, this analysis shows that policy implementation discourses are also relevant policy discourses where policy learning or even policy change may occur. We consider policy implementation discourses to be a distinct public policy research subfield. The NPF proved to be an appropriate analytical tool in the area of implementation research.

8. Conclusion

The CAPA as relatively new public authorities are an interesting case for public policy scholars. The opportunity to study a newly built authority is relatively rare. What is more, the CAPA are a special case due to the fact that the legal reform, which led to their foundation was a purely institutional process that hardly resulted in any public reaction at that time. Only since the CAPA has started working, negative headlines appear, although not equally spread in the French- and German-speaking parts of Switzerland. With this paper and the whole PhD project briefly described above, we aim to shed light on this puzzle.

We analysed the emergence of the discourse on the CAPA and whether culture, institutions, and a focusing event affected its shape. We conducted an analysis of newspaper articles from 2013-2015, i.e. the first three years of the CAPA’s existence, based on the NPF. Our preliminary findings show that both cultural and institutional characteristics influence the differences in the discourse on the CAPA. However, they are not sufficient to mitigate the strong impact of a focusing event on the French-speaking discourse. Further studies may focus on the effect of diffusion from the German- to the French-speaking region in order to explain this phenomenon.

We have to acknowledge some limitations of our study. As the basis for the NPF is text coding done by researchers according to their interpretation, there is a certain limitation in terms of replicability and objectivity of the data. We aim to mitigate this risk by defining our approach as clearly as possible (cf. codebook in the appendix). In this context, the intercoder reliability of our joint data coding will be a specific challenge. We will alleviate this by using best practices available and commonly applied in political science (cf. footnote 8). The basis for any sound research is a comprehensive data base. To achieve this, and in addition to the selected newspapers, we aim to broaden and validate our data by establishing contacts to politicians, experts and interest groups as well as by including certain social media sources in a targeted manner. Nevertheless, due to the fact that our main focus is on the public discourse itself, we consider our approach of mainly focusing on an extensive media analysis appropriate. Finally, we aim at refining the measurement of the independent variables culture and institutions in order to capture as many characteristics as possible; including, if applicable, the measurement of more implicit or opposite statements. For instance, in this study we did not code positive cultural statements confirming faith in the state or the CAPA.

As mentioned, this paper is only a preliminary and limited analysis of a bigger PhD project. Our future research will focus on three parts: First, we will conduct a full media analysis of the public discourse on the CAPA in both language regions since their foundation based on the NPF (2013-2018). In addition, we consider to combine the NPF with a Discourse Network Analysis (DNA) (cf. Leifeld 2018). This methodological combination would allow us to visualise networks of actors based on their positions, i.e. their narratives on the CAPA. Thus, with such “narratives networks” we could show clusters of actors sharing similar opinions on the CAPA. Subsequently, we could compare these between language regions and over time. By combining NPF and DNA we would also like to contribute to a new methodological approach.

Second, we will look into the past and aim to understand the policy change, i.e. how the legal reform on child and adult protection emerged. We will apply the NPF again in order to analyse media as well as the pre-parliamentary expert and working groups and the parliamentary debates according to the dominating narratives on the topic (2003-2008). We aim to test two main hypotheses, one related to negative policy learning stating that the reform came about because former instruments proved to be unsuitable to achieve the defined goals. Another one related to the Dealing with the Past concept, originally coming from peacebuilding research and claiming that a state has to make amends after its citizens suffered from injustices and must prevent the recurrence of such injustices (cf. Sisson 2010).

Third, we will look at the consequences of a (negative) media hype for the CAPA’s actual work practice. This may mainly be related to research on blame avoidance. Furthermore, we aim to deduce recommendations for the CAPA’s future reputation management and accountability strategies. This seems to be relevant because from our preliminary data set we see that the CAPA’s reaction in the public, at least in the first three years, is worthy of improvement. They either come across unnecessary harsh, for instance in a case of a paedophile policeman and football coach who sexually abused boys over ten years the CAPA director was cited saying

“the past is the past, we must move forward”. (Le Matin, 04.04.2013, authors’ transl.)

Or they do not communicate at all,

“the CAPA did not wish to reply to our questions”. (Le Matin, 30.08.2015, authors’ transl.)

For this third part of research, we will mainly follow the literature based on Carpenter and Krause (2012), Busuioc and Lodge (2016), and Hinterleitner and Sager (2018). These further research steps will allow us to get a fuller picture of the moral controversy around the CAPA and its effects.

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10. Appendix

Code book

Code	Description / Definition	Source
Narrator	The person from whose perspective the narrative is told.	Schlauffer (2018), authors' definition
Hero	"[...] actor(s) who plan to or fix, solve, assist, or seek to resolve past, current or future problem. Need to possess intention and/or agency."	Crow and Berggren John (2014)
Villain	"[...] actor(s) who create, cause, contribute, instigate, exacerbate, or plan to contribute to the problem. Need to possess intention and/or agency."	Crow and Berggren John (2014)
Victim	"[...] actors(s) who suffers, is targeted, is effected by the problem and/or Villain."	Crow and Berggren John (2014)
Problem	What public problem does the narrative focus on?	Authors' definition
Solution	What policy solution is proposed as the narrative's moral?	Authors' definition

All articles related to the implementation of new Law on Child and Adult Protection are included.

Investigation unit = narrative. We link this to the narrator, what he/she tells is the narrative. A narrative can be interrupted and later resumed. Narrators do not necessarily have to be individuals in the strict sense. The CAPA can also "own" a narrative, or when parents speak with a united voice. If it is unclear who the narrator is, we capture the journalist (we do not exclude narratives just because it is not clear to us who the narrator is).

For each code we capture a concrete text module (i.e. we copy it from the respective article). This refers to the three characters villain, victim, hero.

The codes "problem" and "solution" correspond for us (approximately) to the setting and the moral according to Shanahan et al. 2017. We capture both categories in keywords, text modules are not necessary.

We distinguish the following types of articles:

- Article with link to the new law and/or the CAPA...
...but without narratives ("neutral" reports etc.)
...without narratives to the CAPA directly, but with narratives to other actors
...with narratives about the CAPA (i.e. the CAPA is in the role of a character)
- Article without a link to the new law and/or CAPA, we delete this from the data record.

Minimal definition of a narrative:

- At least one narrative character
- A normative assessment of the facts
- Direct or indirect speech

The word "victim" or the description of shot persons alone is not a narrative.

A court decision is a narrative (cf. Stone 1989). An acquittal is not automatically a narrative. We need a concrete text passage telling a story according to the minimal definition above.