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Law-in-Action and Denied Justice in Gender-Based Violence for a Participatory Professional Culture in the Social Work

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Abstract

The instrumental and transversal use of the legal system, of law, to achieve purposes contrary to those for which the system was created or to provide justice, can produce real forms of denied justice in terms of gender-based violence. In this sense, it is necessary to analyze the current interaction between social and professional roles connected to regulatory and/or legal action, law and social norms, the social and legal context where the interaction takes place, in order to highlight its impact on the phenomenon of gender-based violence in relation to the Social Work sector. These are aspects that fully place the Social Service Institution and its professionals within the legal sphere, considered here not only as a social control agency, considered collectively and individually, aimed at intervening efficiently and effectively in relation to the management of specific cases of gender-based violence and crimes directly and/or indirectly related to it, but also and above all as a primary and secondary socialization agency that operates not only towards the perpetrators and victims of crimes, but also and above all towards the members of the Social Service Institution. These elements underscore the need to identify the most suitable tools not only to build and strengthen a shared and participatory professional culture between institutions and social workers, but also and above all to prevent the instrumental and transversal use of the law to achieve specific interests and goals, unrelated to the Social Services sector.

Keywords: Gender-based violence; Social Work; Law; Social Legal professional roles; Legal system; Training; Culture

1. Design and purpose of the analysis

The most recent years of Italian history highlight the growth, albeit non-linear, of a serious social phenomenon, consisting of an increase in violent crimes perpetrated against weak and vulnerable individuals such as women, minors, disabled people, migrants, and the elderly, etc. (Istat 2024; Department of Public Security - Central Directorate of Criminal Police - Criminal Analysis Service 2024). While these acts of violence cause

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serious physical and psychological suffering, in the most serious cases and more frequently than in the past, even fatal effects, they also determine further consequences, not least economic ones, capable of reverberating throughout the entire social context, increasing the overall discomfort and conflict caused (Pitch 1975; Tomeo 1981: 85; Bilotta 1999; 2008; 2013; 2014; Malizia 2007; 2012; Barbagli, Colombo, Savona 2003).

The delineation and scope of this phenomenon in terms of the social impact it produces (Friedman [1975] 1978) appears neither simple nor linear, when compared: on the one hand, with the obscure number of crimes that are not even reported and detected, remaining completely unknown to statistics, even judicial ones; on the other, with the qualitative selection made by social media, not only information and communication, which often appear more interested in the news story than in understanding-explaining, or resolving, the phenomenon in question, distorting, in both cases, the level of explanatory and predictive analysis. These are aspects to which must be added a still little-discussed topic, consisting of judicial proceedings that have never begun, and those that have been held and concluded but in a manner that differs from the expectations of the social subjects involved. Reference is made to certain judicial practices, including compensation offers made before the courts, access to special or alternative procedures, reformulation of charges, and the parties' procedural conduct, to name just a few, which can have significant effects on the phenomenon of gender-based violence. This issue raises and requires in-depth analysis, critical and self-critical reflection, on the law, on the social roles associated with legal action, not least social workers and the Social Services Institution, on the social context, in their mutual interactions, as well as on possible medium, and long term remedies, considered in light of the phenomenon of gender-based violence.

The wave of violence, femicides, assaults, and the censorship of autonomy, of patriarchal, familial, and institutional culture, based on ignorance of natural processes and on stereotypes that have stratified and consolidated over time, increasingly highlights positions that are, if not maliciously, then culpably contradictory. These positions are designed to remove, if not deny, the clearest and most evident manifestations of gender-based violence. These positions are relegated to subordinate, accessory, peripheral, and insidious positions, capable of transforming the victim of a crime into someone directly or indirectly responsible for the unlawful conduct of others, according to a process not only of secondary victimization of the person harmed by the crime, now scientifically and sadly known, but also of tertiary and quaternary victimization, regarding the impact that the phenomenon of gender-based violence can have on the entire social context (Malizia 2007; 2012).

There is no doubt that in a historical moment like the current one, characterized by profound social changes and the crisis of traditional roles and identities, anxiety, frustration, and profound disorientation are generating in very diverse social spheres, including the socio-legal one. This has led to the reemergence of models of action that, while proposing liquidatory sanctions for social situations and phenomena that can no longer be postponed, also highlight an instrumental and transversal use of the legal system, of law, to achieve goals contrary to those for which the system was created, namely the delivery of justice, resulting in actual forms of denial of justice.

It is undeniable that civil society and institutions have long since acquired full awareness and knowledge of the relevance of, and the social impact (Friedman [1975] 1978) produced by, the phenomenon of gender-based violence: taking positions and initiatives aimed, if not at decisively addressing the phenomenon of gender-based violence, at least at curbing it in the

current situation and its most serious effects. The contemporary academic and scientific world is moving in this same direction, albeit with different aims, oriented towards studying and analyzing the phenomenon in light of the different implications and perspectives it assumes or can assume, within the context of a broad, interdisciplinary, multidisciplinary and transdisciplinary theoretical-empirical scenario. A scenario aimed at investigating, from multiple aspects and points of view, the numerous variables that concretely come into play and that appear capable of influencing, explaining, making people understand, predicting, but not only and solely sanctioning, often arriving too late, the phenomenon of gender-based violence.

While the phenomenon of gender-based violence requires the immediate development and implementation of a system of measures designed to meet the victims' basic needs, including healthcare, social protection, and the development of pathways to escape harmful relationships, addressing the immediate, often irreparable, harmful consequences, it is also a widespread social phenomenon, capable of generating significant social alarm. It also requires the development and implementation of a more comprehensive and complex action plan, capable of fostering collaboration and integration between diverse roles and professionals, such as sociologists, sociologist of deviance, psychologists, psychiatrists, criminologists, legal sociologists, legal practitioners such as lawyers, jurists, judges, prosecutors, legislators, bureaucrats, and, last but not least, institutions and social service workers, to name just a few of the professionals involved in managing the phenomenon. These are social roles that directly or indirectly interact not only with normative social action, but also and above all, for what concerns us here, with socio-legal action, therefore with law understood in the broadest sense, that is, as a legal system.

The interaction between social and professional roles connected to regulatory and/or legal action, the Social Service Institution, law and regulations, and the social and legal context in which this interaction takes place, is the subject of this reflection in relation to the phenomenon of gender-based violence. The aim of this reflection is to identify possible remedies in light of the concrete implications, and therefore the effects that this interaction can and often does have on the performance of Social Work and on both public and private policies (research, safety planning, reporting, evaluation parameters, etc.).

In this sense, it is necessary to reflect, from an internal and external point of view (Hart [1961] 1965), on the adequacy of the social system and specifically of the legal subsystem (Parsons [1951] 1965), considered in a broad sense as structure, functions, institution, organization, professional roles including social roles and law, not only to satisfy the primary needs and necessities of the victims of gender-based violence, identifying and implementing the best, possible, new, timely and effective measures and operational methods; but also and above all to outline the best medium and long-term action strategies, in terms of prevention, accountability, action and response of the overall social system and of the legal subsystem broadly understood to include the institution of the Social Service and its operators to the phenomenon of gender-based violence. These answers, if they involve the Social Service Institution, considered collectively and individually, as an agency of social control, then also invest it as an agency of primary and secondary socialization both from an extra-organizational point of view and, for what is of interest here, from an intra-organizational point of view. In this sense, it is necessary to analyse the current interaction between the social roles connected to legal action, including institutions and social service operators, the law and the socio-legal context in which this interaction takes place, in order to verify the aptitude of the socio-legal field of action (Bourdieu 1986: 3-19) connected to the phenomenon of gender-based violence, and no longer as has just been stated of the legal system, to address and resolve the different questions and problems

posed by this phenomenon: trying to identify the variables that appear most capable of influencing it, in light of the aptitude of socio-legal norms, generally the law in action as implemented by socio-legal actors, institutions and social operators, to address and resolve qualitatively and quantitatively changed problems, posed by a rapidly developing and continuously changing society.

The aim of this analysis is therefore to reflect on how, even in the socio-legal sphere, the reference to tradition, to the crystallization, institutionalization, and structuring not only of socio-legal processes, behaviors, roles, practices, institutions, and organizations, but also of law, can conceal a completely different reality or constitute a facade behind which an instrumental and transversal use of law is, or may be, hidden. The legal system is thus transformed from a tool for resolving declared conflicts (Ferrari 1997) into a privileged instrument for multiplying them, for strengthening and reproducing gender roles, models, and relations based on stereotyped references, in contrast with the processes of social change and differentiation characteristic of, and internal to, new generations and the modern and contemporary state, producing unequal and unfair treatment.

In these terms, it appears extremely useful to reflect on the attitude of the legal field (Bourdieu 1986: 3-19) to favor the phenomenon of gender-based violence, identifying as the object of analysis the current interaction between the social roles connected to socio-legal action, the Institution and the social service operators, the socio-legal norms and the socio-legal context in which this interaction takes place: focusing attention on the legal instrument, therefore on the law and more specifically on law in action (Pound: 1910), which should constitute the most suitable instrument to address and resolve the problems posed by gender-based violence rather than facilitating them, if not even aggravating them.

This approach, if it is geared toward investing in and implementing a culture of awareness-raising across generations and genders, including in the socio-legal sphere, should also foster the identification of abstract and concrete, general and specific, measures to combat and prevent gender-based violence in the medium and long term. This is true in a context like the legal sphere, which should be above suspicion, at least abstractly, since it is institutionally mandated to address and resolve declared conflicts, not implement them. If the newly acquired awareness of the current forms of gender-based violence requires a more rigorous and comprehensive critical and self-critical assessment of the measures adopted, implemented, and/or to be adopted thus far, then it is necessary to address these issues more closely and more effectively. Therefore, for a better understanding and explanation, prevention and containment of the phenomenon of gender-based violence, this awareness should start from and focus on an analysis of the socio-legal sphere, the sectors of law and the legal entities that operate within it or that come into contact with it, such as institutions and social service workers. These are aspects that rightfully place the Social Service Institution and its professionals within the legal sphere, considered here not only as a social control agency, considered collectively and individually, aimed at intervening efficiently and effectively in relation to the handling of specific cases involving gender-based violence and crimes directly and/or indirectly related to it (Malzia 2012), but also and above all as a primary and secondary socialization agency that operates not only towards the perpetrators and victims of crimes, but rather and above all towards members of the Social Service Institution. In this sense, we ask ourselves how they can constitute a useful tool aimed at curbing the transversal use of the law in relation to the phenomenon of gender-based violence.

2. A critical and self-critical reflection on law in action

Normative social action, the socio-legal one that is implemented through law, highlights an often unbridgeable gap between social practices and norms (Pound 1910): relevant not only from the perspective of the study and analysis of the phenomenon of gender-based violence, but also and above all from the point of view of the proposition of remedies, of the resolution of the problems that this phenomenon poses. These are aspects that lead us to reflect on the law, on the social roles connected to legal action, and on the socio-legal context where the action oriented towards the law takes place, or rather on the legal field thus outlined, in order to analyse what the impact could be (Friedman 1975 [1978]: 101ff) or the set of effects, often unexpected if not even contrary, that it is able to produce and often produces on the phenomenon of gender-based violence in order to be able to, if not resolve, at least reduce them through the intervention of the Social Service Institution, collectively and individually considered (Ghezzi 1996; Ferrari 1997; Febbraio 2009: 83ff; Malizia 2012).

If general sociology is the science that studies social action (Weber 1974) and legal sociology is the science that studies social action through law, as a modality of social action (Ferrari 1997: 56; 2004: 3), then the study of law in action concerning the phenomenon of gender-based violence cannot ignore the analysis of the social actors who act through it, specifically both legal and social actors, who operate in the socio-legal context where socio-legal action oriented by, and towards, the law takes place.

If society is a field of interconnected actions and communications in which social actors act to satisfy interests and achieve goals, also in light of their own and others' expectations, then social action through law cannot consist solely of actions and expectations of action oriented according to the law, since social actors more often appear to act in the social and legal sphere as acting subjects, or according to a teleological action, their own, rather than as subjects acting according to the normative action of others. In these terms, it must be emphasized that social action through the law also and above all consists in a continuous exchange of communicative messages between different subjects, between different members of social groups, including the current one among social workers belonging to the Social Service Institution: messages capable of influencing the actions of others by coordinating and/or opposing them, depending on the achievement of the goals and interests pursued, of normative and cognitive expectations (Weber 1974; Ferrari 1997: 100), in terms of rational instrumental action, and of being influenced by it themselves.

From this perspective, the legal norms that govern social actions and expectations, practices, institutions, organizations, social roles and social statuses of the subjects interacting in the legal field, constitute schemes of meaning, which qualify the action by attributing it a meaning, making the subjects involved assume the role of legal actors (Arnaud 2005): the social action resulting from the interaction between multiple subjects in the legal field is a predominantly, though not exclusively, communicative action, endowed with meaning as it is governed by the legal norms that attribute a legal meaning to such action (Ferrari 1997: 159-160).

If sociology, as a comprehensive science, before explaining social action as it occurs, seeks to understand it in the meaning attributed by acting subjects (Weber 1974: 259ff.), then the conscious human interaction endowed with meaning between social actors regulated by law, therefore between social roles connected to legal action including social workers, can, and must first of all, be understood in the meaning attributed by the same to

each communicative act, in light of the interests and goals that social and legal actors intend to achieve according to the rational instrumental action put in place.

From this perspective, understanding and explaining legal communication cannot ignore the use of systems of meaning, shared codes, and schemas of meaning, such as legal norms. Their purpose is to provide a key to understanding and therefore explaining social and socio-legal action, a shared meaning capable of ensuring social and legal communication in light of the concrete effects it is intended to produce.

From this perspective, law influences social and legal action not only through primary norms and sanctions, which guide actions and expectations of action, and through secondary norms that regulate social status and roles, practices, institutions, and legal organizations. But also, and above all, by giving social action a sense or meaning that enables communicative action through law, and, in much more concrete terms, the satisfaction of interests and goals aligned with one's tactical-strategic action according to rational instrumental action. This occurs also and above all in the socio-legal context, which can be traced back to the work of social services and their operators. In this sense, legal norms are simultaneously a system of social action and a system of meaning, definable in terms of a "system of social action through meaning" capable of producing concrete effects (Ferrari 2010: 18).

If it is true that law in its symbolic guise dependent on human action (Lasswell, Kaplan 1969: 24) is a social system created by and dependent on man, to organize and ensure the best functioning of human coexistence, created to satisfy specific interests and purposes that are allegedly collective and/or individual depending on the political-institutional system of reference, whether civil law or common law (Damiani di Vergada Franzetti 2012); then, it is true, that this social system is not always used to satisfy the prefigured interests and purposes that coincide with those formally and institutionally declared, this can very well happen even when dealing with the very delicate phenomenon of gender-based violence in relation not only to the operation of the social roles connected to legal action, but also and above all to the work of the Institution and of the social service operators. In this sense, it should be noted that the structure and functions of law depend to a large extent on the tactical-strategic action implemented by social actors (Habermas 1986), including socio-legal actors and social workers, and on the goals and interests they aim to satisfy. Law constitutes a modality, or a means, of social-juridical action through signification: which can be used both to resolve the problems posed by a rapidly and continuously changing reality according to an irenic function of conflict resolution and reduction of social complexity (Luhmann, [1966] 1991; [1972] 1977), and, paradoxically, to create new ones, according to a polemical function of conflict multiplication and increase of social complexity (Ferrari 1991). From this perspective, it is necessary to immediately clarify an aspect that constitutes a fundamental premise of this analysis: that is, underlining the fact that law constitutes a system of normative communication more often linked to conflictual rather than collaborative social relationships. This occurs most clearly, though not always clearly, in the legal field and in related areas such as the social sector. This aspect appears quite evident when considering the judicial process, where the opposition between the parties to the proceedings, simply between the accused and the victim of the crime, takes the form of a manifest conflict. However, it is no less evident when applied to all the other social roles connected to the legal action, such as the legal professionals involved in and by the judicial process, including those belonging to the Social Services who, in a personal and/or institutional capacity, side with one or the other

party to the proceedings, or neither, seeking to produce effects within the sphere of mutual action. From this perspective, it is important to emphasize that, although the law constitutes a mere communication system, it nevertheless possesses a particular effectiveness, understood as its capacity to produce concrete effects in the sphere of action of others. This is due to the fact that it is equipped and supported by sanctions, both rewarding, attributable to the law's promotional function, and sanctioning, attributable to the law's afflictive function. These sanctions are capable of attributing advantages and/or disadvantages, and therefore of producing concrete effects also within the sphere of social workers belonging to the Social Services, on a level that is obviously out of step with primary judicial disputes. Conflictual and/or collaborative interaction is manifested by the diversity of action plans, tactics and strategies adopted, by the divergences in interests and goals of the interacting subjects in the legal field, diversities often consisting in contrasting opinions on the facts, on the very rules with which the facts are described and legally treated, on the very procedures and protocols to be followed and adopted by social workers (Ferrari 2010: 43): contrasting opinions which, if they belong to the world of ideas, then are capable of producing and do produce concrete consequences in the world of facts, therefore in the professional world of social workers. This aspect is all the more evident when compared to the handling of cases of gender-based violence in both legal and extrajudicial contexts, which are often approached and addressed by legal practitioners and social workers according to a wide variety of tactical-strategic models and methods. These models are geared toward satisfying, through rational instrumental action, specific interests and goals that often differ from the formal and institutional ones declared by legal norms, yet can nevertheless produce concrete effects that are direct, indirect, unexpected, and perverse, if not even contrary to those formally declared by law, resulting in cases where justice is denied. In these terms, there is no doubt that the use and utilization of norms and law can and often does occur within the context of a communicative interaction that takes on the characteristics of a struggle for the choice and affirmation of the meanings attributable to the norms that each legal or social operator deems correct to attribute: in light of both the aims and interests concretely pursued by each social or legal subject acting according to a rational, instrumental tactical-strategic action, and of the innumerable and diverse variables that influence the law or social and legal norms (economic, political, cultural, etc.), on legal subjects (individual or personal, cultural, ideological, institutional or location-related, professional, etc.), on the socio-legal context (political, political-institutional, organizational, etc.), which in turn are capable of mutually influencing them (Damiani di Vergada Franzetti 2012: 275).

These aspects are all the more evident if we consider that the conflict regulated by legal and social norms permeates reality, social and socio-legal relations, because law is social conflict crystallized in a norm: it is "the structure of the conflict" and "represents the structural scheme of the conflict between interests and between groups", the path within which conflicts declared to appropriate, use and dispose of scarce resources, both material and symbolic, are channeled and dealt with (Dahrendorf 1963; Tomeo 1981: 85; Bilotta 1999; 2008; 2013; 2014; Ferrari 1991; 2010: 43). Accepting here the idea that legal norms depend largely, among other variables, not only on the economic-political system or on the social conflict for the acquisition of scarce resources (Hirsch, [1978] 1981; Ferrari, 1997: 233), but also on the cultural system where, before any other sphere, the processes of social change that always accompany social conflict manifest themselves: culture, social and professional, which must therefore constitute the object of particular attention and interest from the point of view of the remedies that can be adopted in relation to an instrumental use

of law (Gallino 1993: 186-187).

A conflict in which, even with regard to the phenomenon of gender-based violence, each legal entity, each social worker, willingly or unwillingly, takes a stance by participating, simply by supporting an interpretative solution to the scheme of meaning or significance offered by a legal and social norm in one sense rather than another, by supporting a certain opinion rather than another on the facts or on the very norms with which the facts are described and legally treated, on the very procedures and protocols to be followed and adopted by legal and judicial operators.

3. From the concept of law to its communicative, instrumental and transversal use

Since the word and concept of law have been frequently used, it is appropriate to clarify what is meant by this expression, highlighting at least two different meanings. In a first, narrow sociological sense, law refers to positive law actually in force in specific circumstances of time and place, as opposed to normative systems that, although called law, are not observed or enforced by the constituted authority in a defined territory (Ferrari 2010: 23). While in a second, broader sense, law includes both legal systems based on the primacy of written law emanating from a sovereign authority endowed with the power of command, in force in specific circumstances of time and space, and, no less importantly, written or unwritten legal systems, in any case observed by the community or by a community, with respect to which communities relate in practice (*Ibidem*: 24). This is a broad definition that highlights how social actors, including legal ones, often act on the basis of norms or normative messages, regardless of their source and whether they are spoken or written. They continually take a stance on these norms, expressing opinions about the facts and the norms by which they are described and legally treated, and about the procedures to be followed and adopted. With the obvious corollary that law is no longer, or no longer only, what is established in books, but also and above all what is constructed through the continuous processes of legal and extra-legal communication that take place within multiple media circles or fields of action. In this sense, law is no longer the end, whether it is produced, applied, or interpreted; rather, it is the means through which legal and extra-legal communication is realized; It is no longer the law written in books, but rather the law in action that is constructed within multiple communicative processes and fields of legal action, including that pertaining to the sector of Social Services and social workers. This law must therefore be the object of even extemporaneous analysis in light of the meanings attributed according to the aims and interests professed and pursued by social actors: on the basis, of course, of the variables that appear most capable of influencing the legal and extra-legal field of action in which the communicative processes around and about the law are realized, being in turn influenced by them.

From this perspective, it is therefore possible to include within the broad notion of law thus outlined, understood as a model of action or normative message addressed to the social roles connected to legal action, including social workers, the law, ministerial circulars, sentences, ordinances, decrees of judges, decisions of arbitrators, mediators and negotiators, agreements, contracts between private parties, conventions between public or private parties, etc. And not only that, because the notion of law can therefore include the opinions of judges, public prosecutors, lawyers, jurists, the opinions and views of technical consultants, clerks, academics, the legislator, bureaucrats, criminologists, sociologists of deviance, sociologists, sociologists of law, psychologists, psychiatrists, social workers, professional educators, the managerial and semi-managerial roles of the Social Service

Institution, etc., on and about the law.

Since these are normative messages, while they do not appear to have a strictly and/or directly legal nature in the sense indicated above, they nevertheless constitute normative communicative precedents endowed with a high degree of legitimacy, legitimacy, and cogency. These are the inspiration and ultimately adherence (conformance) of the individual social roles connected to legal action in order to achieve the goals and interests pursued in relation to the specific field of action in which they operate. These models of action, or normative-communicative messages, concern, as underlined, the most diverse social actors connected to legal action, such as legislators, politicians, bureaucrats, judges, academics, lawyers, public prosecutors, expert witnesses, psychologists, criminologists, litigants and private parties, social workers, professional educators, and senior and semi-senior officials of the Social Service Institution, etc.; Social actors, without exception, are influenced in a much less visible, but certainly no less decisive, way than the law, by a multitude of variables (individual or personal, political, economic, cultural, ideological, institutional or location-related, professional, political-institutional, organizational, etc.). This aspect must always be kept in mind when studying and analyzing the impact of the legal field on the phenomenon of gender-based violence in relation to the socio-legal roles involved.

From this perspective, there is no doubt that law can no longer be considered the subject of action, becoming if not the object, then certainly the instrument or even the motivation for action, one of the many modes of action not only of legal actors, but also and above all of institutions and social service workers, who not only act according to the law, but can even, and often do, act in function of and through it: with a view to satisfying interests and achieving goals according to a rational, instrumental, tactical-strategic action oriented towards the law. But there is more, because law, in the broad sense in which it has been understood, as a mode of social action, communicative-normative action, also constitutes a symbol or symbolic projection of the power held by the subject who exercises it: not only if power is understood in the more traditional sense of coercion, but also, and even more often, if power is instead understood in the broad sense of decision-making. In this sense, the exercise of decision-making power, in whatever direction it is expressed, relies on the symbolic presentation of norms, normative-communicative messages, or action models, which justify, or as is more often said, legitimize, the action both towards those to whom the action is directed and towards those who witness it, including social workers: communicative action through the law, implemented by the social roles connected to legal action in relation to the phenomenon of gender-based violence, becomes the source of legitimacy, or rather, self-legitimacy, of the acting subject through the law, a sort of self-fulfilling prophecy.

If studying law, legal norms, from a sociological and/or sociological-legal perspective or as a mode of social action (Ferrari 1997: 56; 2004: 3), means studying the nature of law, analyzing the social factors that induce deviation from the law, examining the social processes that lead to defining behaviors as deviant or to producing legal norms, or even investigating the effects that arise from their creation, application and interpretation; then reversing the analytical perspective, investigating the social roles connected to legal action in relation to the phenomenon of gender deviance means studying the communicative nature of normative messages, including legal ones; analyzing the social factors that induce legal practitioners to deviate from the law or to act in function of and through it; examining the social processes that, in relation to socio-legal roles, lead to defining certain behaviors as deviant or to producing models of action or normative-legal-communicative messages

that deviate from those established; or analyzing the effects that arise from the creation, application, and interpretation of norms. Investigating these aspects in relation to the tactical-strategic action carried out by the social roles connected to legal action, not only legislators, judges, public prosecutors, arbitrators, lawyers, mediators, negotiators, bureaucrats, academics, doctrinaires, procedural parties, but also social workers, professional educators, managerial and semi-managerial roles of the Social Service Institution, etc., means assuming full awareness that even social workers connected to legal action often act and/or can act not only according to, but also through and as a function of the law and social norms, according to a rational, instrumental tactical-strategic action aimed at satisfying interests and purposes that do not always coincide with those formally and institutionally declared and prescribed by the norms themselves (Habermas 1986; Ferrari 1997: 85).

4. Possible remedies for building a shared academic culture: TLC, SSQCC, DEH, MOOC, Peer mentoring, NAESR, NCIPIPT, PhD, the Professional Training Effectiveness Indicator

If the above reflections clearly express the doubts and risks associated with the performance of both the institutional tasks of social services and the professional activity of social roles connected to legal action, then we must also ask what remedies might be available, what expected objectives might be achieved, and what methods should be adopted to ensure a responsible presence in the social, legal, and professional spheres. There is no doubt that if social service institutions and professionals aim to carry out their mandated activities with the greatest professional freedom (Damiani di Vergada Franzetti 2022), maintaining maximum epistemological and methodological credibility, then they must face the dilemma of being subordinated to power structures or assuming a responsible presence in society (Crespi 1994: 291ss; Treves 1962; Ferrari 1997).

From this perspective, enhancing professionalism and promoting the active participation of social workers in training and refresher courses, improving theoretical learning and the practical implementation of their work, constitute a fundamental aspect not only from the point of view of the acquired and renewed critical and self-critical capacity with respect to the socio-legal reality, but also and above all from the point of view of an acquired autonomy and independence from the institutions in which they operate, from the social, economic, political and cultural centres of power with which they inevitably come into contact (Treves 1962). In this sense, training, methodological updating, and the improvement of the professional activity of social service workers could find in the design and development of "Teaching Learning Centers" (TLC) within private and public territorial local and national entities; in the implementation of projects aimed at ensuring the quality of both the professional activity carried out and the professional capital acquired, including through the establishment of a "Social Service Quality Control Center" (SSQCC), conceived within the framework of social sector development policies promoted by public and private territorial local and national entities; valid tools for preserving the objectives of autonomy and independence of the Social Service Institution, and the critical and self-critical skills of its social workers with respect to the context in which they operate (Lombardinilo 2010; 2014).

These are certainly distinct areas and initiatives, the first focuses on the development of professional methodologies, resources, and support for social workers and service users; the second focuses on assessing the quality of professional activity and learning achieved

through the analysis of data collected by the aforementioned institutions. These initiatives and areas, along with the establishment of Departments of Education or Pedagogy (DEP) in appropriate public and private bodies (municipal, provincial, regional, and national), responsible for overseeing the development and evaluation of strategies and professional programs adopted, could contribute not only to the advancement of educational innovation, research, and development within the institution and social work professionals, but also, and above all, to the construction of a shared interdisciplinary and transdisciplinary professional culture (Ibid.).

From this perspective, building a transdisciplinary professional institutional culture in the sector (Pennisi 1998) can only occur through enhancing the professionalism of social workers, actively participating in training and continuing education activities, and improving their learning and professional practice. The role of Teaching Learning Centers (TLC) and Social Service Quality Centers (SSQC) in the training and methodological development of social workers could become a fundamental tool not only for improving the professional capital acquired and the practical work performed, but also, and consequently, for ensuring the development of a shared transdisciplinary specialist culture in the social field. These initiatives cannot be undertaken in isolation, but should be part of, and coordinated with, the Social Work Professional Development policies of each relevant public and private, local, and national entity. In this sense, if the TLC and SSQC mentioned are coordinated with the development policies of public and private territorial bodies for the improvement of teaching, there is no doubt that the development policies of these bodies must in turn coordinate with national and international academic networks in order to create, through the creation of "Digital Education Hubs" (DEH), web portals capable of collecting large quantities of "Massive Open Online Courses" (MOOC), online training and professional courses created by individual universities, returned and made available to all potential users, referring both to the managerial and semi-managerial roles of the Social Service Institution, as well as to the social workers operating within them for the improvement of the tasks undertaken and the activity carried out (Lombardinilo 2010; 2014).

These are aspects and themes that raise important questions and reflections regarding the need to plan and implement medium, and long-term strategies, at least systemic in scope, capable of contributing to the growth of the professional development of social workers. In this direction, a "National Agency for the Evaluation of Service and Research in the Social Sector" (NAESR) should be established, an institution, as is the case in other European countries, whose task could consist of evaluating the quality of both the professional education provided and the research carried out, verifying whether public and private territorial bodies, universities, the courses of study they program, and the research produced in this particular social sector respect the quality standards that may have been set (Lombardinilo 2010; 2014): the most recent international and national strategic directions relating to the professional field, albeit in very different sectors, in fact require the need to implement, within the framework of unitary structured systems, the professionalism of social workers through the creation of specific structures dedicated to the promotion, recognition and valorization of the specific professional skills acquired and required (ANVUR 2023: 4).

Possible initiatives aimed at improving and innovating the quality of professionalism offered by social workers and institutions, in connection with the creation of a shared cultural habitus, could also include the introduction of a peer mentoring process. Building a supportive and guiding relationship between social workers at similar stages of their

professional or career paths, based on the sharing of experiences and knowledge among peers, could constitute a further tool for the creation of a participatory cultural model.

Furthermore, the establishment of a "National Center for Innovation and Improvement of Professional Teaching" in the social sector (NCIPT), in close collaboration with university leaders and local and national public and private entities, in line with their Strategic Plan, with a regulation recognizing it as a TLC, closely linked to the Peer Mentoring program. This center aims to design and implement initiatives designed to improve the training, teaching, professionalism, and knowledge of professional methodologies of social workers; to promote and test professional innovation as a strategic priority; to foster the implementation of research activities, projects, seminars, and initiatives at the local, national, and international levels; to share academic best practices; to encourage the adoption of both new technologies and Artificial Intelligence (AI), exploring their limitations, potential, and risks; and to strengthen user-centered work strategies. The establishment of this center could also be a valuable tool for building a shared cultural habitus.

But even the establishment of a Doctorate in Social Work, as has been done in some Italian universities, which cuts across the various departments of public and private, local and national institutions working in the sector, as well as the relevant university and its faculties, could constitute an effective tool for creating a common cultural model among social workers.

Finally, the establishment of an "educational effectiveness" (EF) indicator, consisting of the recording of hours spent in training activities for learning, capable of highlighting not only the actual professional level acquired, the ability to achieve the planned objectives by producing significant learning, but also how the learning achieved has influenced the expected results, consisting of the acquisition by operators of knowledge, skills and competences related to Social Work, could constitute a further tool for the implementation of a common cultural approach.

There is no doubt that the effectiveness of the proposed training system must be achieved through synergistic, systemic action between TLCs and SSQC, thus ensuring the maximization of the expected results regarding the level and quality of the professional qualification achieved. In this sense, it is necessary to abandon the voluntary approach to professional training, adopting a method that is as structured as possible, capable of adapting to the needs and types of interventions required. Furthermore, it would also be necessary to continuously plan moments of reflection, sharing, and exchange of best practices in professional training adopted at the local, national, supranational, international, and transnational, public, and private levels. This latter aspect is extremely delicate for the purpose of building a shared transnational academic cultural form capable of, if not eliminating, at least reducing the risks of easy exploitation and/or suspected inactivity, and of a transversal use of the law (Lombardini 2010; 2014).

5. What are the expected objectives for the Institution and the Social Service operators?

If what has just been described constitutes the general framework for the ongoing training and learning process of social workers, and for the specific tools available to the Social Service Institution, let us now try to consider what the expected objectives might be in relation to the overall functioning of the system described, both for the Institutions and for individual workers, in light of the broader expected effect consisting in the construction

of a shared transnational cultural form.

From the first perspective, the system described could foster the implementation of systematic initiatives to improve the teaching provided by individual Social Work Degree Programs, including through the preparation and publication of calls for proposals for the creation of new courses that meet specific professional and social needs. This could create a sort of virtuous circle capable of promoting the implementation of scientific studies focusing not only on the programs adopted by each university and/or public territorial entity, but also, and comparatively, on those adopted by other academic institutions and public and/or private territorial entities, whether national, supranational, international, or transnational. This would collect and provide useful information for the purpose of improving professional practice to the governing bodies of the institutions involved, public and private, territorial, national, and local entities, universities, etc.

From a second perspective, the system described could also provide not only basic skills and ongoing training for staff working in the social sector, but also, and above all, new skills and advanced tools for both operators and those in managerial and semi-managerial roles working in the social sector.

These are aspects that have significant effects on the Social Service Institution and the professionals who work within it, from multiple perspectives such as ethics, motivation, participation, planning, discussion, active training, awareness of the existence of multiple intelligences, user-centered communication, systemic attention to professional quality, evaluation of professional activity provided, and the establishment of Peer Observation sessions. All of these aspects, by retroactively and actively impacting the professional activity provided and/or planned, also for the purposes of professional growth and improving the quality of the activity to be performed, can contribute to the creation of a shared professional cultural form specific to a social "community," the latter understood in the broadest sense of the term (Cotterell 1995; Ferrari 1997; Ferrari 2004: 133).

6. Conclusions: the construction of a shared cultural form in the field of Social Work

There is no doubt that the prospect of common objectives among the various actors and sectors of the Social Service, the greater strength in proposing initiatives to enhance the professional skills of operators, the investment in projects that allow for greater sharing of good practices, the joint work for the monitoring and evaluation of joint actions, can represent and constitute important tools for the construction of an intellectual community in which we can recognize ourselves and be recognized (Ferrari 2004: 133).

From a sociological perspective, these aspects highlight multiple differences between the experiences, training paths, and professional development paths of the individuals involved, yet they also underscore essential points of contact and uniformity. First and foremost, in Italy and elsewhere, is access to the social profession, which requires and requires the acquisition of a professional qualification as well as prior experience, as well as exposure to a lasting and pervasive secondary socialization process (Crespi 1994) (experiences of solidarity, often volunteer work, membership in associations with mutualistic and/or solidarity purposes, completion of a higher education program related to the social sector, attendance at a university program qualifying for the profession, taking the national professional qualification exam, placement in a public and/or private structure, etc.).

These are differences that, if they do not eliminate the common sensibility of social workers, then once again highlight the underlying unity that characterizes them, a common

professional cultural background, which suggests that the symbolic world of the workers and of the social institution to which they belong constitutes the characterizing factor of a "community" that distinguishes it and makes it capable of distinguishing itself from other intellectual communities (Cotterell 1995; Ferrari 2004: 133). A community that is characterized by a particular specialized form of culture that brings together and unites its members regardless of the social and professional differences that distinguish them (Friedman 1975 [1978]; 1994; Nelken 1997; 2001; Pennisi 1998; Crespi 1998; Gallino 1993: 186-187; Nelken and Feest, 2001; Ferrari 2004: 162).

There is no doubt that this is an intellectual environment that is difficult to classify or refer to in sociological terms as a specific social group, and even difficult to affirm that social workers who share this type of cultural education and experience constitute the simplest form of stable community, a group, and obviously not even a class, united by the same culture and social background (Crespi 1994; Weber [1922] 1974; Ferrari 2004: 134). In fact, it cannot be ignored that the number of social workers has not only increased over time, but has also undergone a process of disintegrating social differentiation, of upward and downward mobility, which has involved all social classes and which in many countries, including Italy, now appears quite visible (Ferrari 2004: 134; Ufficio Parlamentare di Bilancio 2024; Istat 2024).

Nonetheless, from this perspective, not only those who perform or participate in socially related professional activities, but also those who perform or participate in training and professional development activities in the same sector can be defined as a professional "community": a term that uniformly designates the multiplicity of individuals who practice the social profession, who hold specific roles and assume specific statuses within the Social Work field. This is certainly a broad term that highlights how experts emerging from experiences, schools, training and professional development programs in the social field do not constitute a clear and well-defined social grouping; it highlights how groups and subgroups of social workers are not always and necessarily composed of experts; however, it equally clearly underscores the existence of a "community" associated with a very specific cultural form that can be defined as a specialized social culture (Cotterell 1995; Ferrari 2004: 134).

There is no doubt that this mental habitus and the experiences lived in the social sector can constitute for the Institution and the operators of the Social Service, according to the methods of construction and sharing described in the previous paragraphs, a valid tool not only for the acquisition of a renewed critical and self-critical capacity towards the social reality being analysed and intervened upon, but also and above all for achieving greater autonomy and independence with respect to the economic, political, cultural and social centres of power (Crespi 1998; Ferrari 2004: 133) or, from a different perspective, to guarantee a responsible presence in society, if not eliminating, at least reducing the risks associated with an instrumental and transversal use of the law in relation to the phenomenon of gender-based violence.

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