

In the shadow of the law: the legal context of social work practice

edited by Phillip A. Swain

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Nowhere perhaps, is social work more likely to be caught at a disadvantage than when its practice in a legal context is examined. Social workers are frequently described as poor witnesses, weak advocates, and often lacking in knowledge and understanding of the law and its requirements in a number of important jurisdictions. This is not to cast the law and its practices in a favourable light either, but it provides a good opening for this excellent book. Paradoxically, readers would do well to start with Spencer Zifcak's chapter almost at the end and work forward in order to get the best out of a broad range of contributions on subjects central to contemporary practice. As a lawyer-academic-social worker, Zifcak is appropriately even handed. After expressing concerns about the sometimes narrow confines of legal avenues for dealing with human dilemmas, he points the finger at the performance of social workers in the legal arena.

Their lack of clarity and rigour, their lack of adherence to procedural and evidentiary rules, their ill-founded certainty, their trust and credulity ...' (p275).

These strictures, commonly held, must be a cause of concern to contemporary social workers, at a time when the legal framework for practice is becoming more and more overt. As we become more concerned about issues of accountability and quality of service, knowledge of legal obligations, responsibilities and requirements need to become more central to professional education, ethics of practice. Apart from any other consideration, this will result in better outcomes for those who have dealings with social workers.

Phillip Swain has assembled an interesting and largely well qualified group of pract-

itioners and academics to provide insights, knowledge and information on most of the key arenas in which social workers operate within legal frameworks. As such, the book becomes a panorama of the human condition, from child protection, sexual assault and violence against women, to Family Court proceedings, intellectual disability, old age and infant death. In spite of the diversity, the unifying thread is the need for social workers to understand the legal framework for their practice and to use this knowledge to complement and thereby strengthen their ability to deliver high quality, professional service.

In each chapter, we are made aware of the burgeoning of information - about social security, about elder-abuse and grief and loss. Our awareness is then provided with knowledge and information. So each chapter serves as a distillation of essential, useable material about a particular area. For the busy practitioner and the student, the book will provide a valuable, readable and authoritative source.

While each chapter has much to commend it, a few examples will illustrate the overall usefulness of the book. Clark's presentation on Child Protection offers a balanced and thought-provoking review of the key critical issues in this most difficult area. She also evokes the pressured environment within which workers operate.

Breckenridge examines the socio-legal relationships in child sexual assault and points up the differences between law and social work. She offers the helpful suggestion that these differences can be seen as complementary, creative or even useful' (p34). It is all too easy to highlight apparent contradictions. A more serious issue is how social work can challenge the

law's claim to superiority in knowledge for establishing the truth of events. In many areas dealing with human relationships the law is an extremely blunt instrument.

Gilmore's chapter on Violence Against Women: Crimes Not Misdemeanours is probably the best in the book. Hers is a refreshingly uncluttered discussion of this most urgent problem. Avoiding the often arcane features of feminist discourse, she argues cogently and passionately the importance of this issue for social work and the law.

O'Connor in Rights and Juvenile Justice analyses the debate between the welfare and justice models concerning the most appropriate response to juvenile offenders. At a time when so many governments are lurching into right-wing policy modes, this is most timely. He highlights the need for a consideration of alternatives to the present system, such as the New Zealand system of family group conferences, under the *Children, Young Persons and their Families Act 1989*.

In all this richness there are inevitably a few blemishes. The Anatole France quotation on page 1 cited as 1984 is interesting as he died in 1924, and a proof reader should have picked up the other howler 'the dye is cast' (p16). Authors should also be discouraged from the epidemic use of phrases in quotation marks which are clearly redundant. Minor irritants in an otherwise excellent publication - a must for all agency libraries.

Reviewed by Cliff Picton

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