

Philosophy in the (Gender and the Law) Classroom

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ABSTRACT: *To engage not only with what one thinks but also how one thinks, is to think philosophically. A student's capacity to think philosophically strengthens their ability to learn and the depth of her or his understanding. This praxis research project was aimed at developing students' capacities to 'think philosophically'. The Community of Inquiry is a pedagogy developed by Matthew Lipman in the discipline of Philosophy that facilitates collaborative and democratic philosophical thinking in the context of teaching philosophy in schools. We introduced a Community of Inquiry module into teaching at tertiary (post secondary) level in the context of gender and the law studies. This field of study was an appropriate context in which to introduce the Community of Inquiry because 'philosophical thinking' is required to understand gender relations and their impact on laws. Here we provide a practitioner reflection on an exploratory approach to teaching in a tertiary setting, with a view to setting an agenda for more systematic research into the incorporation of philosophical method into substantive fields of tertiary study.*

Keywords

Gender; Law; Philosophy; Community of Inquiry; Reflexive Thinking

Introduction

Gender and the Law is a third year elective subject at the University of Western Australia (UWA). It forms part of the undergraduate, Law and Society major in a Bachelor of Arts degree and can also be taken by students undertaking other undergraduate degrees, either for interest or to fulfil the UWA requirement to complete a certain number of 'broadening units'. Many of the students enrolled in Gender and the Law intend to apply to study a postgraduate, professional law degree (the Juris Doctor) after completing their undergraduate degree. This article reflects on the 'Philosophy and Gender' project, which involved trialling the pedagogical technique known as the 'Community of Inquiry', a method of inquiry developed within the discipline of Philosophy, within the Gender and the Law unit. In an informal sense Gender and the Law was already based on 'philosophical inquiry' due to the philosophical nature of the set readings and the encouragement of discussion within the seminars. This project, undertaken in 2015, formalised the link between the Gender and the Law unit and the discipline of Philosophy. The Community of Inquiry is a pedagogy that facilitates collaborative and democratic philosophical thinking, developed by Matthew Lipman (1977) in the context of teaching philosophy in schools. Our aim was to see if this pedagogy could advance two key objectives in Gender and the Law at undergraduate university level. The objectives we focussed on were what we have called 'reflexive thinking' and 'standpoint thinking'. We conclude that the Communities of Inquiry we undertook influenced the development of students' 'reflexive thinking' significantly and appeared to have had limited influence on the development of 'standpoint thinking'. Here we provide a practitioner reflection on this exploratory new approach to teaching

Gender and the Law in a tertiary (post secondary) setting, with a view to setting an agenda for more systematic research in the future.

Gender and the Law

The pedagogical approach in Gender and the Law (GAL) developed incrementally and is based on the expertise of those designing the course; that is, expertise in teaching doctrinal law (Criminal Law and Evidence) and feminist legal theory. GAL was taught for the first time in 2014 but developed from its predecessor, a later-year elective subject in the LLB law degree at UWA called 'A Feminist Analysis of Law', taught 15 years earlier. GAL is taught over a 13 week semester, structured in two main parts. The first half covers gender theories presented as an historical survey, with foundational and illustrative readings for each theoretical approach. Examples of the readings include: Mary Wollstonecraft ([1792] 1974) (liberal feminisms); Carol Gilligan (1982) (cultural feminisms); Nancy Hartsock (1983) (Marxist/Socialist feminisms); Catharine MacKinnon (1993) (radical feminisms); Larissa Behrendt (1993) and Honni von Rijswijk (2012) (postmodern feminisms); and Sarah Zetlein (1995), R.W Connell (2005) and *NSW Register of Births, Deaths and Marriages v Norrie* [2014] High Court of Australia 11 (masculinities and LGBTI theories). The second half of the course examines particular gender-equality issues within the fields of gender and violence, the 'economic life of women', women in leadership and Aboriginal women and the law. Readings for the later weeks are, in the main, empirical social studies but the design of the course is to examine these issues through a continued reference to the theoretical materials introduced in the first part of the course. There are three hours of classes per week, with an attendance requirement: students must attend the equivalent of 10 of the 13 weeks of classes through the semester.

There were two key aims of GAL to which we were interested in applying the CoI method. They are the development in students of two kinds of thinking:

1. Reflexive thinking; and
2. Standpoint thinking.

The remainder of this section explains these two aims of GAL.

'Reflexive thinking', in the context of GAL, refers to the idea that we, *as thinkers*, play a part in determining the substantive thoughts - and the truths or knowledge - we arrive at. This is the equivalent of the idea of reflexive investigation underpinning other social sciences - an awareness of the impact of the researcher on the object of research (Keller 1985, 150; *Writing Cultures*, 1986). And insofar as gender is constructed through *ideas*, ideas themselves are the objects of study. Therefore, a reflexive approach includes considering the effect of the thinker on their own ideas. This is foundational to feminist theory; it is inherent in Simone de Beauvoir's iconic claim that, 'One is not born but rather becomes a woman' (de Beauvoir [1949]; and see MacKinnon [1993], 443). Moreover, to be aware that we are thinking (about gender), and that this will itself have an effect on what we understand gender to mean, is empowering. It can empower a thinker to comprehend their own agency and opens up a choice to be responsible, intellectually. The aspect of the course most directly related to this aim is the assessment option: a 'diary of a learner'. This requires the student to write diary entries that observe their own processes of learning, studying and experiencing the unit. A series of three 'response papers' also permit, and require, a personal engagement with the ideas the student

selects to explore. Instructions to students include: ‘The papers are to be your ideas and thoughts about the required readings the tight, sequential structure of a research paper is not required [t]he emphasis is on engagement, response and original thinking. ... The papers are designed so that you can develop skills of critical analysis and enjoy the opportunity to explore ideas - those in the articles and your own.’ (Emphasis in original)

The idea of ‘standpoint thinking’ in this context is derived from Nancy Hartsock’s concept of a feminist standpoint which she, in turn, derives from the Marxist notion of a proletarian standpoint. (Hartsock 1983, 285-288). The central idea relied on here is Hartsock’s concept of a standpoint as something more than an individual’s opinion or perspective; that entire constructs of thinking and experience may be different from our own. What we call ‘standpoint’ thinking amounts to an understanding that: inequalities arise from systemic social relations, rather than intentional individual subjectivities alone; knowledge and truths are associated with context, including one’s own systemic position amongst social and economic relations (286); and, therefore, there is knowledge/experience that each of us does not have access to automatically. That is, there are some things we cannot know unless we actively seek effective mechanisms (of thought and communication) that allow some understanding. As Hartsock wrote (288), a standpoint is ‘achieved rather than obvious, a mediated rather than immediate understanding’. It follows that what we have called standpoint thinking urges the recognition of ‘lack’ where it exists – lack of experience/knowledge – and the need for communicative effort (work) if understanding is to be approached. It can open the way to a deeper understanding of difference, and its social and political implications.

So, why this ‘philosophical inquiry’ approach? Why these thinking skills? These aims are motivated by feminist and gender theory, and feminist legal theory, itself. A fundamental tenet of feminist theory is that process, or method, is indispensable to content. In order to know what gender and gender-inequality is, the processes by which they are continuously made and understood also need to be examined. Epistemologies – or ways of thinking and arriving at truths – are the foci of much feminist and other gender theory (see e.g., *Discovering Reality* [1983]; Bartlett [1990]; Tarrant [2002]); they are in many instances the ‘content’ of what is taught. Catharine MacKinnon (1983, 640) for example, writes: ‘Feminism comprehends that what counts as truth is produced in the interests of those with power to shape reality.’ To put this in another light, it is specifically feminist to teach *in a way* that is feminist, as well as to seek to impart a body of knowledge that is ‘feminism’. One of the well-known feminist expressions of this approach is the concept of ‘consciousness raising’. Lived experience, as opposed to acquired, abstract ideas, is identified by feminisms as a primary source of knowledge and expertise. (Bender 1988, 8; MacKinnon 1993, 440.) Thus, the ‘philosophical inquiry’ approach in GAL was aimed not only at acquiring knowledge but at the experience of studying the unit itself.

The Community of Inquiry

The community of inquiry (CoI) is a pedagogy that facilitates collaborative and democratic philosophical thinking. It was designed as a student-centred educational methodology by Matthew Lipman, the founder of the ‘Philosophy for Children’ (P4C) movement. American pragmatist Charles Sanders Peirce (1839-1914) was first to realise the strength of bringing together two independent

notions of inquiry and community into the single transformative concept of community of inquiry (Lipman 2003, 84). Lipman realised the educational implications of the CoI and placed it as the central pedagogy by which to teach philosophy in primary schools (Lipman 1977). Influenced strongly by the work of pragmatist John Dewey (1997; 2004), the aim of philosophy for children is to teach students to think for themselves and to empathise with others. P4C commenced in the 1970s in primary and high school classrooms, and has since been introduced at the tertiary (post secondary) level, primarily in the context of courses on philosophy (Shapiro 2013).

Supporters of P4C believe that philosophy needn't be confined to the domain of the academy. The term was coined by Matthew Lipman who wanted to encourage reasonableness in citizens, and figured the best way to do that was to teach critical thinking skills from an early age. Lipman defines critical thinking as 'thinking that (1) facilitates judgment because it (2) relies on criteria, (3) is self-correcting, and (4) is sensitive to context.' (Lipman 1991, 116). Yet critical thinking skills alone aren't enough, and Laurance Splitter and Ann Sharp highlight 'caring' and 'creative' thinking as equally important skills children should be encouraged to develop (Splitter & Sharp 1995; Lipman 1998, 277). Lipman and others have argued that these critical, creative and caring thinking skills will encourage students to be reasonable and democratic, to treat others fairly and to reflect upon their own ideas (Lipman 2003; Burgh, Field & Freakley 2006). In this way the critical thinker won't just know what the right thing to do is, they'll also know how to go about achieving that action while being sensitive to the context.

In a CoI, participants are seated in an inward-facing circle and the teacher facilitates a discussion based on the students' own questions. In order to generate the students' questions, teachers may firstly read an age-appropriate stimulus text, or bring in pictures or objects that can be used to generate questions. Phil Cam (2006) discovered that facilitating an activity using a question quadrant (Figure 1) helped to produce better quality questions, specifically, the open, philosophical questions that are required as a focal point for a CoI. The CoI is radical in that the role of the teacher shifts from being the 'one source of all knowledge' to a facilitator that allows the students' line of inquiry to dictate the course of the dialogue. In a CoI, thinking is individual as well as collective as participants reflect upon their ideas as well as those of others, and build upon or challenge the ideas and questions that are explored.

Empirical studies published by Topping & Trickey (2007a & 2007b) have demonstrated that children who study philosophy are more likely to achieve better academic results and they also have additional social benefits such as better self-esteem and the demonstration of empathy for others. There is also said to be less bullying in the schoolyard and less behaviour management issues (Golding, Gurr, & Hinton 2012; Millett & Tapper 2012). Developing the students own questions is a central component of the CoI and the aim is to seek knowledge and uncover truth for its own sake as per the Socratic tradition in philosophy. As Laurance Splitter explains:

Participating in a CoI allows students, individually and collaboratively, to develop their own ideas and perspectives based on appropriately rigorous modes of thinking *and* against the background of a thorough understanding and appreciation of those ideas and

perspectives that, having stood the test of time, may be represented as society's best view of things to date (Splitter 2011, 497).

It is this contextual application of knowledge and the transferable thinking skills that leads Sharp to claim that the rituals involved in the practice of P4C in a CoI classroom setting can lead to the cultivation of wisdom (Sharp 2007, 13). The thinking skills developed in a CoI are transferable once internalised (Lipman 1998, 277) but this depends on the quality of the conversation. Lipman notes that the CoI is aiming at dialogue, not simply discussion, as, "what was needed was not merely teaching for thinking, but teaching for *critical* thinking" (Lipman, 2003, p. 31). When it is functioning well, evidence can be seen of 'distributed thinking' whereby members of the CoI answer each other's questions, build upon one another's answers and provide examples to support points made by others participating in the discussion (Lipman 1998, 277). It is distributed thinking that Lipman believes is evident in higher-quality democracies.

Education plays an important role in giving students an opportunity to develop and practice the kinds of thinking skills that result in empathetic and critically engaged citizens. Winstanley claims, 'The argument is that philosophy is a powerful subject and that philosophising, or philosophic enquiry, is the optimum pedagogy for fostering the essential skills and dispositions of critical thinking' (2008, p. 85). This is because, "Philosophy is the best possible subject for helping children to become effective critical thinkers. It is the subject that can teach them better than any other how to assess reasons, defend positions, define terms, evaluate sources of information, and judge the value of arguments and evidence." (Winstanley 2008, 95). It is for these reasons that we decided to use the CoI as a pedagogy within the GAL classroom in order to explore complex concepts such as gender, beauty, feminism, suicide and terrorism.

Description of the Project Pedagogy

We had five weeks in which to explore how the CoI worked in the GAL tutorial seminar sessions. We had two groups for 45 minutes sessions and we ran the same activity with each group. In the first week we commenced the tutorial with an icebreaker in which students introduced themselves and explained what they hoped to get out of the unit. We then introduced the theory behind the CoI method. Dr D'Olimpio started with a 15 minute lecture on the P4C approach and the CoI methodology that comes out of classical Western Philosophy (Socratic dialogue) via the Pragmatism of Peirce and Dewey. We then used the second half of the lesson to play a concept game based on the concept of 'gender'.

The concept game was structured so that students were divided into groups of four- or five-people and one representative of each group was asked to come and choose three images from a selection we had printed out in colour of men and women who may or may not fit the stereotypical ideal of being considered feminine or masculine. The students then discussed amongst themselves whether or not the images fitted into the categories 'feminine', 'masculine' or '?', and then gave their reasons for their categorisation to the whole group. Other students could ask questions or challenge the classification, and the person representing the small group that made the classification had the opportunity to alter the category if they were convinced of another's reasoning.

In the second week, we decided to use the same set of images in order to explore Cam's (2006) question quadrant (Figure 1). We wanted to take time to generate interesting questions that would then become the focal questions for the first CoI in the third week. Cam created the Question Quadrant in order to improve the quality of the discussion in the CoI. By using the Question Quadrant, students have the chance to formulate their questions prior to delving into the philosophical discussion itself. This was deemed useful as Cam observed in a CoI setting, 'the problem is that all too commonly students ask questions that are not very deep and do not readily lead to the kind of discussion that is desired' (Cam 2006, 32). Using a Question Quadrant as a preceding pedagogy to the CoI, Cam explains that it 'almost immediately improves the quality of their questions and thereby provides a much more productive basis for discussion' (Cam 2006, 32). The two sections of the quadrant entitled 'use your imagination' and 'questions about real life' are inherently philosophical. These open questions can form the basis for the CoI discussion. As facilitators, we picked the most interesting or common questions from these sections as a basis from which to commence the CoI in the third week.

In week three, we decided to run a CoI including the entire class. The discussion centered on images of women and their depictions in the media, including the photo-shopping of our printed images and the political messages associated with these images of 'femininity'. Topical key events were discussed including the Kim Kardashian 'Break the Internet' cover shoot for Paper magazine, and the recent Eurovision winner Conchita Wurst. Realising we had a fairly quiet group in both classes, we decided to split the following two weeks' CoIs into two groups within each class, thereby making each CoI smaller, in an effort to encourage more discussion and critical dialogue.

In week four the stimulus text was on women and terrorism: another topical issue. Two of the quieter students were chosen to read aloud a newspaper editorial on three British teenagers who were females who seemingly left the country in order to join the Islamic State (ISIL). Each text was read aloud twice, each time by a different reader, to encourage deep listening. The final week, week five, was on male suicide. The same technique as week four was followed with a text on the topic being read by two students. We shortened the week five CoI to 25 minutes instead of the usual 40 so as to allow enough time for the students to complete a feedback form. We gave them 15 minutes to fill out the form so that they had time to write down considered responses to the questions asked. The feedback form is included at Figure 2.

Results of the Community of Inquiry Project

Our inquiry, then, was whether introduction of CoIs into the GAL classroom would advance the course's aims of promoting 'reflexive thinking' and 'standpoint thinking'. In assessing this we have relied on the students' written reflections on the CoIs (35 responses) in their feedback forms and our teacher observations of both the five Philosophy and Gender tutorial seminars and the written assessment pieces set for the course (response papers and a Final Paper).

Did the Communities of Inquiry Advance 'reflexive thinking?'

As explained, our reference to ‘reflexive thinking’ means thinking that encompasses a consciousness of one’s own influence on the generation and modification of ideas. We believe this form of thinking was influenced significantly by the CoIs. This was reflected in the students’ comments about the ‘personal’ nature of their engagement in the sessions and their engagement after the sessions with ideas that had been generated. It also appeared in their observations on how their thinking had been modified by hearing others.

The dominant themes in the student reflections on the CoIs were that they were beneficial because students felt comfortable and confident in contributing their ideas and that they enjoyed and benefitted from hearing others’ views. To a lesser extent, students commented on their own ideas changing as a result of the sessions. In answer to the question: ‘What (if anything) did you gain personally, from participating in the CoIs?’ eight of the 35 students identified feeling comfortable and an increased confidence in communicating in a group or in their own ideas. For example, one student wrote: ‘I gained the ability to communicate my opinion’, and another, ‘I think I gained confidence in communicating. I’m a rather quiet person but I do have many ideas and CoIs encourage you to talk and it provides a comfortable environment where people do not judge me.’ All students were final year undergraduates and would be familiar with the traditional tutorial format, so it would seem these students experienced CoIs, specifically, as a form that facilitated their confidence. The most prominent theme in students’ reflections about the sessions was their experience of hearing a variety of ‘perspectives’, ‘opinions’ or ‘views’ from fellow students. Again, in response to the question asking what, if anything, they had gained from the CoIs, 23 of the 35 students referred to this idea. For example, students wrote: ‘I was reminded of the extent of views present in each topic’; ‘I loved listening to other people’s opinion’; and ‘I gained insight into others opinions as they brought up ideas I never thought of’. Students (10/35 responses) also commented on their own ideas changing or being challenged by hearing others’ perspectives and opinions. Students wrote: ‘Challenges to my ideas assisted me to develop and reconsider them’; ‘It has encouraged me to look at my own stereotypical views (put on me by society) and challenge them. [I looked] at things through the eyes of other students and [saw] how society is changing and adapting’; and ‘I liked having gained the skills of being more aware about my thoughts and that of others, being able to listen more critically and in a focused manner.’

Beyond observations about hearing and responding to others, a number of students commented on the ‘personal’ nature of the sessions in various ways. The ‘informal’ or ‘free flowing’ nature of the sessions compared with other university classes was, they felt, positive for their learning. For example: ‘I think there was a really personal aspect to the sessions because you heard other people’s stories’.

There were also comments from five students that suggest the sessions could have been more effective for them with respect to the exchange of ideas, if more students had participated consistently in discussions, instead of ‘the same few’. In most cases, these comments suggest the reluctance to speak was perceived to be a lack of confidence and that the smaller groups worked much better in this regard because they were more ‘intimate’, and less ‘intimidating’. Two students made comments that indicated the sessions didn’t engage them. They were critical of the choice of topics, at least within the setting of the CoIs, because of the political or personal sensitivities associated with them or because they were ‘only very loosely’ about gender and the law (this is discussed further below). The

students' reflections that bear on reflexive thinking accord with our observations as facilitators of the CoIs and teachers of other aspects of the course. In our teaching experience when students 'come across' an awareness that thinking is reflexive, it is accompanied by an excitement about their learning and a desire to engage further with the topic and their discussants. In our experience of these CoIs students, generally, were in one of two groups: the majority of students seemed to look forward to the sessions and although at times appeared uncertain about what was expected, were engaged and contributing thoughtfully. Another, much smaller, group, it appeared to us, was not easily engaged, at least in every session. There appeared to be a reticence to contribute to the Inquiries and although this was the case with only a few students, we felt at times it affected the mood of the groups as a whole. We were, therefore, somewhat surprised that the written reflections were overwhelmingly positive and the number of students who indicated they were disengaged or uninterested was very low (two or three students).

Our observation is that students' reflexive thinking skills developed distinctly through the course and that the CoIs made a significant contribution to this. As explained, the written, assessed 'response papers' are designed to allow students to engage personally with ideas of authors without merely expressing unfounded opinions. Students are encouraged to grapple with the author's arguments, extrapolate their key ideas and then consider how those ideas were evident in their own, lived lives. The quality of the response papers of those students who attended classes regularly, improved distinctly over the semester, and the improvements related to this capacity to explore the application of presented ideas to their own experiences. In the first (of three) response papers students tended to demonstrate their understanding of the article they had chosen and then 'take a position' in relation to the ideas – giving reasons why they agreed with or were critical of the author's theories. In the second and third papers, the students increasingly explored their own ideas, building on those of the author, and often using open questions to initiate a new direction in their response. The papers were clearly more intellectually creative as the semester progressed.

The Final Paper, which students submitted at the end of semester, was in some ways a development from the response papers. Students were required to identify an 'event', which had occurred within the last three years in the public domain or in their private lives, and analyse that event, utilising selected theories and ideas covered in the course. In this instance a structured piece of academic writing was required. Students chose a wide variety of events, for example: Caitlyn Jenner's transition; Olympic Games regulation of the dress code for women beach volleyball players; the rape and murder of Jyoti Singh Pandey; and the personal experiences of: witnessing a husband put his hand on his wife's back at a party; attending a tutorial in another university course; living near a school and watching mothers come to pick up their children; and, as a (white) shop assistant, being directed by a supervisor to covertly follow two young Aboriginal women.

The general standard of the papers was high, particularly with regard to their direct engagement with the event they had identified and the ideas they drew on in their analyses. Confidence in their own ideas, compared with the start of semester, was evident. A few students made distinct 'leaps' in this regard, choosing personal experiences as their events; one student combined poetry and prose in her analysis.

The CoI sessions appear to have influenced these developments in students' work significantly. In the first five weeks of the course the main two-hour class was conducted as seminar discussions but from then on they were lecture-style deliveries by guest lecturers. And the remainder of the tutorials were conducted traditionally with a greater focus on content and were teacher-led. The response papers themselves may have developed students' skills in reflexive thinking but we observed that it was those students who attended classes regularly who made obvious improvement. Of those who did not meet the attendance requirement, some nevertheless demonstrated considerable academic skills insofar as they understood authors' abstract ideas and could compare different conceptual frameworks. But they did not demonstrate the same engagement with or questioning of their own ideas, or the same depth of analysis by applying authors' ideas to lived experience.

Did the Communities of Inquiry Advance 'Standpoint Thinking'?

As explained, standpoint thinking involves the recognition that knowledge is contextual and therefore that, without some 'extra' intellectual work, some knowledge is inaccessible. This involves seeing that others have a profoundly different 'take' on the world, not only that they have arrived at different conclusions within shared parameters.

There were numerous comments, as discussed, about the benefits of hearing fellow students' perspectives but the tenor of those comments did not encompass a realisation of the kind of difference relevant to standpoint thinking. They were more reflective of an appreciation of different ways of explaining a topic, from individuals sharing a basically similar frame of reference. There were, however, a few reflections by students that made observations about this more fundamental idea of socio-political 'difference'. Some comments made reference to how the CoIs had advanced the student's awareness of gender as a social construct; as having meaning beyond an individual perception. Some students used the idea of gaining 'understanding' of issues that contrasted with just the giving of different views. For example, a student wrote that they gained a '[g]reater appreciation of the discrete and almost subconscious role gender plays in society', and another wrote that s/he enjoyed the first CoI (based on the images of Kim Kardashian and Conchita Wurst) most, because 'I had never thought in depth about these issues previously. I just saw the pictures for their face-value, not what they might represent or mean to society'. And another student thought the purpose of a CoI (which they thought had been achieved in these CoIs) is 'to: see other perspectives; stimulate ideas; gain extra knowledge; gain greater understanding' (emphasis in original).

The few comments that most reflected standpoint thinking related to the second CoI, based on a media text about three young women leaving their homes in the United Kingdom apparently to join a proscribed terrorist organisation. A number of students reflected a consciousness of their lack of knowledge, as a significant component of the CoI. On the one hand, a few students felt they gained some understanding of a situation profoundly different from their own and so the CoI may have facilitated standpoint thinking. Four other students expressed concern about the potential dangers of inquiring into topics where there was a lack of knowledge or information. Three of these students commented on the 'Women and Terrorism' CoI and one more generally. One comment concerned the student's own lack of knowledge, two were ambiguous and one was a concern about the lack of

others' knowledge. It was this alert to the dangers of ignorance that most reflected standpoint thinking but there is no indication that these students felt their thinking was advanced by participation in the CoIs.

Again, as with reflexive thinking, the students' comments relating to standpoint thinking accord with our experience of facilitating the CoIs. In our experience, when students 'come across' the experience of 'seeing' another worldview, it is an 'ah ha' moment for them. There is a profoundly new way of viewing not just one or more 'issues', but how the world is organised, and it is accompanied by a kind of surprise: the new standpoint was not apparent before; one's usual vision of how society works was partial or untrue. The CoIs we conducted didn't appear to advance this kind of thinking. In our observation students seemed somewhat hesitant to raise controversial ideas which may have been a fear of being, or appearing to be, sexist or racist.

There was evidence that students' standpoint thinking advanced through the course, however, we think this development was probably a result of other aspects of the course, rather than the CoIs. If this is so, why didn't the CoIs advance standpoint thinking? Three students thought the groups lacked 'diversity' or members had 'similar perspectives' or 'just agreed' with others. They attributed the fact that an Inquiry didn't explore issues in as much depth as they would have liked, to this similarity in backgrounds. However, although all students were privileged at least to the extent they were enrolled at UWA, there were many different ethnic backgrounds represented, first and later generation Australians and different gender identities. In our observation it is unlikely to have been lack of diversity itself that inhibited an advance in standpoint thinking. We are inclined to think other factors were at play, and these are discussed below.

Two further observations

There are two further matters that arose during the project that are worthy of discussion: the question, 'in what way is the CoI different from a regular tutorial'; and a resistance to entering into Inquiries that we perceived on the part of some students.

The CoI and university tutorials

In many ways the CoI and a university tutorial are similar. The CoI is derived from the Socratic method, as are tutorials, with a teacher promoting learning through inquiry and exchange in a less formal setting than that of a lecture. In previous years GAL was run as three hours of seminars with the whole group as one class. In those seminars discussion was often vibrant and inquiring. In many ways these past seminars and the CoIs were similar. The seminars allowed students to explain their understanding of a text and be challenged by others' views. Students' perspectives, not just the teacher's, directed the course of discussion. A central aim of both was to extend students' capacities to think and discuss and both sought to do this through energetic and intellectually stimulating exchange. However, there was a key difference between the CoIs on the one hand and the seminars and regular university tutorials on the other: the CoIs involved 'handing over' discussion to students to a greater degree. Seminar discussions were closely guided by the teacher, even though in a skillfully led class this may not be obvious. The CoI as a pedagogical form involves a more radical relinquishing

of authority by the teacher. The form and process of the class is determined and the stimulus text was selected (though not the questions) but the authority to determine the direction of the inquiry lies with the group (D'Olimpio 2015). The CoIs we conducted in GAL involved this shift in authority and was, in our experience, the key difference from other, conventional forms of university pedagogy. As one student commented, 'we all talk to each other rather than talk to the tutor'.

Resistance to entering into Inquiries

A surprising aspect of the project was what we perceived as a resistance on the part of a few students to entering into the CoI fully. This took the form of not staying on task (during the first tutorials before we undertook a CoI), being reluctant to move desks and chairs to form the CoI circle, and sometimes minimal participation in the CoI itself. These students didn't seem to see the challenge inherent in the CoI and appeared to think of the exercise as intellectually facile. This resistance, which arose apparently from scepticism, contrasted with an intense engagement by other students but it influenced the tenor of the CoIs somewhat. Though by no means entirely so, the inquiries were to some extent 'blocked' within the concept discussed by Sharp (1993) and Burgh and Yorshansky (2011).

Burgh and Yorshansky write of the importance of the relationships between members of a group in developing a well functioning CoI:

In a well functioning community of inquiry participants move from considering themselves and their accomplishments as all important. They become conscious of other members' contributions and allow themselves to transform themselves, eventually becoming part of an interdependent whole. However, in order for this to happen, trust and care of the community must be in place. The absence of care and trust often result in a blocked inquiry in which some members are overpowered by fear and other emotions that keep them from sharing their views and ideas with the community. (2011, 445)

The CoI can build trust amongst members of a group but also relies on trust to reach its potential (D'Olimpio 2015, 8-9). There appeared to us an element of mistrust in the CoIs; both what appeared to be a lack of trust in the process, producing the scepticism we've described, and hesitation amongst some members of the group to trust each other, producing a reticence to explore more contentious ideas.

We observed these group dynamics early and made adjustments to facilitate communication. For example, we: divided each group into two and facilitated a smaller group each; talked openly to the students about the impossibility of being 'wrong' and encouraged exploration of ideas, rather than an endeavour to arrive at conclusions; and played the role of 'devil's advocate' to model a critical perspective. These adjustments did encourage more engagement but the Inquiries nevertheless remained relatively subdued.

A group dynamic is complex, determined by multiple factors. However, on reflection, we speculate that the competition built into the course and the compulsory attendance requirement may

well have been significant factors. A CoI aims for valuing the dialogue for its own sake and pursuing truth and seeking wisdom. GAL, as a university course, requires students to be assessed and so all learning is framed by judgement of achievement. This is different from a CoI conducted in primary schools. Although school students are increasingly assessed and their progress monitored, there is limited awareness of each classroom activity contributing directly to that assessment. University students, on the other hand, are keenly aware that their performances will be judged. In this regard no part of GAL's assessment framework involved classroom performance; this was a considered decision, aimed at leaving students free to explore and learn in class in the absence of judgment. Nevertheless, we became aware of two significant pressures on students that could have contributed to the reticence we observed.

First, as noted, students were required to attend 10 of the 13 weeks of classes, including the philosophy sessions. Despite the aim of the simple attendance requirement being to reduce performance pressure, we believe it became for some students a source of frustration. It appeared to be perceived by those students as something that was required without the end of achieving a portion of their grade. This compulsory element, being *required* to inquire, may well have worked against the aims of free Inquiry.

The second source of pressure on students that we believe could have underpinned the reserve were the high-stakes on the grade they achieved in this unit. Many students wanted to apply for postgraduate studies at the end of the year, in particular the JD (law degree). Entrance to these courses depended on students' Grade Point Average (GPA) over the course of their undergraduate degree and they were keenly aware of the GPA requirements for the courses for which they intended to apply. Many students discussed this with us informally during the semester. Moreover, graduate course entry is competitive (i.e. GPAs are ranked and so even achieving the minimum GPA does not guarantee a place), and there is a profiling, or scaling, requirement applied within the Faculty to GAL. That is, the students were in competition with each other for what they saw as a vitally important life opportunity in the following year. This embedded competition may not be impossible to overcome but we believe it needs to be addressed in some way for the CoI to reach its potential in the University setting.

Conclusion

The Philosophy and Gender Project introduced a series of Communities of Inquiry into a third year elective at UWA. The Community of Inquiry is a pedagogy that develops collaborative and democratic philosophical thinking, and the elective was an inquiry into gender and the law. We observed that the Communities of Inquiry we introduced facilitated students' 'reflexive thinking'. They encouraged students' intellectual creativity and an awareness of themselves as thinkers. They did not appear to have a significant effect on students' 'standpoint thinking'. We speculate that the competitive pressures experienced by university students may work against the effectiveness of this pedagogy and conclude that these pressures need to be considered further in order for the Community of Inquiry to reach its full potential in the tertiary education setting.

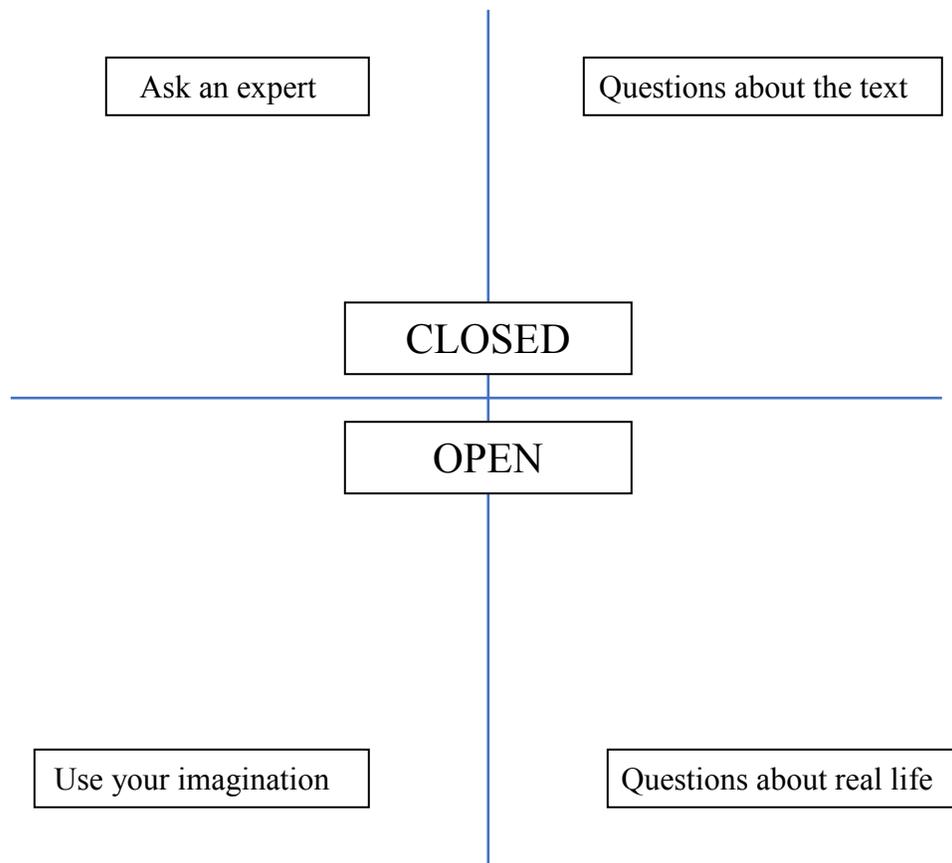
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FIGURE 1

Below is a representation of the Question Quadrant:



(Cam, 2006, p.34).

FIGURE 2

GENDER AND THE LAW REFLECTION WORKSHEET

We have completed five weeks of Gender and Philosophy. In the past three weeks created a 'Community of Inquiry' based on three different topics: images of Kim Kardashian and Conchita Wurst, women and terrorism and male suicide. This is the first time we have incorporated a Community of Inquiry method in Gender and the Law. We would be grateful for your feedback about the sessions in your responses to these seven reflection questions - and any other general comments you'd like to make.

1. In your understanding, what is a Community of Inquiry (CoI)?
2. What do you think the purpose of a CoI is?
3. Do you believe that the CoI achieves this purpose?
4. Did participating in the CoI raise further ideas and/or questions for you? Did you continue to consider the topic under discussion further, after the end of the class and after the CoI finished?
5. Which aspects of the CoI would you alter and why?
6. What (if anything) did you gain, personally, from participating in the CoIs?
7. Which CoI did you enjoy most and why?
 - First CoI: based on images of Kim Kardashian and Conchita Wurst
 - Second CoI: based on women and terrorism text
 - Third CoI: based on male suicide text.

Do you have any further comments?

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