

Lund University
Centre for East and South-East Asian Studies
Masters Programme in Asian Studies
East and Southeast Asia Track
Spring Semester 2008

Promoting Human Rights in China through Education

*An Empirical Impact Evaluation of
the Swedish Approach from Student Perspectives*

Author: Jessica I. Yeh
Supervisors: Jonas Grimheden
Otto Malmgren

ABSTRACT

Using a master's-level human rights program funded by Sweden at Peking University, this case study sought to explore the connection between legal education and social change as influentially advanced by the Law and Development Movement (LDM) and now reflected in various donor-funded law and governance projects in China. To evaluate the program's underlying assumptions of change, the study examined the program's impact from the perspectives of its intended beneficiaries, the students, through in-depth interviews, participant observation, and questionnaires. The empirical findings reveal that at the micro, individual level and in the short term, the program has achieved some degree of mental, behavioral, and career impact and exhibits a potential for longer-term social change. But this momentum is likely to be lost because in the larger environment, students face adverse institutional settings and structural incentives that do not support human rights perspectives and practices, such as employers who do not find human rights relevant or valuable and the low pay and poor working conditions of human rights-related jobs. Nevertheless, a long-term, holistic, ends-based program of strategies tailored to local incentives can help sustain and support reformist impulses. The study ends by offering policy recommendations aimed to maximize the long-term impact of producing human rights-minded professionals who are willing and able to act, individually or institutionally, to promote human rights in China. These preliminary results further suggest that the lack of more fundamental change brought about by law-related development cooperation stems more from flaws in donors' approach than from LDM's theory of legal education and social change.

Key words: Law and Development, human rights education, legal education, human rights, legal reform in China, Sweden, development cooperation, donors, impact, social change

ACKNOWLEDGMENT

This thesis would not have been possible without the voices of the students at Peking University and the China University of Political Science and Law. Thus I am very grateful to all the students who took the time to talk to me as well as answer my questionnaires. Next I would like to thank all the professors who, despite their busy schedules, generously agreed to discuss their views and allowed me to sit in and observe their classes. I would also like to thank the staff members at the Raoul Wallenberg Institute's Beijing Office for being helpful, responsive, and supportive throughout the research. They make a good example of donors who are transparent in their process, open to critique, and diligent about evaluations. Similar thanks go to the Norwegian Centre for Human Rights and the Danish Institute for Human Rights for participating in this study. I would also like to thank my supervisors for their valuable input and guidance from the initial problem formulation to the analysis of the results. Last but not least, I would like to thank my parents for supporting my decision to study in Sweden, and my boyfriend, Victor, for all his love, patience, and intellectual support.

TABLE OF CONTENTS

Introduction

Swedish law-related development cooperation with China in context	4
Certain assumptions guiding Swedish development cooperation with China	6
Research problem, thesis purpose, and research questions	9

Theoretical Framework

Law and Development's conception of legal education and social change	11
Situating the Beida program in the revived Law and Development Movement	14

Methodology

Evaluating impact	15
Design, selection, and method	15
Validity, reliability, and limitations	17

Empirical Results on Impact

Framework of collection and analysis	19
Mental impact	19
Behavioral impact	22
Career impact	24
<i>Student interest and motivations</i>	24
<i>The job market and career prospects</i>	27
<i>Where are the students working?</i>	30
Institutional impact	31

Analysis

What does the empirical evidence suggest about LDM's theory of change?	34
Policy recommendations	40

Conclusion

45

Enclosure 1: Student Interview Guide

Enclosure 2: Student Questionnaire

Appendix A: Statistical information on the samples of student respondents

List of Interviews

Bibliography

Swedish law-related development cooperation with China in context

The end of the Cold War has witnessed a resurgence of law-related development projects¹ in so-called developing and transition countries that are funded by diverse international donors, for example, bilateral and multilateral development agencies, intergovernmental organizations (IGOs), private foundations, and nongovernmental organizations (NGOs). Donors have been pouring billions of dollars into such law and governance projects in the belief that a well functioning legal system characterized by “the rule of law” is crucially tied to economic development, democratization, and the protection of human rights (Trubek 2006; Woodman 2004; Carothers 2003; Peerenboom 2002).

For similar reasons, donors have been supporting law and governance projects in China since the Chinese Communist Party (CCP) steered the country on the road to economic liberalization in 1978 and embarked on an ambitious undertaking to rebuild the legal system and rule the country in accordance with law. In 1989, the Chinese official crackdown on the democracy movement set off a storm of international criticism, which prompted the Chinese government to begin endorsing domestic human rights research so as to proactively develop a distinctive position on human rights. The Chinese government has since sought to elaborate a more sophisticated theoretical response to counter Western critique, justify China’s human rights policies, and protect national interests (Svensson 2002:265-69).² At the same time, it lobbied intensively for bilateral dialogue in order to shore up its international image (Wu 2002:354-55). Starting in the mid-1990s, several Western countries shifted course and opted to shape China’s human rights policy through quiet diplomacy and “constructive engagement”. This contrasted with the previously more critical and confrontational strategy of public censure through the multilateral mechanisms of the United Nations (UN) Commission on Human Rights. As a result, further law and governance projects were formulated as part of a package of bilateral “dialogue and cooperation” on human rights, which have become “a centerpiece of the policy of many Western countries towards China’s human rights situation” (Woodman 2004). These projects typically involve study tours, input by international experts, joint research on legal reform issues, training of

¹ Various terms used as legal cooperation or exchange, legal reform, rule of law, access to justice, or good governance projects, they typically involve technical capacity-building in judicial or legislative reform or lawmaking, exchange or training targeting actors in the legal and justice sectors, programs to support the rights of vulnerable groups (e.g. women, children, or minorities), or curricular and pedagogical reform in legal education.

² Since the 1980s, China has signed a series of international human rights treaties. Moreover, in March 2004, the Chinese Constitution was amended to insert in Article 33 the phrase that “the State respects and protects human rights” (Cody 2004).

legal professionals, technical assistance in lawmaking, and criminal justice reform (Woodman 2004).³

Swedish development cooperation has long emphasized the promotion of democracy and human rights (Sevastik 1997).⁴ Following a Swedish human rights delegation's visit to China in 1994, at the initiative of the Chinese Ministry of Foreign Affairs (MoFA), in 1996 Sweden and China signed a memorandum of understanding on cooperation in the field of human rights (Mellbourn & Svensson 1999:18). The actual implementation of human rights projects in China has been largely carried out by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI), an independent Swedish academic institution associated with Lund University that engages in human rights research, education, training, and capacity-building both in Sweden and abroad. With funding from the Swedish International Development Cooperation Agency (Sida), RWI has targeted its human rights capacity-building program in China at primarily public authorities and academic institutions. Initially it launched a series of training seminars to heighten the human rights awareness of scholars as well as high-level officials primarily from the field of justice administration. Since 2000, RWI has mainly focused on cooperating with law faculties and the procuratorate.⁵

Compared to other donors that tend to support generalized legal programs in China, RWI and the other Nordic human rights institutes (namely, the Norwegian Centre for Human Rights (NCHR) and the Danish Institute for Human Rights (DIHR)) are unique in explicitly and consistently advancing international human rights law as their main entry point (Woodman 2004). They are by far the main donors supporting human rights education (HRE) at the university level in China and have cooperated and coordinated with each other on

³ For example, Australia's Agency for International Development (AusAID) works directly with Chinese government counterparts to provide training and study tours to promote juvenile rights and criminal justice reform. The Canadian International Development Agency (CIDA) has provided international expertise on criminal law reform, implementation of the law on women's rights, training and support of legal aid centers, and judicial and legislative reform. The British Council supports reform in the criminal justice, prison, and death penalty systems and has sponsored human rights training for Chinese prison and police officials as well as journalists and media workers. The European Commission has sponsored trainings in Europe for Chinese lawyers, judges, and procurators, provided small grants to various activities aiming to promote human rights, and supported research, judicial training, and legislative reform on issues of death penalty, torture, and women's and children's rights. Outside of the bilateral human rights dialogues, Germany works with Chinese government counterparts to advise on legislative drafting and to strengthen the implementation of law by judges and administrative agencies. The Ford Foundation, which has worked in China for decades, funds a wide variety of projects in the areas of criminal justice reform, legal aid centers, clinical legal education, legislative research and drafting, training and study tours for judges, governance reform, civil society, and women's rights. The Asia Foundation, also headquartered in the US, sponsors projects to improve access to justice, raise public legal awareness, reform administrative law, encourage growth of civil society, and improve women's rights. The UN Development Programme (UNDP) supports projects to train legal aid lawyers and strengthen legal aid networks, to reform the criminal justice system, and to promote women's rights and political participation. *See* RWI 2008: Annex 5 - Overview of bilateral and multilateral legal and judicial cooperation programmes in China. See also the respective websites of the various donors.

⁴ It is believed that these twin goals are fundamental to enhancing opportunities for the poor to improve their lives, which is the overarching objective of Sweden's development cooperation with China (SMoFA 2006:10).

⁵ In the academic sector, RWI seeks to promote education and research in international human rights law by supporting a master's-level human rights program at Peking University, training and providing institutional support to Chinese university teachers wishing to open human rights courses, fostering a network among Chinese human rights scholars, translating and providing human rights literature, and funding academic exchange and scholarships (Bakke et al. 2007).

several projects. Their common activities include training and building a network of Chinese university teachers in international human rights law, providing institutional support to teachers wishing to open human rights courses, production and translation of human rights literature, research cooperation, and academic exchange (Bakke et al. 2007). They also endorse a collaborative, as opposed to confrontational, approach and believe that “support for forces within the country is of paramount importance in generating change and improving human rights protection” (Bakke et al. 2007:1; see also Lindsnæs et al. 2007).

In the case of RWI, Sweden’s history of international political neutrality, extended periods of socialist governments, long, friendly relations with China, and uncontroversial reputation of having a good human rights record have all facilitated dialogue, networking, and cooperation despite the political sensitivities surrounding human rights (Rose 1998:112; Alfredsson 1997:102). Similarly, by underscoring that it is an independent academic institute with a pragmatic, non-political agenda, RWI has managed to garner trust and confidence and build strong relationships with Chinese authorities and partners (RWI 2008:29).

Certain assumptions guiding Swedish development cooperation with China

Despite overall similarities in the Nordic human rights institutes’ strategies to promote international human rights standards in China, RWI distinguishes itself by adopting what can be characterized as a long-term institutional approach in some of its activities. For example, whereas the NCHR seeks to build a large network of universities in order to support a larger number of Chinese teachers to start basic human rights courses (Interview with Bakke 2008), RWI tends to focus on developing the capacity of a few select institutions on a long-term and in-depth basis.

The rationale of RWI’s and Sida’s approach is that, to maximize impact and sustainability, development cooperation with China should be limited to and deepened in a few strategic areas where there is specific Swedish expertise in demand in China (SMoFA 2006:2; Interview with Oud 2007). Generally, the belief is that long-term engagement with key actors in feasible areas of the field of human rights and legal development “will achieve gradual improvements in . . . human rights and the democratization process” (Swedish Embassy 2007:12). Similarly, RWI’s general strategy in China is “to work with key actors who through their positions in society can actively contribute to changes both on the policy and implementation level” (RWI 2008:13).

An example of RWI’s long-term institutional approach is its ground-breaking support of a three-semester research direction in human rights, organized under the master’s program in international law, offered by Peking University Law School (PULS) to all master’s students from Peking University (“Beida”), a top university in China (“the Beida program”).

Launched in 2004 and managed by PULS's Research Center for Human Rights (RCHR),⁶ the Beida program is the first systematic postgraduate program on human rights in China.⁷ The master's program model was pursued as a result of a combination of donor competence,⁸ interest from Chinese professors, and bureaucratic realities of the Chinese higher education system.⁹ By targeting support to foster one institution "as a centre of excellence," RWI hopes to endow RCHR with the sustainable capacity to provide a model of HRE for other Chinese universities (RWI 2008:29).

Just as it believes in the effectiveness of supporting key institutions, RWI also aims to support key individual actors. One of the Beida program's primary objectives is "to contribute to the establishment of a cadre of professionals skilled to work institutionally and individually for the promotion and protection of human rights in China."¹⁰ The program intends not only to impart knowledge but also to encourage students "to use their knowledge to promote and protect human rights in their future careers" (RWI 2005b:7), in short, for the greater benefit of Chinese society (Interview with Bird & Chen 2007).

According to RWI's Beijing staff, RWI operates under the belief that there is a causal connection between education and social change, i.e., between HRE and improvement in the protection of human rights in a given society. This belief is based not so much on theory as on faith and hope, and substantiated by informal discussions with human rights students

⁶ In April 2008, in light of its enhanced cooperation with the International Committee of the Red Cross, RCHR extended its name to become PULS's Research Center for Human Rights and Humanitarian Law.

⁷ The three-semester program offers eight courses, and students must complete six courses and a thesis in order to graduate. Four courses are compulsory: Human Rights and Rule of Law, International Human Rights Protection Mechanisms, International Bill of Human Rights, and Series Lecture on Human Rights Protection, which invites different guest speakers (mostly Chinese), including scholars, government or NGO representatives, and other professionals, to lecture on different human rights-related topics framed in the context of current social problems and their work. Of the four elective courses, course content has changed depending on teacher expertise and availability, but they have generally included Business and Human Rights, International Humanitarian Law, Minority Rights, Regional Protection of Human Rights, and Rights of Women and the Child. Approximately half of the courses are taught by a foreign visiting professor supplied by RWI. In addition, students do not need to pay tuition, receive free textbooks, and can each apply for a RMB 5000 research stipend. In the first three years of the program, the top five performing students also received a scholarship to conduct one- or two-month research at RWI's headquarters in Lund, Sweden. But this scholarship was discontinued in 2007 for reasons of cost-effectiveness and difficulties in student selection (RWI 2007:6). In addition, the program also offered to help students secure internships at international and domestic human rights-related organizations. Please visit www.hrol.org for more information.

⁸ RWI initially proposed a master's program in human rights because it had competence in this area (at the time it had already started similar programs in South Africa and Thailand), could supply the foreign visiting professors, and knew how to put together a curriculum. RWI also felt a master's program would attract more high-profile attention and interest (Interview with Oud 2007).

⁹ Because approval of a master's program in human rights was not forthcoming from the Chinese Ministry of Education at the time, a research direction attached to an existing master's program was seen as the most feasible and attractive route. A research direction open to both law and non-law students gave RWI and PULS more control and flexibility to design the program than an undergraduate program (which is more tightly controlled by the government), reached out to a larger pool of applicants, and could attract more students because they would retain their primary degree and thus their job prospects would not be impeded by a degree in human rights (Interview with Prof. C & D 2007; Interview with Prof. B 2007; Interview with Bird & Chen 2007).

¹⁰ According to RWI and PULS, "The objective of the programme is to contribute to the establishment of a cadre of professionals skilled to work institutionally and individually for the promotion and protection of human rights in China, to contribute to the institutionalisation of academic human rights programmes at the master level at the elite education institution in China, and to provide a model for similar initiatives at other Chinese universities." See <http://www.hrol.org/hrmp/english.php>.

and backed by international law.¹¹ RWI believes and hopes that studying human rights will influence or change the thinking and attitudes of the elite students at Beida, who will in turn influence the people around them by promoting international human rights standards through informal personal interaction, daily work, or within their own communities. Moreover, many of these elite students will likely go on to occupy positions of power in Chinese government or society, and it is hoped that they can become a force for human rights reform at a higher level by influencing policy. Some of them may even become, and a few have become, future cooperation partners for RWI in the HRE field (Interview with Oud 2007; Interview with Bird & Chen 2007). These assumptions are shared by several leading Chinese professors of human rights (Interviews with Prof. B, C & D, and X 2007, Questionnaire from Prof. Y 2007).

Both RWI and the Chinese professors agree that this process of change will be protracted. Neither anticipates immediate impact in the form of visibly improved human rights protection in China. Nor do they expect the students to engage in human rights work right away and stress that in the current environment, it is extremely difficult to find human rights-related work.¹² Thus, the present goal of university HRE in China is to produce professionals with human rights knowledge or awareness, rather than human rights professionals per se.

It should be clarified that HRE need not necessarily produce human rights activists in the classic sense of NGO work,¹³ and this is not the primary goal of RWI or the Chinese professors, as the present political situation would render such work quite difficult. As some Chinese professors explained, the purpose of HRE varies depending on one's target groups (Interview with Prof. C & D 2007). For elite university students, since many of them will become future teachers and decision-makers in various walks of life, the belief and hope is that by inducing attitude change, whether or not students actually engage in human rights work in the future, and regardless of the types of jobs they pursue, their work and decisions will be influenced by human rights considerations. Thus, directly or indirectly, students who have studied human rights will help advance human rights work and improve the human rights situation in China (Interview with Prof. C & D 2007). In short, the program aims to

¹¹ See, e.g., *United Nations Decade for Human Rights Education (1995-2004): Guidelines for national plans of action for human rights education (A/52/469/Add.1)*, para. 10, 12 (20 Oct 1997).

¹² In a sense, all work can be characterized as human rights-related work because human rights pervade all social relations. But for the purposes of this study, I define human rights-related work broadly to encompass not only jobs that deal directly with human rights but also non-profit, public interest jobs that address issues of social justice, equality, or reform, which can contribute to improved human rights. Thus, human rights-related jobs can include working in a government entity handling human rights issues, teaching or researching human rights, working in a not-for-profit (see Footnote 42) or international organization, or consulting on public sector reform. Throughout this study, "human rights-related work" and "public interest work" are used interchangeably.

¹³ The UN defines HRE generally as consisting of acquiring the knowledge and skills and developing the attitudes to promote, defend, and apply human rights in daily life. According to the World Programme for Human Rights Education proclaimed by the UN General Assembly in 2004, HRE can be defined as "education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes." *Revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education (A/59/525/Rev.1)*, Annex, para. 3 (2 Mar 2005). HRE encompasses 1) learning the knowledge and skills to apply human rights in daily life, 2) developing values, attitudes, and behavior that uphold human rights, and 3) taking action to defend and promote human rights. *Ibid.*, para. 4.

produce an elite group, guided by the normative ideals of human rights, that can initiate or implement, either directly or indirectly, human rights policies or practices in different sectors.

Research problem, thesis purpose, and research questions

Many observers would probably concur that there was value in having a leading Chinese law school pioneer a master's-level program in human rights. Simply realizing such a program was an accomplishment in a restricted environment such as China's, where human rights remains mostly a state-controlled academic endeavor, for it crucially demonstrated that the programmatic study of human rights was legitimate and feasible. However, as pointed out by the NCHR, university students educated in international human rights law may or may not pursue human rights-related work or act to promote human rights in other ways.¹⁴ Nonetheless, one could arguably create and institutionalize at least one program (not simply a course) of advanced, in-depth study targeted at training university and/or graduate students to do just that – learning how to directly engage in human rights teaching, research, or activism or to promote human rights more indirectly in their respective professional lives. But is this Swedish approach to HRE in China actually producing students who show promising potential to become “key actors” of human rights reform?

With a view toward these debates on the appropriate strategy to pursue HRE so as to achieve the greatest impact on promoting human rights in China, this thesis uses the Beida program as a case study to explore the impact of donor-funded law and governance projects. In light of the program's goals and assumptions about the process of change, this thesis aims to empirically evaluate the impact of the Beida program from the often overlooked perspective of its students. The thesis seeks to answer the question of whether HRE in China as funded by Sweden and conducted by RWI and PULS through the Beida program has the envisioned impact on the students by paving the way for the creation of a cadre of professionals skilled to work individually and institutionally for the promotion and protection of human rights in China. In other words, does a master's-level human rights program such as Beida's affect students' thinking, behavior, and skills such that they become more willing and able to promote and protect human rights in China? Is RWI's belief in change overly ambitious or can realistic measures be taken so as to achieve or enhance the program's intended impact of producing an active community of human rights-minded professionals?

¹⁴ The NCHR believes that training university teachers, rather than students, can achieve greater and more direct and certain impact on promoting human rights in China, because teachers have already expressed some commitment to working in the human rights field, and one teacher can impart human rights knowledge to many students (Interview with Bakke 2008). Similarly, a Chinese human rights professor contends that at this early stage, HRE in China should pursue quantity over quality. In other words, instead of organizing a specialized human rights program, donors should target their support at helping as many university teachers as possible to open introductory human rights courses in order to reach a larger number of students and raise general awareness (Interview with Prof. Z 2007).

To better gauge impact, my thesis also seeks to shed light on the empirical context of the Beida student beneficiaries. In particular, the fieldwork sought to assess what were the students' motivations and incentives in studying human rights? How are their career prospects? What teaching methods and perspectives are emphasized by the program's teachers? What measures are taken to encourage students to work in the human rights field? How do the students evaluate the program and what would they like to improve? These findings could also suggest ways to enhance the Beida program's intended impact.

For comparative purposes, the thesis will also examine the impact of the only other master's-level program in human rights in China – a three-year postgraduate program offered by the China University of Political Science and Law (CUPL), another elite law faculty in China, but funded by Chinese sources without foreign support (“the CUPL program”).¹⁵

As others have noted, there has been little study on the impact of HRE on the students' knowledge, attitudes, or involvement in human rights activities, whether in their adult careers or as volunteers (Tibbitts 2006). In general, research on how to implement HRE, especially at the university level, is a relatively new field (Tibbitts 2006; Andreopoulos 2002:241). Felisa Tibbitts has advocated for the professionalization of the field of HRE and calls on human rights educators to be more reflective regarding program design, selection of target groups, pedagogy, and the link between HRE and social change (Tibbitts 2002:161, 168-69). To further this goal, she has proposed three models of HRE tailored to different audiences and for different purposes (Tibbitts 2002).¹⁶

By evaluating the impact of a HRE program, this case study will contribute to these questions of HRE strategies and pedagogical approaches. Although some might argue that it is premature to assess the impact of HRE based on recently graduated students, the Beida program has graduated three classes of students and has now entered its fifth year. For the same reasons one conducts student course evaluations, there is value in conducting a systematic assessment of the students' experience of the program in order to ensure that RWI's support is achieving the intended effect on the beneficiaries, however tentative the results. It is also possible, at this early stage, to assess short-term impact and the potential for change at the micro, individual level and, accordingly, to propose interventions that could encourage or reinforce change in the desirable direction.

¹⁵ The program was first established in 2005 as a research direction under the master's program in jurisprudence but in 2007 became a degree program in its own right offering a master's and PhD in human rights law.

¹⁶ First, the Values and Awareness Model targets schools and the general public and mainly seeks to impart knowledge, raise awareness, and encourage and legitimize human rights values and perspectives. Second, the Accountability Model is more specialized and targets professionals whose work are inherently associated with human rights protection (e.g. lawyers, journalists, civil servants, activists); it aims to sensitize them to human rights violations and potential in their work. Lastly, the Transformational Model targets vulnerable groups who may have suffered human rights abuses and adopts a strategy of personal empowerment in order to encourage activism and leadership development. This model can also be applied in schools to empower students to see, for example, the connection between human rights and family relationships.

Law and Development's conception of legal education and social change

The underlying assumptions about the connection between education and social change of the Beida program (as well as the CUPL program) can be seen as a manifestation of the Law and Development Movement's (LDM) theory about legal reform and social change.

LDM grew out of efforts by a small group of liberal lawyers working in development agencies, foundations, and universities in primarily the US to use law as a tool toward economic development in so-called developing countries starting in the 1960s (Trubek & Santos 2006). Although the study of the relationship between law and economic development, and attempts to put it in practice, go back to the nineteenth century, it was not until the 1960s when systematic, organized, and substantial efforts were made to consolidate the field both in academia and in development practice (Trubek & Santos 2006:1; Trubek & Galanter 1974:1065). LDM was consistent with the orthodox model of development and reigning modernization theory of the time, which upheld state-led economic growth as the engine of development and perceived modernization in linear, evolutionary terms with all countries converging on the model of the industrialized Western democracies. The Movement was infused with a confidence in progress characteristic of the postwar years, and it believed that progress could be achieved through legal reform (Merryman 1977:461-63).

To set countries on the "right" path to "modernity" and economic development, LDM practitioners believed that law was an important instrument to help the state to regulate economic life and create an efficient bureaucracy. "Modern" laws and institutions were needed to rationalize governance, and a strengthened legal profession consisting of public-spirited "development lawyers" was needed to operate and guide this enterprise (Trubek & Galanter 1974:1075; Burg 1977:510). Essentially, LDM assumed that law was an effective instrument of progressive social change and that change in legal education (and thus legal culture) was the most effective way to bring about change in all other legal institutions (Trubek 2006). Moreover, these reforms in the economic and legal spheres would eventually spill over to foster democracy and human rights.

Thus, LDM's primary goal was "to transform legal culture and institutions through educational reform" (Trubek 2006:76). LDM practitioners targeted law schools and legal elites, hoping to nurture a new generation of pragmatic, instrumentalist, policy-oriented lawyers who could act as agents of change and engineer development. As elaborated by Henry Steiner regarding reform of Brazilian law schools in the 1960s:

It is more likely that the graduate of a revitalized law school would carry to his career greater skills of reasoning . . . problem solving . . . and perception of law's relationship to social interests, values and systems. It is reasonable to assume that such skills, capacities and perception would enlarge the lawyer's contribution to the law-related

processes of Brazilian life: business planning, contract negotiation, adjudication, administration, legislative reform and so on. That richer contribution should permit a more effective use of law in the implementation of economic policy and regulation of the developing economic system. (Steiner 1971:86-87)

However, LDM practitioners had neither theory nor empirical evidence to support these working assumptions or explain their choice of projects. Even Steiner conceded that his assumptions of the relationship from reform of law schools to reform of the legal system, the economic system, and finally social-political life were mere speculations (Steiner 1971:87-88). LDM soon came under internal critique in the 1970s as the systemic changes hoped for failed to occur. Law schools resisted change, legal elites became captive to authoritarian interests, and new laws on the books were ignored in practice (Trubek 2006:78-79). Practitioners began questioning the intellectual basis of the whole endeavor. The Movement was accused of being naïve, ethnocentric, and imperialistic, of trying to impose a peculiarly American view of law on other cultures and mechanically transplanting legal institutions without attention to local context (Trubek & Galanter 1974; Merryman 1977:466; Rose 1998:122-24).¹⁷ By the late 1970s, donors had withdrawn from LDM projects.

By the 1990s, however, LDM had made a big comeback in the form of development aid aimed at promoting “the rule of law”. This revitalized interest in the role of law in development stems from the end of the Cold War, the opening up of the global economy, and the rise of the international human rights movement (Rose 1998:125). From donors’ perspectives, “rule of law” came to be seen as an essential element bridging neo-liberal economic reform, democratic governance, and human rights protection (Trubek 2006).

The new wave of rule-of-law projects differs from LDM in some respects. In addition to promoting a different model of economic development (Trubek & Santos 2006), donors and recipient countries seem to operate on a more level playing field.¹⁸ Nevertheless, in many respects the new rule-of-law enterprise does not seem to have learned from the mistakes of LDM and continues to proceed on similar assumptions lacking theoretical foundation (HRIC 2003; Woodman 2004). A common donor approach is to try to achieve rule of law and good governance formulaically through a checklist of institutional reforms and legal transplants (Carothers 2003:8; Carothers 1999:86). However, as Rachel K. Belton pointed out, reform of individual institutions (e.g. judiciary, legislature, police) is unlikely to lead to wider, discernible improvement in rule of law, which requires coordinated reform

¹⁷ As summarized by Merryman, LDM was “an effort to provide legal expertise to the developing society by persons who lacked both cultural familiarity and a respectable theory and who, as a result, could only project their own background” (Merryman 1977:483).

¹⁸ A case study on Vietnam reveals that donors are now more numerous and diverse. Different countries as well as practitioners from different backgrounds are competing for influence with conflicting agendas (Rose 1998:126-28). In this environment, recipient governments have increased political leverage and are also more skeptical about Western models (Rose 1998:126). In addition, donors now appear more aware of the need to understand the local context, to tailor projects to local needs (instead of using one-size-fits-all approaches), and to ensure local participation and ownership (Trubek & Santos 2006).

across institutions that is tailored to local circumstances (Belton 2005).¹⁹ Practitioners need to “consider their reforms end by end, rather than institution by institution, so that they can accurately gauge the likelihood of their success” (Belton 2005:8).

Moreover, the numerous projects on exchange, training, and education of legal actors seem to be motivated again by simplistic assumptions about causality and the process of change. Donors seem to assume that desirable, pro-reform legal culture and behavior can be induced if the elite were taught the right way to think about and use the law (Alkon 2002:336). Furthermore, it is widely believed that changes in legal culture could engender the seeds of a more widespread transformation of the legal and political system. For example, donors assume that introduction of American-style legal education, which the Chinese government now supports as part of legal reforms to promote foreign investment and economic growth, can change the legal culture,²⁰ which will in turn influence the legal and then inevitably seep into the political systems, ultimately leading to broader desired reforms, such as improved human rights protection, more independent judiciary, equality before the law, and legal restraints on state power (Stephenson 2000:78-80, 85-88). But this “Trojan Horse” mentality rests on dubious assumptions of causality, and the actual mechanism of change is poorly understood (Stephenson 2000:81; see also Carothers 2003:8-11). Instead, larger structural incentives, institutional interests, and socio-political realities are likely to have greater influence on the behavior of lawyers and judges than the legal education they have received (Stephenson 2000:88; Alkon 2002).²¹

Above all, critics underscore that we simply do not have sufficient empirical evidence and knowledge about how and whether change occurs in order to evaluate the premises of these donor-funded law and governance projects and the relationship between law and development (Carothers 2003; Jensen 2003; Alford 2007:290; Woodman 2007:146; Clarke 2003; Bergling 1999:21). Just as LDM practitioners were driven by an intellectual style that was action-oriented and biased against theory (Merryman 1977:474-75), current rule-of-law promoters feel the pressure to act and deliver results rather than spend time and money on analysis (Wortham 2006:679).

But rather than rejecting wholesale development cooperation in the legal sector in the face of these difficulties (as LDM practitioners did), current scholars and practitioners call for moving beyond critique of orthodoxy, accusations of ethnocentrism, and tearing down the Movement onto reconstruction (Tamanaha 1995:483-86; Trubek 2006:93-94). What is

¹⁹ For example, in order to promote equality before the law (one attribute of rule of law), one needs to change not only laws but also courts, law enforcement, and popular attitudes. Simply strengthening the judiciary is not enough (Belton 2005:10).

²⁰ For example, teaching students to critically analyze the relationship between law and policy and how law can be used to serve greater social ends.

²¹ As Carothers noted, rule-of-law practitioners gradually came to realize that “it was necessary to understand the underlying interests of institutional actors and to try to reshape the incentives to which these actors responded” (Carothers 2003:10).

needed is to build up the knowledge base (do the due diligence) so that practitioners can better assess the most effective strategies (Wortham 2006:682; Woodman 2007:146; Jensen 2003:362). In this undertaking, conversation between academic theorists and practitioners will prove beneficial in forging an analytical framework that is both theoretically and empirically grounded as well as sensitive to the constraints on development practitioners (Bell 2007:2; Carothers 2003:13-14).

Situating the Beida program in the revived Law and Development Movement

My case study responds to this call for empirically based analysis and reconstruction. The Beida program can be seen as part of this new wave of rule-of-law projects, though it stands out for being one of the very few donor-funded projects explicitly targeting human rights and law schools in China. Mindful of LDM's failure to reform law schools, donors have mostly shied away from legal education projects because they require sustained, costly funding and do not produce direct, visible impact in the short term (Jensen 2003:359; Hammergren 2003:298; Carothers 1999:167-69). Neither the Beida nor CUPL program is a general program of legal education as targeted by LDM practitioners, as both programs are specialized, advanced studies in the normative field of international human rights law,²² and in the case of the Beida program, students come from both legal and non-legal disciplines. But both programs are located in law faculties and the majority of their students have studied law as undergraduates. Above all, just as LDM assumed that changing "the education of the professional legal class would ultimately produce desired social change" (Trubek & Galanter 1974:1079), both the Beida and CUPL programs are based on the belief, or faith, that the education of a select group of graduate students in international human rights law can further the larger goal of improving human rights protection in China.

But as the critics counter, the connection between professional education and progressive social change is tenuous and unsubstantiated. This linkage may be even weaker in China, where, as some have argued, a non-democratic one-Party state restricts civil society and the freedom of expression and the press (Peerenboom 2002:201, 207), where the government initially engaged in human rights exchange primarily to counter Western criticism (Mellbourn & Svensson 1999:15), where most Chinese lawyers are neither powerful nor well respected and are driven by material incentives (Michelson 2006; Alford 2007), and where the few lawyers advocating for human rights against the state continue to face harassment and imprisonment (HRIC 2008). An early evaluation noted that most of RWI's human rights training activities appeared premised on a "trickle-down theory" whereby individual trainings and exchange were believed to have greater effect on promoting human

²² Thus, the Beida program is not at risk of being accused of furthering authoritarian ends, as earlier LDM projects targeting general legal education were, by training future lawyers in legal instrumentalism and social engineering without giving them a normative grounding in human rights.

rights, even though human rights violations primarily result from more systemic failures (Mellbourn & Svensson 1999:2).

By examining empirical data regarding the impact of the Beida program on the students, the intended agents of change, this thesis will evaluate the validity of the LDM theory about legal education and social change and address the common critiques about causality, structural incentives, social-political obstacles in the Chinese environment, and the need for more baseline knowledge about the mechanism of change.

METHODOLOGY

Evaluating impact

Impact can be defined as the intended and unintended, and positive as well as negative, changes and outcomes brought about by a development intervention (Andersen & Sano 2006:21; Oakley 1999). Assessing the impact of development projects is notoriously difficult. Donors have tended to focus on short-term results and lack the analytical tools to assess the wider, more fundamental impact of their work (Oakley 1999; Davies 2002). It is extremely difficult to ascertain causality between a specific intervention and wider social change, especially when various donors are working in the same areas and many factors could have contributed to change. It is also difficult to develop indicators to measure change, and institutional change takes time (Jensen 2003:364-65). These problems are exacerbated when evaluating support for human rights, because the field has not established widely recognized indicators, and the small scale of most human rights projects pale in light of the magnitude and complexity of the problems to be addressed (De Goys et al. 2006:8; Andersen & Sano 2006). Nevertheless, one accepted method of evaluating impact is participatory impact assessment, which seeks to obtain the views of all stakeholders in a project regarding how a project has affected them (Andersen & Sano 2006:24).

Design, selection, and method

This case study employs a kind of participatory impact assessment that focuses particularly on the intended beneficiaries of the Beida (and CUPL) programs – the students – as they should know better than anyone else how the programs have affected them. The students' perspectives are emphasized given that the programs are premised on the students acting as agents of change in their future lives and careers. But the viewpoints of RWI and the Chinese and foreign visiting professors involved in the programs were also gathered to the extent relevant, since they preside over the Chinese human rights academic environment, have had long-term, first-hand contact with the students, and the inclusion of multiple stakeholders can contribute to a more balanced picture.

Since most students have only recently graduated from the Beida program (and only one has graduated from the CUPL program), there is currently insufficient data to measure the program's long-term impact on creating a group of human rights-minded professionals and on ultimately improving the human rights situation in China. Such longer-term impact of HRE will be more visible fifteen or twenty years from now, when there is a larger sample of students who have advanced onto various careers and perhaps positions from which they could exert influence.

Thus, rather than asking, on the grand level, how elite education affects social change (in this case, how educating master's students in human rights has led to improved protection of human rights in China), this study evaluates impact at the micro, individual level and then assesses the potential for greater change based on these preliminary results. I concentrate on whether and how the Beida program (and the CUPL program) have induced individual changes in the students in terms of their knowledge and understanding of human rights, their ways of thinking, their personal attitudes, values, or priorities, their action or daily behavior, and their career decisions. These "sites" of change are drawn from the Beida program's working assumptions about the process of change. Additionally, the study seeks to gather empirical information about the contextual environment of the Beida and CUPL students and to obtain student opinions about how the programs could be improved.

Because the data sought is by nature subjective and interpreted, qualitative methods are most suited to draw out multiple meanings and grasp the motivations, attitudes, and subjective perceptions directing people's behavior (Bergling 1999:34). Specifically, in-depth face-to-face interviews are one of the best ways to capture a rich, nuanced picture of my subjects from their points of view. Thus, all current and former students of the Beida program (84 students) and all 19 students enrolled in the CUPL program were contacted for interviews. In addition, I interviewed staff members at RWI's Beijing office and several Chinese and foreign professors of human rights at Beida, CUPL, and the Chinese Academy of Social Sciences (CASS).

The interviews were semi-structured. Although a list of questions was prepared in advance, and an interview guide was used (see Enclosure 1), the precise interview dynamics were adapted to individual interviewees, depending on whether they were more passive or proactive. The interviews generally lasted two to two-and-a-half hours and were conducted mostly in cafés either on or off campus or in offices. Most interviews were one-on-one, although interviews of CUPL students were mostly conducted in groups of two or five in a classroom. Informal, unstructured individual and group interviews were also conducted with four Beida students from the Business and Human Rights course during a class field trip. After transcribing the interviews, I tried to clarify any follow-up questions by email.

To acquire a better understanding of the context in which the students studied human rights, the interviews were supplemented by participatory observation in classrooms for approximately one month. I attended two to three class sessions at Beida each week, and on average one session each week at CUPL. At Beida I was usually a passive, silent observer, and depending on the class size the students might not know I was observing. But classes at CUPL tended to be small, and the professor usually invited me to participate in class discussions, so my participation was more open and active.

To reach several students and professors who were not available for in-person interview for reasons of lack of time or geographical location, I designed two- to three-page questionnaires based on the interview questions (see Enclosure 2). I also used telephone interviews, online instant messaging, and email questions when necessary to collect relevant data. Overall, 53 people were surveyed: 28 Beida students (4 of which through informal conversations), 11 CUPL students, 9 professors teaching human rights in China (2 of them foreign), and 5 staff members from the three Nordic human rights institutes. In total, I conducted 35 in-person interviews, 2 telephone interviews, and 16 written questionnaires. The interviews and questionnaires were transcribed then summarized into key points, which were then subjected to content analysis to elicit broad patterns and frequent themes.

Finally, various primary documentation about the Beida program was obtained from RWI and RCHR. These include annual plans of operation, funding proposals, course schedules and syllabi, student thesis topics, program advertisements, student applications, and information about former students' current work units. In addition, I obtained three past evaluations of the Beida program conducted by external consultants.

Validity, reliability, and limitations

There are certain disadvantages to relying on interviews and other qualitative approaches to collect data. One is the risk of selecting a wrong or unrepresentative sample of respondents. However, I believe my surveyed sample of 28 Beida students was sufficiently representative of the total 84 students. They included both former and current students, reached a representative ratio between male and female students, and drew from different backgrounds in terms of geographic origin, socioeconomic class, academic discipline, and line of work (see Appendix A for statistical information on the students). On the other hand, my surveyed sample of 11 CUPL students was skewed toward students in their first and second years of study, as students in their third year no longer met in class and seemed too busy writing their theses and searching for jobs to meet with me. Although talking with this third-year group would have been particularly enlightening to assess the career prospects of students who have spent three years studying human rights, the interview data I collected from other sources was able to throw some light on this question. In general, the Beida and

CUPL students appear to be “middle class” and tend to come from small cities or county towns from diverse provinces in the central and eastern parts of China (see Appendix A).

Second, interviews are susceptible to bias from the interviewer’s preconceptions. As I am an American-trained lawyer schooled in the tradition of legal instrumentalism to further social ends, my interview questions were somewhat biased toward practical applications of human rights knowledge. Thus, the interviews did not dwell much on how well the Beida and CUPL programs have prepared students to engage in advanced human rights research and become human rights scholars or teachers. This information is relevant to the question of impact because currently human rights is primarily an academic endeavor in China, and increasing government consultation with the scholarly community presents a possibly significant avenue of human rights reform through law- and policymaking (Sun 2006:58; Saich 2004:184-85). Moreover, there seems to be sizeable student interest in entering academia as more than a third of the graduated Beida students are pursuing further studies, and two have even become university teachers. But the deficit of student perspectives on this point was in part compensated by interviews with RWI staff and Chinese professors and a recent evaluation of the Beida program by external consultants.²³

Third, interview results may be distorted due to leading questions, the particular interaction or chemistry between the interviewer and interviewee, or interviewees’ tendency to say things they believe the interviewer would like to hear. Moreover, because the topic of human rights remains somewhat politically sensitive in China (though no longer taboo), interviewees may be reluctant to frankly express their opinions to a stranger. In general, however, my semi-foreign background as a Taiwanese-American-Swede and my outsider status probably helped to reduce barriers, as students might have felt less inhibited in talking to me and might have perceived a need to clarify things. At the same time, since I spoke Chinese, was not too far apart in age from the students, and was also a master’s student, these insider traits likely made the students more comfortable in expressing themselves in their native tongue and revealing their thoughts. My assurances of confidentiality and anonymity at the start of each student interview probably also placed the respondents more at ease. Almost no student appeared guarded or cautious in the interviews.²⁴ However, some Beida students might have mistakenly believed that I was affiliated with RWI because I was a Lund University student. This possible misunderstanding might have made some students less critical of RWI, though this did not prevent others from coming forth with criticisms.

Compared to interviews, questionnaires are a less refined method to collect the rich, spontaneous, and nuanced information sought by this study, and they are even more

²³ The consultants for this 2007 evaluation also interviewed students, though seemingly on a much less in-depth basis (see Anger & Bergling 2007).

²⁴ Only one former student, who is now a lawyer and was interviewed on his office premises, raised a slight concern about being recorded but then agreed to the recording.

vulnerable to misunderstandings and leading questions because the researcher cannot clarify ambiguities on the spot. Thus, a questionnaire was not put together until after all in-person interviews were completed. By that time, I had interviewed close to 20 students and had a more confident grasp about the selection and phrasing of the questions. Despite the length of the questionnaires, most respondents gave thoughtful, detailed answers, and uncertainties were clarified by emailing follow-up questions.

Overall, despite these limitations and susceptibilities of the qualitative approach, in view of the critical and postmodern premise that reality is socially constructed and constantly mediated and interpreted, the interview is still a superior method to negotiate with the ambiguities, complexities, and contradictions of how people perceive and interpret their world (Kvale 1996; Alvesson & Sköldbberg 2000).

EMPIRICAL RESULTS ON IMPACT

Framework of collection and analysis

The assumptions about the process of change under which the Beida and CUPL programs both operate raise several questions regarding the chain of causation between HRE and the supply of people who are willing and able to promote human rights in the Chinese context.

First, at the mental level, does the Beida program actually change the students' human rights knowledge, thinking, attitude, or skills in a way that supports the international human rights standards endorsed by RWI? Second, does this mental change translate into actual behavioral change in the students in terms of adopting human rights practices, participating in human rights-related activities, or spreading, whether casually or more deliberately, human rights ideas to the people around them? Third, going further in terms of action and commitment, to what extent does the Beida program kindle a desire in students to make a career out of human rights? Finally, within the Chinese environment, how likely is it that, once reaching positions of influence within their respective fields, these students who have studied human rights have the power and ability to push for human rights reform?

These questions form a framework for data collection and analysis and can be conceived as a spectrum, or as concentric circles, of what I would characterize, for ease of reference, as mental, behavioral, career, and institutional impact.

Mental impact

Regarding the first step of impact at the mental level for students studying human rights at Beida and CUPL, almost all students surveyed concurred that HRE has effected a change in their knowledge of human rights as well as their perspective or way of thinking (*siwei* 思维) in analyzing problems. Mental impact is probably the most substantial change observed by the

students. Many students described HRE by analogy to planting a seed, which could flower later at the right moment. Many also described HRE as having a *qianyimuohua* (潛移默化) effect – causing change in a subtle or subconscious manner.

In terms of knowledge, almost all students claimed that they had a vague and emotive understanding (*ganxing* 感性) of human rights before the programs, but now their knowledge has become clearer, more concrete, systematic, comprehensive, and rational. For example, now they know the specific texts spelling out what human rights are and the various implementation mechanisms. Some also emphasized that they would not have been able to acquire the same systematic level of human rights knowledge without the program.²⁵

Likewise, almost all students reported a change in their way of thinking or their perspectives. After studying human rights, they tended to add a human rights perspective when they analyze laws or legal and social problems. In other words, they have become more aware of and sensitive to the human rights implications of social problems and relationships. Many students also found that they became more independent and critical thinkers, although it is difficult to distinguish to what extent this change results from HRE or simply from graduate-level education. A few students revealed that whereas before, they tended to analyze social problems from the viewpoint of the government or society, now they give more weight to the individual's standpoint.

In terms of attitudes and values, a large majority of students reported experiencing an increase in their sense of social responsibility and/or duty to care about and promote human rights. Human rights has become a value factor in their judgments. Some students reported that they are now less receptive to the Chinese mainstream and official position on human rights and expect the Chinese government to do more and do better in protecting human rights. Some perceived a change in their attitude toward people in general. They reported becoming more open-minded and helpful, more aware of other people's rights and freedoms, more critical of their own presumptions and stereotypes, or having stronger conviction about the principles of equality and non-discrimination. For example, one journalism student described how she came to see migrants as equal human beings and even undertook an investigative project to interview migrant workers on campus about their lives. Another student deliberated that perhaps as a result of his human rights study, it is now possible for him to become good friends with a *Falungong* member.²⁶ A few students reported little or no

²⁵ Human rights may be touched upon in subjects such as public international law, criminal law, constitutional or administrative law, and international relations. But students noted that these courses/programs do not spend much time on or delve into human rights in any depth. Some law faculties offer one or two courses on human rights, but these are merely basic courses due to lack of teaching capacity (RWI 2006; Sun 2006).

²⁶ *Falungong* is a spiritual, quasi-religious movement drawing from an eclectic mix of Buddhism, Daoism, Confucianism, and the *qigong* tradition (a type of breathing and meditation regime). The group was outlawed in 1999 and condemned by the Chinese government as an "evil religion" and a superstitious cult or sect (Chan, C. 2004:670; Saich 2004:204).

change in their thinking or attitude, some because prior to studying human rights, they already cared about social problems and social justice.

On the other hand, in their understanding of human rights, most Beida as well as CUPL students subscribed to a blend of universality and relativism that tends to mirror the Chinese government's relativist position on human rights.²⁷ Almost all students saw human rights as universal in theory or in ideal and believed that all governments have a constant responsibility to protect human rights and do their best to improve human rights protection.²⁸ But in reality and in actual implementation, almost all students believed that human rights are culturally and historically bound. For many the concept of human rights emerged in the West at a certain historical period within a certain cultural milieu. This is not to say that human rights are irrelevant or cannot grow roots in China; all students supported the concept of human rights, and some specifically stated that the government should not use culture as an excuse to shirk its obligations. But in concrete application all students held that international human rights standards must negotiate with or be tempered by and adapt to the local culture.

Similarly, almost all students maintained that China's level of economic development and available government resources (with some students specifically citing China's large size and population) realistically restrict the government's ability to protect human rights. Most students were hesitant to go as far as saying that all countries should be measured by the same international human rights standard, even though China has signed on to many international human rights treaties. They argued it is impractical and unrealistic to require the Chinese government to deliver the same level of human rights protection as developed Western countries, though they expected the human rights standard to continuously rise in accordance with the level of economic development.²⁹ A few students asserted that people who have nothing to eat cannot afford to care about civil political rights (e.g. the right to vote). One Beida student held that discrimination against rural areas in allocation of public educational resources was justified as the Chinese government had limited resources and must be selective. In particular, among the CUPL students who had just begun to study human rights, many seemed to perceive human rights in Marxist terms – as a historical or social product that changed according to a country's level of development. In short, students do not reject the ideals of human rights but take issue with the extent of state responsibility.

There was no student consensus on whether socioeconomic rights were more important than civil political rights, which is the position that communist countries, including

²⁷ While the Chinese government recognizes the universality of international human rights standards and is committed to the UN Charter and the Universal Declaration of Human Rights, it argues that each country is free to define its own concept, scope, and implementation of human rights according to its specific cultural, historical, ideological, economic, and political particularities. Moreover, economic development is the foundation of human rights and determines the extent to which human rights can be guaranteed (Wu 2002).

²⁸ One CUPL student, however, argued that current international human rights standards are not universal because they derive from Western thinking. He believes in a higher level of universality beyond the current regime of international human rights treaties.

²⁹ One Beida student specifically mentioned that her understanding on this point is influenced by Marxist theory.

China, have tended to endorse (Wu 2002:347). But most students distinguished between core basic rights (e.g. right to life or liberty) and less important rights. Many held that the set of most important rights would evolve and expand as the social, political, or environmental context changes (e.g. civil political rights not as important when the country has a famine).

These understandings of human rights reflect the official Chinese stance³⁰ and counter RWI's position that human rights are universal and indivisible, as based on the 1993 Vienna Declaration.³¹ In addition, although RWI aims to teach human rights as a legal subject to counter the traditional Chinese politicization of the field in international relations and Marxism/Leninism (RWI 2005a:12), a large majority of students still believed that human rights is often used by foreign countries not with the genuine intention of improving human rights, but as a political tool. They welcomed foreign criticisms that are well intentioned and substantiated by evidence. But they strongly felt that foreigners often criticize unfairly and arrogantly without understanding Chinese conditions, and they do not give China enough credit for the human rights improvements it has achieved in the past decades.

Thus, overall, in terms of mental impact, the survey results indicate that the Beida and CUPL programs not only rationalize and systematize students' knowledge of human rights, but in most cases they also affect students' thinking, attitudes, and values. Many students were influenced to adopt human rights perspectives, to become sensitive to the human rights dimension of problems, to place greater expectations on the government to protect human rights, and to feel a greater responsibility to care about social justice and promote human rights. Although most students subscribed to relativist positions when discussing the implementation of human rights and tended to perceive the politicization of human rights in international relations, these views did not impede them from acknowledging the existence of many human rights problems in China and from demanding that the government do its best to safeguard and constantly improve human rights.

Behavioral impact

Even though many students experienced change at the mental level, to what extent does this translate into action? Not many students conceded that studying human rights has changed their behavior or spurred them to action, though more probing questions sometimes revealed

³⁰ To some extent this may result from the fact that not all professors strongly accentuated the universality and indivisibility of human rights. Although two of the foreign visiting professors at Beida both underscored the universal and international legal basis of human rights and always used international human rights law as the starting point (Interviews with VP1 2007 and VP2 2008), the Chinese professors, who are the ones most able to link the application of human rights to Chinese conditions and discuss Chinese problems, seemed generally not to emphasize the primacy of human rights' universality to the same extent. They may subscribe to the universality of human rights but also explore its relativistic elements or prefer to highlight its practical implementation within specific social-political contexts (Interviews with Prof. B and C & D 2007).

³¹ The Vienna Declaration from the 1993 UN World Conference on Human Rights states, "All human rights are universal, indivisible and inter-dependent and inter-related. The international community must treat human rights globally in a fair and equal manner in the same footing, and with the same emphasis" (quoted in Wu 2002:370).

small changes in behavior or a greater willingness to act. Only a few students have initiated their own activities to promote human rights to the wider world or to improve their understanding of human rights problems. As mentioned before, one Beida student decided to interview migrant workers on campus to learn about their lives. One CUPL student volunteered to teach human rights to local primary or secondary school students during summer school;³² he also urged his father, a school principal, to add a human rights perspective in school policies. Another CUPL student planned to put together pamphlets targeted at different groups in order to educate the public about basic human rights. A Beida student initiated contact with an NGO to assist in its research projects, and another Beida student undertook fieldwork to study minority rights, though in these two cases it is unclear whether their actions resulted from their human rights studies or from a prior interest.

Nevertheless, in general, students seemed to enjoy discussing human rights issues among themselves after class hours, and many students reported that they now discuss human rights issues more often with other friends or family. A few students stated they have become more willing to donate to or volunteer for NGO or public interest activities. Several students were of the opinion that many students probably have a wish to improve human rights or have an interest in human rights work and would do so if a good opportunity comes along. Some students also mentioned that studying human rights has spurred them to want to do something to improve China's human rights situation. Although not all students necessarily carry out this impulse, HRE has encouraged many students to participate or want to participate in human rights-related activities sponsored by their universities.

This interest may be partly inspired by the idealism and passion that the Chinese professors brought to the classroom, as several students reported feeling that the professors fervently wished that the students would go on to contribute to human rights work in China.³³ Beida's RCHR and, to a much lesser extent, CUPL's Institute for Human Rights and Humanitarian Law (IHR) also advise students of opportunities to participate in human rights-related conferences, research initiatives, exchanges, or internships. All of the students highly appreciate these practical opportunities, and many have taken advantage of them.³⁴ This indicates that university research centers can play an important role to harness and direct student interest toward opportunities for practical application.

In short, students do propagate human rights ideas within their circle of acquaintances, though much fewer have reached out to promote human rights in the wider

³² His venture was unsuccessful as the local teacher feared that teaching students about human rights would encourage them to rebel.

³³ At the same time, due to the political sensitivity of human rights in China and the lack of human rights-related jobs, some professors seem to outright discourage students from trying to work in the human rights field by characterizing such work as difficult, dangerous, or futile in the current environment. Similarly, another Chinese professor explicitly advises his students that the human rights field is economically unprofitable and politically risky, thus he currently harbors no hope that the students would work in the field (Interview with Prof. Z 2007).

³⁴ In the past, according to RWI, among the first two groups of some 40 students, more than half obtained human rights-related internships (RWI 2007:5), though the internship rate of later students is unknown.

community. Nonetheless, there is definite student interest in human rights-related activities or internships, whether motivated by reasons of personal edification or curiosity or with a view toward exploring the field as a possible career path. Thus, the existence of a supportive culture and network offering students opportunities for practical application appears crucial to strengthen the link between mental change and taking action to promote human rights.

Career impact

The third question takes a step further beyond behavioral impact and asks to what extent the Beida and CUPL programs lead students to acquire a strong and active desire to pursue a human rights-related career? Besides assessing how many students changed their career plans on account of their exposure to human rights, it is relevant to explore the programs' career impact in the context of the students' original motivations in applying to study human rights. The strength of the desire to make a career out of human rights is also influenced by the job market and career prospects of students from elite universities like Beida and CUPL.

Student interest and motivations

First, regarding the students' motivations and incentives, based on a quick review of student applications to the Beida program over the years, although many students concluded their personal statements with a nondescript wish to contribute to human rights work, only a handful of students appeared genuinely interested in working in the human rights field by specifically stating an interest in human rights-related jobs or wanting human rights to inform their future work. Most students noted it was important, in this day and age, to know and understand international affairs and to adopt an international perspective. Against this background, they perceived human rights as a "hot topic" not only in the fields of international law and relations, but also as part of the domestic discourse on rule of law. This is also the sentiments of almost all CUPL students I surveyed. Furthermore, many Beida students noted that studying human rights complemented their primary specialization, and they were intrigued by the opportunity to study human rights from a Western perspective. There were also some Beida students whose interest in human rights was motivated by personal experience of social injustice, such as through volunteer work or from having witnessed social problems.

According to the head of RWI's Beijing office, who personally interviewed all applicants in the Beida program's first two years, students have applied out of a wide range of motivations. Some appeared very idealistic, came from a poor Western province, or had witnessed human rights abuses, and wanted to help to achieve change or to pursue a career in NGOs or criminal defense. But there were also some savvy international relations

students, for example, who mainly hoped to work abroad or improve their English skills through the foreign professor (Interview with Oud 2007).

Some Chinese professors adopted a rather realist view toward students' motivations. They believed that today's students are quite realist or materialistic (*gonglihua* 功利化), driven by pragmatic considerations such as money, prestige, and security when they choose what to study (Interviews with Prof. B, C & D, and Z 2007). Few have a pure interest in or are committed to human rights.³⁵ These professors believed that many of the 60-80 students who applied to the Beida program each year mainly wanted to create opportunities to practice English, to go abroad, to experience teaching by a foreign professor, to take advantage of the program's financial support, or to use the program as a stepping stone to gain entrance into master's programs overseas. Thus, if the program did not offer these "selling points", the number of applicants would drop substantially, because studying human rights did not help, and might even harm, one's career prospects. In comparison, the CUPL professors were unsure as to the level of student interest in human rights, but they also felt CUPL students tended to be pragmatic and economic-oriented, and few students enroll in the human rights elective course available at the undergraduate level (Interview with Prof. X 2007; Questionnaire from Prof. Y 2007).

In contrast, the foreign visiting professors (VPs) harbored more positive perspectives. One believed that Chinese student interest in human rights was substantial, and that compared to students from other countries, Chinese students appeared more aware of the social problems brought about by development (Interview with VP1 2007). He believed that Chinese students probably studied human rights for the same reasons as students in other countries – because they had a genuine interest in human rights-related work and wished to obtain internships or jobs at international organizations. The other VP felt that Chinese students often seemed deeply affected by the lectures and discussions and yearned to make China a better place (Interview with VP2 2008).

My survey results reveal that most Beida students were motivated by genuine interest as well as practical considerations. Most students reported that they applied to the program simply or primarily because they thought human rights was an interesting and relevant subject and had the time.³⁶ Some students became interested in the program from studying other law courses with the program's professors, or from talking to students already enrolled in the program. Although several students mentioned that the scholarships or free tuition, the opportunity to go abroad or access internships, or the English instruction made the Beida program especially appealing, these students also cited interest in human rights as another

³⁵ One teacher even lamented the lack of idealism and sense of social responsibility in today's students (Interview with Prof. B 2007).

³⁶ For example, several students mentioned that they had free time since they had finished all their courses and had sufficiently good grades to get into a master's program without taking the graduate school entrance exam.

important reason, and a few indicated that these “bonuses” alone would not have motivated them to apply if they did not have an interest in the subject. Significantly, close to one-half (12) of the surveyed Beida students stated they already had some interest in public interest work when they applied to the program, though in most cases this interest is likely neither strong nor committed. In addition, most of the students surveyed opined that Chinese students in general are quite interested in learning about human rights. But one student clarified that although human rights might be a popular subject, especially as they relate to contemporary social problems, fewer students would be willing to commit to study human rights in greater depth, since such specialized study is not tied to future job opportunities.³⁷ In this light, the Beida students probably would not have chosen to spend three semesters in this field if they were largely driven by realistic, practical concerns.

It may be more accurate to say that among students who had no interest in human rights-related work, many applied to the Beida program out of, *inter alia*, a desire to learn about a contentious subject from a joint Chinese-foreign effort involving popular Chinese professors and a non-controversial foreign sponsor.³⁸ For students who were unsure of their career paths or had an interest in international or public interest work, they were probably also drawn by the program’s international access – particularly its offer of international exchanges and placements with international organizations and companies. In addition, probably all students were attracted by the opportunity to 1) practice and sharpen their English skills, or 2) attend lectures and interact with guest speakers who are famous domestic experts or from the foreign/diplomatic communities. Thus, my survey results fall between the more positive view of the VPs and the more critical view of the Chinese professors. Even if Beida students had mixed motivations for studying human rights, interest in the subject or in an international human rights-related career remains a primary or strong factor. In comparison, among CUPL students, interest and the desire to obtain a master’s degree from CUPL appeared to be the primary reasons.³⁹

Even if most students had little or no intention to engage in human rights-related work when they applied to study human rights, many of those surveyed (13 Beida students and 8 CUPL students) became interested in such work after they started studying and became more familiar with the role and operations of NGOs. The number rises to 16 Beida students if

³⁷ A Chinese professor noted that very few Chinese students seemed to be interested in studying human rights “because of the pragmatic difficulties of finding career opportunities in the field . . . in China” (Sun 2006:81-82).

³⁸ Interestingly, the foreign VP is not necessarily as big a drawing point for the Beida program as both the Chinese and foreign professors as well as RWI seemed to believe. Some students noted that at Beida, students have numerous opportunities to enroll in courses taught by foreign professors. Thus, having a VP alone was not likely the reason motivating students to apply to the program. Nevertheless, two students appreciated the foreign sponsorship and noted that the Beida program would have appeared much less legitimate and attractive if it was an entirely Chinese endeavor.

³⁹ In contrast to Beida students, among the CUPL students surveyed, most had little idea of what they would like to work with when they started the program, and only a couple were interested in public interest work. This may be partially due to the fact that many of the CUPL students did not originally choose to study human rights but agreed to be transferred to the program after being rejected by their first choice master’s program at CUPL.

one includes all who felt the program had an impact on shaping their career choices or ambitions. Most students agreed that the professors and the programs have encouraged them to consider human rights-related work,⁴⁰ and many believed that HRE led them to redefine their career plans or to add human rights-related work as another job option. This confirms the Beida professors' hope that regardless of students' initial motivations, HRE can encourage students to work in the human rights field. Many students expressed an interest in working for international organizations, as these organizations appeared more prestigious and effective and promised better work benefits and job security than domestic NGOs. For CUPL students, the fact that they would invest three years of study in this field seems to strongly motivate them to pursue jobs where they could apply their human rights knowledge.

In short, there appears to be a definite interest among Chinese students in learning more about human rights, especially as it relates to specific social problems and because human rights is perceived as an important topic in both international and domestic affairs. But perhaps much fewer students would commit to studying human rights in greater depth, since it is not perceived as conducive or relevant to one's career, and even fewer students would from the outset intend to apply what they have studied to engage in human rights-related work. This is not surprising given that most Chinese students have vague understandings of human rights and even vaguer knowledge of NGO work. Nevertheless, human rights can be an attractive field when taught by popular, well respected professors and linked with international opportunities. Moreover, HRE can and does kindle a desire in many students to work or volunteer in human rights-related activities. Even if they remain unsure of their career paths, public interest work has become another potential job option.

The job market and career prospects

The connection between an inclination to public interest work and a strong, active desire to pursue a public interest career can depend upon the nature of the job market and these students' career prospects. I will focus on the students' subjective perceptions since, even if irrational or not objectively based, they are the ones that will influence students' career choices. By almost all accounts (including students, professors, and RWI), the current Chinese job market is highly competitive, and students are under much pressure, both economic and reputational, to find jobs bringing good salary and security. It is felt that generally demand far exceeds the supply of jobs, and salaries are lacking vis-à-vis the high living costs (especially if one wants to live in major cities). In addition, as one professor said,

⁴⁰ RCHR has established internship arrangements with Frontline, a human rights organization in Ireland, the Red Cross in Beijing, and the Asian Commission for Human Rights in Hong Kong. In the past, Beida students have obtained internships at UNICEF, UNESCO, the Red Cross, the French embassy, the Chinese Society of Human Rights Research, and Forum-Asia in Thailand. In contrast, CUPL's IHR devotes less resource on this front and has not established similar internship arrangements. But CUPL students generally reported that the professors encourage and would gladly assist them to participate in human rights-related internships and activities and would notify them of such opportunities.

Beida students probably entertain high expectations of their careers because they worked hard to gain admission to the elite university (Interview with Prof. A 2007). According to another professor, today's students are quite realist and pragmatic and concerned with how to quickly "cash out" their education (Interview with Prof. B 2007). One VP observed that compared to students from Western countries, Chinese students seemed to be under greater economic pressure since many of them came from poorer families, and Chinese students could not take good jobs for granted (Interview with VP2 2008).

From the students' viewpoint, several believed that to be able to pursue one's interest in choosing a career is a luxury, but several also thought that students from an elite institution like Beida stand in a relatively superior position to compete for jobs and can afford to some extent to follow their interest in choosing careers. A few students also thought that Beida's traditional reputation for producing students with a social conscience⁴¹ still holds some sway today, and students are not entirely money-oriented. Nevertheless, one student felt that under the current emphasis on economic development, most students' personal ambitions are to find a good job, make money, and get a better life. According to him, today's Chinese people do not have the luxury of pursuing purely their own interest and personal happiness; their greatest concern is to secure a good life for their family.

In particular, law students, who make up approximately half of all Beida students and all CUPL students who have studied human rights, mentioned that job competition has heightened as more and more law graduates are produced every year. One professor perceived law students to be an especially competitive group because they achieved high scores in order to gain entrance into elite law faculties (Interview with Prof. A 2007). For these students, the easiest and most lucrative career route is probably to enter law firms. Although many students would like to enter the civil service and work for government entities, the civil service entrance exam is reportedly exceedingly difficult. On the other hand, companies usually require legal counsels to have at least two to three years of experience. Thus, the competitive environment seems to channel elite law students into law firms.

Although many students expressed an interest in public interest work, most students and professors agreed that it is extremely difficult for Chinese students to find attractive human rights-related jobs. Jobs with not-for-profit organizations (NPOs)⁴² are few in number, hard to come by, do not offer viable salaries, and often require years of experience. Several students interested in public interest work reported feeling frustrated or discouraged because most NPOs seemed to require years of prior work experience. Some who did apply to NPOs

⁴¹ Beida students played a central role in spearheading both the democracy movement in 1989 and the May 4th Movement in 1919, an anti-imperialist, cultural movement protesting against the treatment of China in the Treaty of Versailles following the First World War.

⁴² Given the pervasive influence of the Party state in China, I use this broader term primarily to refer to all kinds of organizations operating not-for-profit in China, including Party-sponsored mass organizations such as the All-China Women's Federation, NGOs established by government entities (government-organized NGOs, or GONGOs), and more independent NGOs.

were unsuccessful because they lacked practical experience. For example, two of the Beida students surveyed tried to secure public interest jobs but ended up joining law firms because they could not find jobs at NPOs. A few professors thought that students from elite schools could find jobs with domestic NPOs relatively easily since they could take advantage of their professors' networks or even create positions for themselves (Interviews with Prof. C & D 2007, and VP2 2008). However, students uniformly held domestic NPOs in low regard. They were perceived as ineffective (due to lack of resources and government restriction), having low prestige and security, and above all, offering a salary on which one cannot support a family. One VP at Beida felt that initially, about two-thirds of the students seemed to have a sincere interest in public interest work; but when it came time to pick a job, most went for the higher-salary jobs, which was not surprising given the substantial salary differential (Interview with VP2 2008).

In contrast, international organizations (IGOs or INGOs) represent a much more attractive option as they are more prestigious, appear more legitimate, and offer better job benefits and security. Several CUPL students agreed that if the program offered more internships or job opportunities in the human rights field, such as with international organizations or government departments, certainly many more students would apply. However, positions at international organizations are few and competitive and may require students to find their own source of funding if the position is overseas. Some Chinese professors also opined that most Chinese students were not sufficiently competitive and qualified for these international positions (Interviews with Prof. B and Z, 2007).

Outside of NPOs and certain government departments, according to Chinese students and professors, Chinese employers currently do not perceive a need to hire people with human rights expertise. Because human rights is such a new field of study, most employers do not set aside positions or seek applicants with such expertise. However, most professors and students were optimistic that, as a result of Western pressure, international attention, and the government's promotion of rule of law, the Chinese government would increasingly pay more attention to human rights issues, which meant that the demand for people with human rights expertise would increase. One student described the human rights field as a field "with future career possibilities" (*youqianjing*, 有前景). Professors of the Beida course on "Business and Human Rights" were especially optimistic, for they believed that Western companies, and increasingly Chinese companies, need people with human rights expertise to advise them on corporate social responsibility (CSR) issues (Interviews with Prof. B 2007, and VP2 2008). But current students taking this course did not seem as optimistic about the ability to tie human rights to their future work.

In short, HRE does exert some impact on students' perceptions of desirable careers. There is definite student interest in human rights-related careers, especially at the

international level, and a significant portion of this interest was fostered by students' exposure to human rights through the Beida and CUPL programs. But the lack of viable job opportunities means that very few end up working in human rights-related fields. The current job market is highly competitive, and for law students, the corporate law firm represents the easiest route to a lucrative career that promises status, prestige, and job security, but it offers little opportunity to apply human rights knowledge. It is decidedly difficult to find human rights-related jobs, whether in NPOs, the government, private firms or companies, or international organizations. Thus, interested students face few reasonable options and often find themselves unqualified. Consequently, those interested in human rights work are also pursuing internships at law firms, companies, the procuratorate, etc., in other words, casting their nets wide and leaving career options open. Nevertheless, many students believed that even if they did not engage directly in human rights work, they would consciously or naturally incorporate human rights concepts and perspectives into their future job. Furthermore, their career options may improve as the Chinese government and companies come to appreciate the value of human rights expertise. But such demand will probably take years to materialize.

Where are the students working?

A look at what graduates of the Beida program are doing suggests that the linkage between HRE and engaging in human rights-related work is tenuous, likely because, as discussed above, the current job environment does not encourage such work.

Among the three classes of Beida students (approximately 60 students) who have graduated, approximately a third are pursuing advanced studies, whereas another third are evenly distributed among working for law firms, the government, and the private sector (see Table 5 in Appendix A). Only five students are directly engaging in human rights-related work, all in government or academia: one works in the human rights division of the Ministry of Foreign Affairs, one in the development cooperation section of the Dutch embassy, one is teaching human rights-related law courses at university, and two are pursuing further studies in and plan to teach human rights law (one of them reportedly already tried to start a course on business and human rights). In addition, six students (five of whom have not graduated) have expressed a first-choice interest in human rights-related work, such as NGO work or teaching criminal law from a human rights perspective. An additional ten students have expressed some interest in NGO work although they are currently either not engaged in human rights-related work or pursuing other job options first. It is uncertain to what extent students who decided to pursue advanced studies (approximately one-third of the graduated students) are in fact interested in public interest work but decided to continue studying because they could not find suitable public interest jobs. In any case, the record indicates that so far no Beida student has landed a job with NPOs or international organizations.

Among CUPL students, one student has graduated in advance and obtained a job at the Ministry of Foreign Affairs' human rights division.

Institutional impact

The last link in the chain of causation depends on how likely it is, within the Chinese environment, that these students, once they enter working life and reach positions of influence within their respective fields, be it government, law firm, business, research institutes, journalism, or NGO, have the power and will to push for human rights reform? This case study cannot adequately answer this question of longer-term impact as most Beida and CUPL students are still studying, whereas those who are employed have not been working for long. Nevertheless, there are some indicators that the institutional impact would likely be circumspect and particularized absent stronger interventions.

Although most students and professors expressed an optimistic belief that the Chinese government would increasingly support human rights, currently the room for reform seems quite narrow. Generally, students who are working or have interned at law firms, companies, local governments, and the news media do not feel they have had much opportunity so far to apply human rights concepts. This is probably because the students find themselves in work environments that lack human rights awareness and do not value inputs from a human rights perspective or perceive problems as human rights problems. Students may also avoid raising human rights issues because, especially at this early stage in their career, they do not want to be perceived as trouble-makers or politically unreliable. In one student's opinion, the reality is that one cannot do much with one's human rights knowledge or mindset, as neither the government nor employers support such activity. In academia, on the other hand, increasing government consultation with scholars in drafting new laws and policies indicates a potential, but slow, avenue for human rights reform. The Chinese human rights professors I surveyed all believed such incremental reform is already occurring, especially in more technical areas, albeit at a very gradual pace and in subtle ways.⁴³

It is also questionable to what extent the programs have equipped students with the understanding and skills to advance human rights within the Chinese environment, either through active advocacy or more discreetly or indirectly through their professional work. According to one Beida student, the professors often pointed out how the Chinese government is violating international human rights standards and what the government should do. But they did not sufficiently examine what was possible and feasible to achieve in the current Chinese environment. This sentiment is echoed by a few other Beida students (mostly from the program's first two years), who felt the courses focused too much on

⁴³ An example is the drafting of the Child Protection Law, where the government enlisted the opinion of human rights scholars on the proposed law's compliance with international human rights standards.

international standards and not enough on real Chinese problems and ways to resolve them, though other students felt Chinese problems were given sufficient attention.⁴⁴ Two Beida students reported feeling powerless and helpless as they studied human rights, for they felt they could not improve the human rights situation around them through their own actions.

From a Western perspective especially, lawyers with a human rights background may represent promising agents of change who can use the law to advance social and political reform through law- or policymaking or public interest litigation. But this presumes the law and legal system function effectively and coherently and have independent authority and legitimacy in a society. In China, both law and non-law students see lawyers (which in Chinese usage refer primarily to those working in law firms) first and foremost as neutral providers of legal services. In addition, lawyers tend to be seen as rich and smart, but many also have the reputation of being commercialized, unethical, corrupt, or too preoccupied with making money or their own survival to uphold the public interest (this is deemed to be a common problem in other professions as well). Overall, whether working in the private or public sector, Chinese legal professionals' field of action is tightly constrained by the government, and they have few channels of political influence.⁴⁵ As a profession, Chinese legal professionals are currently perceived as too fragmented and controlled or co-opted by the government to play any pioneering, reforming role in society, though as specialists trained to defend legal rights, they do play some role in protecting human rights.

In the private sector, Beida students who have worked or are working in corporate law firms generally did not feel they had the opportunity to apply human rights knowledge to their work, even in the field of CSR or labor or contract law. Human rights knowledge is not perceived as relevant or valuable in Chinese law firms.⁴⁶ One student who is now working at a prestigious law firm noted that the busy and high-pressure work environment in law firms leaves lawyers little time for other initiatives. As for the fields of criminal defense and administrative litigation, they are tightly controlled by the government and seen by law students as possibly dangerous or risky and too unprofitable and unrewarding to engage in.⁴⁷

⁴⁴ The Beida students generally reported that the attention devoted to examining human rights problems in the Chinese context varies depending on the course, but most agreed that the course Human Rights and Rule of Law spent a lot of time on this subject. Unfortunately this class was not in session during my fieldwork, and I did not get a chance to speak to the course's professor.

⁴⁵ This opinion expressed by several students is corroborated by scholarly research in this area (*see, e.g.*, Liebman 2007; Alford 2007; Michelson 2006; Cai & Yan 2006; Peerenboom 2002). But other scholars have also demonstrated how the Chinese legal profession has become increasingly autonomous, and in particular, the small group of *weiquan* (rights protection) lawyers, who often defend the rights of vulnerable groups against official abuse, is growing in size and influence and able to mobilize the law as well as political and social resources to advocate for legal and political reform (Fu & Cullen 2008).

⁴⁶ However, this may not be the case in criminal law firms. Unfortunately, I could not reach the one student who had studied criminal law and is now working in a law firm. The other criminal law students are all pursuing further studies and intending to stay in academia, with the exception of one student who is now a judicial clerk.

⁴⁷ According to one student who practiced criminal defense for two years, criminal defense lawyers in China are either famous professors without resources to litigate or low-level, poorly trained lawyers doing it for survival. Extensive government restriction and control prevent criminal, administrative, and public interest lawyers from properly representing their clients. Another student formerly practicing labor litigation was of the same opinion.

Students reported that few criminal law students choose to become lawyers to defend individual interests against the government; rather, most flock to more prestigious and rewarding positions with courts and the procuratorate. Moreover, to be successful, litigation lawyers need to rely on personal connections (*guanxi*) and build good relationships with public security bureaus, procurators, courts and judges, and government agencies, thus enmeshing them within the current power system.

For law students who proceed to work in courts, the procuratorate, or other government departments, one student who is now a judicial clerk noted that although international human rights standards are not directly justiciable in Chinese law, she could and did raise a human rights angle in private discussions with colleagues. Moreover, she intended to apply human rights concepts when she becomes a judge. In contrast, another student now working at village-level government felt it was difficult to spread human rights knowledge among local officials and peasants, who did not understand issues in human rights terms. Another student now working in municipal government felt he had no power or opportunity to influence things or to apply human rights concepts to real life situations. But he believed in the importance of human rights and would establish a human rights consultative commission if he has the power. Similarly, another student with political ambitions stated that he would advocate for expanding HRE if he assumes office.

Thus, human rights students working in the government sector find themselves in an environment where human rights concepts are not well known or accepted or seen as relevant, and, in certain departments, still politically sensitive. A few students noted that those who are able to enter the Ministry of Foreign Affairs and directly work on human rights issues are probably busy defending China's human rights record to foreigners rather than working to improve the human rights situation at home. However, students do try to promote human rights ideas in moderate ways, though their influence is necessarily small for the time being. It is uncertain whether, as they proceed in their career, they will maintain the will and acquire the influence to change their institutions, or rather their institutions will change them.

Most professors and students agreed that students from elite universities are likely to occupy positions of power in society, thus it makes sense to educate them in human rights.⁴⁸ Many students thought students are more open-minded, moldable, and receptive to new ideas than, for example, government officials, who have been steeped in bureaucratic thinking.⁴⁹ However, as one student remarked, one could just as well succumb to institutional

⁴⁸ It has been noted that student activism has often played a critical element in human rights movements in Western countries (Kaempfer 2006). University students also played a major role in China's democracy movements in the 1980s (Saich 2004:210), though many surveyed Chinese professors felt that today's students are much less idealistic and public interest-minded than before.

⁴⁹ In response to my question whether HRE activities should target elite students as opposed to government officials or the popular masses, the Chinese students were roughly equally split. But the largest number of students named elite students because they have the greatest potential to lead reform. They noted that in China it is the elite who have the power to effect change. Moreover, educating students who are likely to become future

and economic pressure and be co-opted by the establishment. Given the nature of the government control and the threat of losing one's livelihood, as a few students have intimated, it is natural that elite students and professors who find themselves in relatively privileged positions prefer to support incremental change within the existing system rather than clamor for more radical reform.⁵⁰ No Chinese student or professor surveyed expressed any revolutionary sentiments. Instead, they seemed to optimistically prefer working within current openings and exploiting windows of opportunity to gradually achieve change.

In short, the ability to promote and apply human rights concepts in Chinese work settings, whether in the public or private sector, appears quite limited because employers do not value or support such endeavors, and possibly also because the programs may not have adequately engaged students to explore practical, daily ways to advance the cause of human rights. As the largest group of students studying human rights in China, law students likewise do not possess much authority or influence to promote human rights in their varied work settings, especially given the government's tight rein over and the incentive structure of the legal profession. This is not to say that human rights students in China cannot make an impact on their institutional settings in terms of human rights reform. Those in academia can make a more direct contribution by teaching human rights, expanding human rights awareness, and (to some extent) influencing public policy and debate. But the impact made by those in other professions will depend on individual initiative and be more indirect and circumscribed, rather than systemic, though most student seemed confident that they and they classmates would be guided by greater human rights awareness. It will take time for these students to reach positions where they have influence, and they will likely need support along the way to sustain their interest in human rights reform.

ANALYSIS

What does the empirical evidence suggest about LDM's theory of change?

The empirical results reveal that a postgraduate human rights program such as Beida's does achieve short-term impact by inducing students to adopt human rights perspectives and practices. Thus, the Beida program demonstrates some preliminary empirical basis to LDM's theory about legal education and social change, though the empirical evidence is at the micro level and shows only a potential for wider social change. At the very least, master's-level HRE has engendered mental change in most students by making their human rights

leaders (rather than current leaders) will achieve more long-term impact. But a sizeable number of students preferred to target government officials because they are the most likely violators of human rights.

⁵⁰ According to one source, since 1989 the academic community has been bribed by the government with exponential increase in salaries and grant money, and most intellectuals lead comfortable lives, thus they are unlikely to actively campaign for radical change (Woodman 2004).

knowledge more solid, concrete, systematic, and comprehensive, and it does prompt most students to assume or add a human rights perspective to their value systems. Likewise, in some students HRE has kindled a transformation in personal values and attitudes. Their sense of social responsibility and duty to promote human rights has strengthened, they have become more sensitive to the principle of equality and non-discrimination, and they adopt a more critical eye regarding the government's responsibility toward individual citizens.

However, the extent to which such mental change translates into action to adopt human rights practices or promote human rights is more limited, though still noticeable. Students do pass on human rights concepts and viewpoints to those around them, and a few may even feel encouraged to spread human rights farther afield. Moreover, although most students did not study human rights out of a strong desire to work in the field, regardless of their original motivations, once they learned more about human rights and how NGOs operated, HRE can and does spark an interest in many students to engage in or contribute to human rights-related work, whether on a paid or volunteer basis, by exposing them to the practical possibilities to promote human rights, or by the simple fact of having invested several years of study into the specialized field. Thus, HRE can effect behavioral and career impact, but the strength of the impact seems dependent on the availability of practical opportunities as well as subcultures of idealism that encourage students to pursue public interest activities.

Ultimately, the relatively weak stimulus to human rights action, as reflected in the small number of students actually going on to engage in human rights-related work, probably stems from the lack of opportunities and incentives for making a career out of human rights. There is very little employer demand for people with human rights expertise. Besides the few and competitive jobs with prestigious international organizations, domestic NPOs do not represent viable career options for elite students because of their poor reputation, salaries, and working conditions. Law students eschew human rights-related legal work because it is difficult and unprofitable. Thus those who are attracted by human rights-related work tend to pursue other career options simultaneously or alternatively. In short, the career impact of the Beida program is rather limited, not because students have no interest in human rights-related work, but because of lack of attractive opportunities in the current environment.

When the students begin their working lives, so far most have found little opportunity to apply their human rights knowledge because they operate in work environments that do not value human rights perspectives. Furthermore, many students may not have acquired sufficient insight and skills to see how they individually can push for human rights reform in practical, daily ways through existing channels. But some students did express a wish to use their future positions to promote human rights policies. Overall, given the current nature and scope of the intervention, it is doubtful whether, to the extent HRE has effected change in the

students' knowledge, perspective, and mentality, such impact can be sustained and carried on into their future work when they reach positions of influence in their career or in society. As one foreign VP remarked, if students do not have the opportunity to apply their human rights knowledge in their work, they are likely to quickly lose this knowledge (Interview with VP1 2007). Thus, it is uncertain that, in its present set-up, the Beida program can achieve its goal of creating a cadre of professionals skilled to work individually and institutionally to initiate or lead human rights reform in China. Even if some students manage to attain this goal, the impact would likely be gradual, confined to discrete areas, and not as robust or compelling as hoped.

A HRE program that simply achieves mental impact by imparting knowledge, instilling values, and changing attitudes and perspectives may be sufficient to produce wider social impact if the students go on to engage in professions where their human rights awareness or attitudes can exert a more direct or influential effect on their work. For example, because the work of a lawyer, judge, or procurator is inherently concerned with protecting or upholding rights from the perspective of the rights-bearer or duty-bearer, attitude change in line with the normative ideals of human rights can more immediately translate into more human rights-sensitive advocacy of client interests or interpretation or enforcement of the law. Thus, legal professionals need not actually become human rights lawyers, work in NGOs, or actively promote human rights reform in order to contribute to human rights protection in China. The same could be said of other professions that by their nature more inherently deal with human rights concepts, such as journalists, scholars, or civil servants who frequently interact with citizens (e.g. petition bureaus that receive citizen complaints or police and prison officials).

However, even lawyers must work within existing institutions and environments, which may very well structure incentives in ways that undermine human rights. As one critic of current rule-of-law projects argued, "Presuming that focusing aid efforts or training on judges will bring rule of law ignores the reality that in many societies, judges are not powerful, and are not in a position to be agents of change" (Alkon 2002:336-37). In China, it has already been noted before that the legal profession is politically weak and inclined to commercialism and even corruption. As Ethan Michelson's study shows, most Chinese lawyers are financially insecure and struggling for survival, thus they deploy tactics to screen out labor disputes and cases brought by the poor (Michelson 2006). Moreover, lawyers face "massive and immediate incentives" to establish corporatist and clientelist relations with the Party state and exploit opportunities for rent-seeking (Alford 2007:302; see also Peerenboom 2002:354-58). Lawyers are dependent on the Ministry of Justice and tend to rely on personal relationships and connections, rather than legal skill, to advance their goals (Peerenboom

2002:366).⁵¹ “[M]ost lawyers appear to be more concerned about making money than politics” (Peerenboom 2002:383), willing to compromise their independence in return for the good life (Alford 2007:295). Although there is a small but growing group of *weiquan* (rights protection) lawyers who are becoming adept at using the law and other social and political strategies to defend the rights of vulnerable groups against official abuse and push for political reform (Fu & Cullen 2008), this type of legal practice is unappealing to most since *weiquan* cases generate little or no fees for lawyers, who are likely subject to harassment from government authorities. Even among legal aid lawyers serving the disadvantaged or lawyers advocating for specific causes, they often identify with the interests of the central government and perceive their duty toward the state, rather than individual clients (Liebman 2007:312, 340, 342). Randall Peerenboom concluded that being the upwardly mobile and the elite, Chinese legal professionals are “not likely to want to risk social instability, and their own privileged positions, to push for political reforms” (Peerenboom 2002:383).

Similarly, Chinese journalists’ ability to play the vanguard of human rights reform is questionable. Although the Chinese media has become more pluralistic and enjoys greater editorial freedom as a result of economic reform, the government retains firm control through various means (Zhao 2004). Moreover, increasing marketization and commercialization have induced the media to skirt controversial issues and stick to what is politically safe and financially rewarding (Zhao 2004:207). As Yuezhi Zhao contends, the media speaks in the voices of the ruling Party elite and the rising business and urban consumer middle class (Zhao 2004). It suppresses marginalized voices of workers, farmers, and others who have been disenfranchised by the process of capitalist development (Zhao 2004). Even the growth of investigative journalism, which highlights social problems and can be quite critical of local governments, ultimately helps to bolster CCP rule and contributes to social stability, for the central government subtly manipulates it to cultivate popular consent in CCP leadership and serve as a safety valve for popular grievances (Chan, A. 2002). Like lawyers, journalists remain controlled by and dependent on the state through a web of regulatory constraints and economic sanctions and rewards, and the commercial orientation of the current media industry renders journalists risk-averse and inclined to self-censorship (Esarey 2006). As the new intellectual elite, journalists may also harbor a privileged and patronizing perspective and have tended to support and conform to the official line (de Burgh 2003; Li 2002).

In short, even if armed with human rights knowledge and awareness and working in professions with more opportunities for direct application of such knowledge, students face substantial structural obstacles in advancing human rights reform within their institutional settings. But this is not to say that donors wishing to promote HRE in China should throw up

⁵¹ As the noted social critic He Qinglian observed, “Among Chinese lawyers, there is a saying that ‘to bring a litigation is to use one’s connections’ (*da guansi jiu shi da guanxi*)” (quoted in Alford 2007:292, FN 15).

their hands in despair and walk away. Donors cannot be expected to solve the myriad complex problems stemming from China's development. Moreover, I do not want to paint an overly pessimistic picture of the potential for reform in China. Chinese society is changing rapidly and has become freer and more pluralistic as a result of economic reform (Peerenboom 2002:199-200). Nowadays, Chinese citizens have more avenues for political participation and expression (Peerenboom 2002:205-06), and, as a result of the government's promotion of rule of law, they are increasingly rights-aware and using laws (e.g. citing the constitution) and legal channels (e.g. administrative litigation) to advance their claims (O'Brien & Li 2006; Yu 2005). In this opening and dynamic environment, what donors can do is to respond to a real need with a strategy and commitment grounded in theoretical understanding as well as well researched empirical knowledge of the local environment.

There is clearly a need for HRE in China (Mellbourn & Svensson 1999:15), and all the Chinese respondents agreed on this point. "A clearer and more comprehensive understanding of human rights is required to motivate people to fight for those rights" (Kaempfer 2006:80). And as Leah Wortham concluded based on her experience introducing clinical legal education to many Eastern European countries, "There are many students who are hungry for experience-based education in becoming lawyers and are idealistic about making their country a better and fairer place" (Wortham 2006:682).

In terms of strategy, there are different ways to design HRE to achieve an impact on improving human rights in China. The empirical evidence shows that at this preliminary stage, the HRE approach pursued by RWI, which encompasses students from different disciplines, has produced change in the individual students and has the potential to widen its social impact. The problem is that the momentum created by the Beida program is likely to be lost because in the larger environment outside of the institution providing HRE, students face adverse institutional settings and incentives that do not welcome or support human rights perspectives and practices. This is likely why the Beida program has not been able to generate more students who engage in human rights-related work.

Since most Chinese workplaces do not particularly support human rights perspectives, perhaps one should target HRE at professions inherently involved with human rights (e.g. lawyers, journalists) where simple attitude change could more directly be articulated through one's work. But even here, the structural disincentives built into these professions indicate that a more active intervention, beyond simply instilling knowledge and awareness about international human rights standards, is desirable, and perhaps even necessary, to help students navigate through the institutional obstacles of promoting human rights in current Chinese settings. Students should be taught the skills to see the practical, feasible ways in which they can apply and promote human rights in their daily work and lives.

Moreover, the Beida program's interdisciplinary approach in student composition is not necessarily less effective than a program such as CUPL's, which has focused on teaching law students. Students from all kinds of disciplines may become civil servants or scholars, in which case they may have direct opportunities to initiate or influence human rights discourse and practices in their respective work settings. Furthermore, the surveyed Beida students overwhelmingly supported having an interdisciplinary study body because it invigorates class discussions, encourages students to acquire a more holistic view of human rights beyond narrow legal terms (many of them see human rights as naturally an interdisciplinary field), and can extend the impact of HRE beyond the legal sector.

A comparison between the Beida and CUPL programs suggests that in both cases, whether one teaches only law students or interdisciplinarily, what is needed are goal-based, rather than institution-based, measures tailored to local realities to sustain the preliminary impact and nurture, for the long term, the desire for reform and the will for action. As one critic cautioned, "Rather than considering the desired goals we are trying to achieve through the rule of law, and then determining what institutional, political, and cultural changes best achieve these ends, practitioners are tempted to move directly toward building institutions that look like those reformers know" (Belton 2005:18) In the case of RWI, it is already a step ahead of many donors by adopting a more strategic and direct approach toward its ultimate goal of contributing to increased respect for human rights in China (Woodman 2004). But in practice, with respect to the Beida program, it has focused on institution-building – i.e., institutionalizing HRE and research in university law faculties⁵² – without adequately analyzing, on both theoretical and empirical levels, how strengthening certain institutional attributes (e.g. ability to provide a postgraduate human rights program) actually contributes to its goal of producing human rights-minded professionals who can promote human rights in the Chinese context. Simply enhancing law schools' teaching capacity in human rights may be insufficient, and even wasteful, when students cannot, or do not acquire the skills to, take advantage of this knowledge in the current environment and soon lose their knowledge.

Knowledge and awareness are a first step; but they alone do not necessarily lead to action or implementation (de Goys et al. 2006). If RWI and Chinese human rights educators are serious and committed about achieving the objective of producing agents of change, they need to go beyond simply strengthening the teaching and research capacity of the institution delivering HRE toward a more holistic and ends-based strategy. To better realize the theoretical causality between education and social change, the Beida and CUPL programs need to impart knowledge as well as cultivate skills and adopt persistent measures to support student initiatives for human rights reform. As one American law professor noted

⁵² For example, RWI has tried to strengthen law schools and university human rights research centers by developing their human rights curriculum, disseminating teaching and research methodologies, boosting literature and teaching resources (e.g. textbooks), and promoting networking among human rights scholars (RWI 2008).

with regard to teaching law students in a way that inspires and supports them to engage in public interest work, “A comprehensive strategy that includes reforming the curriculum, career planning and placement services, and institutional culture has the potential to transform legal education to achieve real world results” (Wizner 2000:266). For illustrative purposes, the following section will briefly elaborate on what this holistic strategy might entail for the Beida program.

Policy recommendations

As described earlier, the Beida program is unique for being the only donor-funded specialized program of study in human rights for master’s-level Chinese students. It is also rather unique among the other HRE activities undertaken by the Nordic human rights institutes in China, which tend to target scholars and university teachers, or institutions such as law faculties and human rights research centers, rather than students directly. The following recommendations are thus specific to the Beida program (and do not consider RWI’s other HRE projects in China), but they may also be relevant for other similar university-based human rights or legal education programs in China or elsewhere, donor-funded or not, that aim to produce students to become agents of change. To fortify the linkage between education and wider social impact, a comprehensive strategy ranging from admissions, teaching and research methodologies, to activities extending beyond the traditional teaching activities of an educational institution is necessary. Sensitive to the incentives motivating students and largely building on homegrown Chinese initiatives, the following measures aim to more directly encourage students “to build into their careers a professional concern for and involvement in human rights problems” (Steiner 2002:322).

From the outset, the Beida program should adopt a strategic admissions policy oriented to maximize the goal of producing students who have a genuine, durable commitment to human rights and a strong interest in human rights-related careers. The program should admit students who have demonstrated a history of commitment to social justice or public interest, rather than those who have simply expressed an interest in doing so (i.e. active vs. passive interest).⁵³ For example, one Chinese professor recommended opening the Beida program to university teachers interested in teaching human rights, as they have already demonstrated a commitment to work in the human rights field (Interview with Prof. Z 2007). My interview with a Beida student who worked for numerous years before enrolling in the program suggests that students who have had solid prior working experience before returning to school are more likely to study human rights for strategic career reasons

⁵³ This is a strategy recommended by a recent study of black graduates from Harvard Law School (Desmond-Harris 2007). The study also recommends that admissions officers place more value on an applicant’s personal experience with discrimination or injustice in order to gauge the strength of a student’s commitment to social justice careers.

and are better motivated and positioned to take advantage of all the practical and networking opportunities RCHR can offer. For similar reasons another Beida student advocated admitting students with more independence and social experience rather than undergraduates. Elevating the quality of a program requires expanding the pool of applicants. Thus the Beida program should consider opening application to non-Beida students. For a program such as CUPL's, increasing publicity and actively recruiting an interdisciplinary student body are also important to increase the number of applicants.⁵⁴

Second, the Beida (and CUPL) programs need to be more aware of differing types of HRE pedagogy and, if their goal is to produce professionals who can initiate or implement human rights reform through various lines of work, adopt the pedagogical methods most aligned to contribute to this goal. Otherwise, students may walk away with little more than content knowledge (Tibbitts 2002:164). Beyond a solid knowledge of international human rights law, a more practice-oriented pedagogy is needed to inspire as well as endow students with the necessary skills and critical mindset to promote human rights in the Chinese context (this includes keeping in mind the political sensitivity of this topic in China and learning how to negotiate human rights amidst a contentious field of multiple discourses and ideologies (Rosenblum 2002)). As one Chinese professor noted, since Chinese students tend to be practically oriented nowadays, they are probably more interested in human rights in practice than in theory (Interview with Prof. B 2007).

Currently, Chinese human rights professors already employ some more practical pedagogies⁵⁵ that situate international human rights principles in the context of contemporary human rights problems in China, and they devote some time to examining different ways to improve human rights protection in China. One of Beida students' favorite courses is the Series Lecture on Human Rights,⁵⁶ which makes international human rights principles real and relevant to concrete local social problems. Moreover, to the credit of Beida's RCHR and RWI, almost all students commended RCHR's efforts in providing students access to a range of practical and extracurricular activities.

Nevertheless, almost all students recommended even more practical and interactive pedagogies to allow students to explore in greater depth not only human rights problems in China but also various ways to resolve them. Many students I surveyed seemed to believe in

⁵⁴ Although the CUPL program is already open to students from various disciplines and from outside of CUPL, no effort was taken to publicize the program beyond listing it in the university's program catalogue. Thus the CUPL program seems much less well known among students.

⁵⁵ In both Beida and CUPL classrooms, as reported by the students and observed by myself, in addition to traditional lecture, the professors used interactive teaching methods, including student discussions and presentations, group work, case studies, and mock hearings.

⁵⁶ The Series Lecture has invited a famous journalist to discuss peasant rights, an AIDS activist to discuss discrimination against people with HIV/AIDS, government officials/researchers to discuss the rights of women, children, and migrants, representatives from UN or international human rights treaty bodies, and professors in administrative, criminal, and labor laws to discuss the human rights dimensions in their respective fields. Depending on the guest speaker, this course has drawn large crowds, including non-program students.

the value of human rights but were at a loss as to how they could individually contribute to the cause in their own ways. Thus, more practice-oriented pedagogies, largely building on existing Chinese-initiated activities, can be used to expose students to human rights in reality and in practical application. Participatory and interactive teaching techniques are more likely to produce attitude or behavioral change than a pure lecturing approach (Tibbitts 2002:162).⁵⁷ These methods should not only allow students to personally experience the necessity of promoting human rights in China (be transformative), but they should also be empowering by nurturing problem-solving, advocacy, and lobbying skills that students can carry on and apply in their daily work, regardless of what they do, and in their communities.⁵⁸

In this sense, the Series Lecture is a promising starting point and can be enhanced by using it as a forum not only for practitioners to present their work and viewpoints, but also for students to actively and critically engage with them to explore issues of strategy and method.⁵⁹ Allowing students to interact with practitioners from different professions or work settings but who are all involved to some degree in human rights issues provides an excellent platform for students to explore how they can incorporate human rights perspectives into their future work or careers (whether or not they become lawyers, journalists, scholars, or otherwise).

Building on their existing relationships, professors can further introduce students to human rights application by coordinating collaborative projects between students and NPOs, international organizations, and government units,⁶⁰ which in fact some students have already taken the initiative to organize. Similarly, professors can more actively invite students to participate or help organize human rights conferences, workshops, or other projects in which they are involved. All of these practical activities can valuably contribute to a student's resume if he/she decides to apply to human rights-related internships and jobs.

Likewise, professors can integrate into the curriculum more class trips to places such as courthouses, prisons, police detention centers, domestic violence centers, NPOs, petition

⁵⁷ The UN also advocates participatory and interactive pedagogical approaches to HRE. *See, e.g., United Nations Decade for Human Rights Education (1995-2004): Guidelines for national plans of action for human rights education (A/52/469/Add.1)*, para. 19(d) (20 Oct 1997); *Revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education (A/59/525/Rev.1)*, Annex, para. 8(g) (2 Mar 2005).

⁵⁸ The UN envisions HRE as a transformative and empowering process by which people not only learn to respect the dignity of themselves and others, but they also acquire the means to ensure this respect in society (Oud 2006). According to the UN, HRE should be "relevant to the daily lives of learners, engaging them in a dialogue about ways and means of transforming human rights from the expression of abstract norms to the reality of their social, economic, cultural and political conditions. *See Revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education (A/59/525/Rev.1)*, Annex, para. 8(i) (2 Mar 2005).

⁵⁹ Peter Rosenblum at Harvard Law School's Human Rights Program discusses in concrete details teaching methods to allow students to critically examine the work of human rights advocates at the same time that they participate in various projects with NGOs and IGOs (Rosenblum 2002). Moreover, as Michael Dowdle suggests, donors should support "pragmatic strategies" that foster civil society-like fora or networks to encourage diverse domestic actors to study their own problems and share experiences. The resulting solutions are more embedded in the local environment and thus are much more effective at catalyzing environmental change (Dowdle 2000:77).

⁶⁰ For example, a 2003 evaluation of RWI's activities in China also recommended creating more cross-fertilization and common activities between the Beida program and RWI's human rights training activities with the Chinese procuratorate (Chang & Svensson 2005:19-20).

villages, and factories, where students could witness human rights problems and practices first-hand, for “[t]he only way to bring human rights alive in the imagination of students – especially those students from privileged backgrounds – is to talk about the realities” (Tibbitts 2006). These activities have already occurred, but more as a matter of individual student or professor initiative.⁶¹ Students unanimously wish for more such activities as a way to deepen their learning experience.⁶² As one student advocated, the program should encourage students to do more fieldwork instead of analyzing human rights problems from an ivory tower. Another student noted that it was through such field activities, as well as the Series Lecture, that she became more familiar with and thus interested in NGO work. Thus, such educational field trips and other types of field research should become more institutionalized and integrated into the curriculum (rather than being an optional, extracurricular activity).⁶³

Third, the incentives for making human rights into a career must be improved by expanding the job and internship opportunities of students interested in human rights-related work. Opening up the career possibilities of a human rights degree is key to attracting students to study human rights (Hurwitz 2003:525-26; Tibbitts 2006). Although RWI and RCHR are aware of this and have invested resources in this area, many interested Chinese students continue to experience difficulties in securing public interest positions. RCHR and RWI should maximize their relationships with both domestic and international organizations to further improve the students’ access to human rights-related jobs and internships. Enhanced access to international connections is where a foreign-funded program such as Beida’s has advantage over an entirely Chinese undertaking, such as the CUPL program. In addition to RWI’s international networks, the foreign VP can provide a significant career resource, as a well established foreign professor has typically built up many connections in both the public and private sectors across different countries.⁶⁴ Overall, the program’s practical component should not be sidelined or seen as an add-on. Practical activities are

⁶¹ In the program’s second year, certain students took the initiative of organizing a class trip to a petition village near Beijing. During my fieldwork, I joined in a factory visit led by the teacher of the course on Business and Human Rights, which was for the purpose of illustrating labor rights and CSR.

⁶² One student who attended a RCHR-organized visit to UNDP’s Beijing office enjoyed learning about how international organizations function, whereas another student preferred activities that more directly expose students to human rights problems.

⁶³ It should be noted, however, that the ability of Beida students to participate in such practical activities is constrained by time commitments to their primary degree of specialization and by their heavy course load from enrolling in two master’s-level programs. Thus, the current institutional set-up of the Beida program will need to be adjusted to allow student to be able to concentrate on human rights study and take advantage of all the activities and services the program can offer.

⁶⁴ For example, one of Beida’s foreign VPs capitalized on his connections to place several students with the CSR departments of several multinational corporations operating in China and elsewhere (Interview with VP2 2008). In contrast, although students in the CUPL program can attend open guest lectures by various foreign speakers, overall they have less opportunity to take advantage of the connections, resources, and mentoring a longer-term resident foreign professor could offer. Although hiring a foreign VP is rather costly, the VP can bring in international resources and comparative experience to the process of capacity-building, and he/she can introduce refreshingly new and different, and perhaps cutting edge, knowledge and perspectives of human rights to Chinese students and professors

critical to harness and channel the genuine, but somewhat passive, student interest in human rights-related work and to equip students with the practical skills and experience to pursue such work in real settings.

Fourth, in view of the crucial role human rights scholars increasingly play in influencing public debate and law- and policymaking, the Beida program could also consider strengthening its capacity to train future human rights scholars. According to an external evaluation, the Beida program has not adequately trained students in academic research, and many students reported being ill-prepared to write their graduating thesis (Anger & Bergling 2007). Some surveyed students also noted that the program's research aspect was not particularly high-level. One non-law student thought the courses were not sufficiently theoretical or in-depth to produce future leaders in the human rights field. So far only three students out of 62 have chosen to pursue academic careers in the field of human rights.⁶⁵

It is debatable whether or not a master's-level human rights program in China should be more research or practice-oriented, or pursue both. Ideally, HRE in China should offer students both possibilities depending on their interest, and Beida professors believed that the program should give equal weight to both research and practice. But given the early stage of HRE in China and the constraints in manpower and resources, it may be premature to demand that a postgraduate human rights program strengthen both practice and research components. Moreover, it is a question of strategy and the talents and preferences of individual universities and educators. Thus, I would simply like to point out that, in light of RCHR's advantageous access to foreign support and the fact that RWI is already supporting scholarly activities in China, it is worth considering bolstering the Beida program's research capacity and adding a research-oriented course or track for students and university teachers aspiring to human rights research and teaching. Overall, this would enhance Chinese ownership and research capacity as well as boost RCHR's reputation as a center of human rights research in China. Thus, if and when RWI and the other Nordic institutes withdraw from human rights teacher training activities in China, Beida will already have an institutional structure and resources in place not only to educate elite university students in human rights but also to train future generations of human rights scholars.

Finally, whereas the previous strategies aim to kindle student interest and improve student skills in human rights research and activism, the fifth strategy stresses the importance of following up and fostering a growing human rights community among current and former students, whether or not they choose to pursue a human rights-related career. Just as a community has been created among Chinese human rights scholars with the support of RWI and other Nordic human rights institutes, a community should be fostered

⁶⁵ One student has gone abroad to pursue an advanced degree in human rights because she believes China currently lacks the resources for advanced human rights study.

among students who have demonstrated a certain commitment to human rights by electing to study it. Studies have shown how supportive networks and subcultures of service and idealism play a crucial role in nurturing and maintaining students' public interest commitment (Desmond-Harris 2007). Building on the frequent exchange already occurring at the scholarly level, RCHR can create more exchange and cooperation activities at the student level with other Chinese universities with human rights courses or programs.⁶⁶

More importantly, after graduation, it is vital that RCHR actively create a more supportive environment for students who either engage in human rights-related work or, more likely, have an interest in supporting and promoting human rights but find themselves in work environments where such ideas or activities are not valued or encouraged. With some 20 new graduates every year, RCHR should strengthen its alumni network and organize more alumni activities, such as informative newsletters, outings or reunions, and inviting alumni to attend RCHR- or RWI-sponsored activities.⁶⁷ Investing more effort into fostering an alumni network is absolutely essential to sustain and support student interest in human rights and to build a community of Chinese professionals concerned with human rights.

CONCLUSION

This case study has sought to explore the connection between legal education and social change as advanced by LDM and now reflected in various donor-funded law and governance projects in China. By examining the impact of a master's-level HRE program in China from the perspectives of its intended beneficiaries, the students, the study sought to locate, at the micro level, sites of change and evaluate their potential to exert greater social impact in the context of local institutional settings and structural incentives. The empirical survey found that the program has managed to change many students' thinking, attitudes, and values such that they put on a human rights lens in analyzing problems, become more critical of the government, hold stronger beliefs about the equality of human beings, and feel a greater sense of social responsibility. It has even encouraged some students to consider working in a human rights-related field. Thus, education alone may very likely induce mental and even behavioral change in the short term, and it can also influence students' career choices.

The question this study cannot prematurely answer is – will elite Chinese students educated in human rights really follow through and make pro-human rights policy choices once they reach positions of influence? This is the belief and hope of RWI and the Chinese

⁶⁶ Such exchange could simply mean inviting students from the other university to participate in human rights-related activities (e.g. field trips, conferences, research projects, student debates), or, more formally, involve academic exchange (which requires universities to resolve credit recognition and other administrative issues).

⁶⁷ Currently, RCHR has no alumni program beyond periodically updating graduated students' contact information and work situation and occasionally notifying former students of human rights-related events and job/internship opportunities.

human rights professors, and the empirical evidence does indicate a potential for longer-term change. But to actualize this potential in an adverse environment where the promotion and application of human rights are largely perceived as at best irrelevant and at worst subversive, the foreign donor needs to go beyond boosting an educational institution's teaching capacity and pursue targeted, instrumental measures aligned to the ultimate ends sought to aid and sustain reformist impulses. A long-term, holistic program of strategies that is tightly related to its objective and tailored to local realities and incentives is necessary to maximize the long-term impact of producing human rights-minded professionals who have the commitment and skills to act, whether in their personal lives, their communities, or their work institutions, to promote human rights in a restricted environment such as China.

At a more general level, the results of this case study suggest that perhaps donor-funded law and governance projects have not been able to clearly demonstrate more substantial impact because they do not do what it takes to bring about the desired change. For other donors supporting educational programs in China, at a minimum, clarification of objectives, knowledge of and sensitivity to local context, long-term commitment, and a holistic view that organizes interventions according to the ends sought rather than institutional attributes to be reformed are essential if one wants to achieve fundamental change in the face of significant institutional obstacles. Naturally, much more careful empirical research is required to evaluate LDM's theory about law and social change. But this case study suggests that donors can bring about change by pursuing thoughtful, comprehensive strategies that more directly further their ultimate goals. The fault appears to lie not so much in LDM's assumptions, as in the manner donors have chosen to pursue law-related development cooperation.

ENCLOSURE 1: Interview Guide for Human Rights Students from Beida & CUPL

A. Basic Information

- Hometown
- Family background
- Field of study (undergrad and graduate)
- Membership in CCP
- Prior working experience

B. Why study human rights?

- How student learned of the HR program?
- Motivation in 1) wanting to study HR and 2) wanting to apply to the program
- General Chinese student interest in studying HR

C. Understanding of & attitude toward human rights

- What is HR? Importance of protecting HR? Who has responsibility to protect HR?
- Universal vs. relative
- Civil political vs. socioeconomic rights
- Opinion about foreign criticism of HR in China
- How has program changed student's knowledge/understanding of HR?
- How has program changed student's way of thinking, analysis, viewpoints, and behavior?
- Sense of social responsibility, interest in social justice issues
- Increase in discussing HR with friends or family?
- Opinion about best way to improve HR in China
- Purpose and importance of HRE (elite vs. popular approach)
- Role and reputation of the Chinese legal profession

D. Employment

- Current job or career plans
- Nature of job market, ability to pursue one's interest
- Types of pressure faced by young people today
- Has studying HR changed or affected student's career decisions? Has the program encouraged student to engage in HR-related work?
- Will student incorporate HR perspectives or practices in future jobs?
- Chinese employer demand for HR specialists
- Disadvantage to hold HR degree in terms of job search/career?
- Level of difficulty in finding HR-related jobs/internships
- Evaluate career advice/assistance from PULS/RWI or IHR
- Opinion about number of students who are or will be in positions to promote HR
- Opportunity to practically apply HR knowledge in workplace

E. Program Design

- Program strengths and weaknesses
- Master's degree vs. Research direction vs. Bachelor's degree
- Scholarship and study abroad opportunities
- Student diversity, class size, interdisciplinary nature, open to other universities?
- Expand program components/offering (extracurricular HR-related activities, inter-university exchange, interaction/networking between students and HR practitioners)
- Apply HR concepts through legal aid or *pufa* activities
- Alumni activities

F. Program Content

- Perspective used in teaching HR: idealistic vs. legalistic vs. practical/realistic
- Topics covered (esp. criminal procedure, labor law, administrative law, CSR, intellectual history of HR in China, role of NGOs)
- Application of IHRL in national/domestic context: local implementation, discussion of contemporary Chinese HR problems
- Teaching styles and methods
- Chinese professors vs. VP, English instruction
- Courses too abstract or theoretical?
- Practical pedagogies
- Favorite courses
- Thesis topic

ENCLOSURE 2: Questionnaire for Human Rights Students from Beida & CUPL*

*The questionnaire for CUPL is slightly modified from this standard version

Please provide as *thoughtful, complete, and comprehensive* answers as you can to the following questions. Please type your answers in Chinese after each question. If you do not understand a question, please state so and let me know. Thank you very much for your participation!!

A. Basic Information

1. Name:
2. Where did you grow up (hometown)? Is it a village, county, township, or city?
3. What are your parents' professions?
4. What is your undergraduate (bachelor's) major?
5. Are you a member of the Chinese Communist Party? Why or why not?

B. Why study human rights?

1. Why did you decide to study HR? When you decided to study HR, did you consider you might like to work in the field of HR or public interest in the future?
2. What motivated you to apply to the Beida HR program ("the Program")? What did you find attractive about the Program? What did you hope to get out of the Program?
3. How popular is the Program? Do many students, including those outside the law school, know of the Program?
4. In general, how many Chinese students do you think are interested in studying HR (just learning more about HR vs. studying HR in greater depth)?

C. Understanding of human rights

1. Why is it important to protect HR? Are HR primarily important to personal development or human progress? Or are HR primarily important to national development or modernization?
2. Are HR universal? Or do you think HR are/should be relative and vary according to different cultural backgrounds? For example, what is your opinion of the Asian Values debate?
3. Do you think a country's responsibility to protect HR should vary according to its level of development? In other words, should we apply the same international HR standard to measure the HR performance of China, the US, Sweden, or South Africa, because they all signed and ratified the same HR treaties? Or should these countries be bound by different HR obligations due to different levels of development?
4. Do you think certain HR are more important than other HR? For example? Are social/economic/cultural rights more important than civil/political rights, or vice versa?
5. What is your opinion of foreign criticisms of China's HR situation?
6. In your opinion, what is the best way to improve HR protection in China? In class, how much time was spent on discussing ways to improve HR protection in China?
7. Currently, in China, what role do lawyers play in protecting HR? and in social/political reform?

D. How has the Program influenced you?

1. Do you think the Beida Program has changed your understanding of HR? Examples?

2. Has studying HR changed the way you think, analyze, or view things? Have you become more independent or critical in thinking? Or would you say it is the university or graduate school experience, and not necessarily the Program, that affected your thinking?
3. Has studying HR changed your attitude or personal priorities? How? Did the Program increase your sense of social responsibility or duty to advance social justice or spread HR knowledge?
4. Has studying HR changed your behavior? The way you act or treat other people? Examples?
5. After studying HR, do you now discuss HR issues more often with friends or family?

E. Human rights education (HRE) in China

1. What is the purpose of HRE in China?
2. Currently, do you think it is more effective to educate the elite about HR or to educate the popular masses? (elite vs. mass/popular approach)
3. Which is more effective - educating university students or government officials about HR?

F. Employment

1. Did you have working experience (formal job, part-time, internship, or volunteer) before joining the Program? If yes, please describe the type of job and your work duties.
2. What are your career plans? If you have already graduated, what are you doing now?
3. Has studying HR influenced or changed your career decisions?
4. Do you feel the Program has encouraged students to engage in HR-related work? Has the Program encouraged *you* to consider working in or volunteering for NGOs (nongovernmental organizations)?
5. How easy/difficult is it to find internships or jobs related to HR (whether with NGOs, the government, law firms, or companies)?
6. Did you (try to) obtain or will you try to obtain a HR-related internship/job position through Beida's Research Center for Human Rights (RCHR)?
7. Do you think the RCHR or the Swedish sponsor, Raoul Wallenberg Institute (RWI), should provide more career assistance and advice to help students find HR-related jobs/internships? For example, if there is a specific career services advisor in charge of helping students to find HR-related internships/jobs in China and abroad, will you use such services?
8. In your current/future job, whatever you do, will you be able to apply your HR knowledge? Do you think you will incorporate HR perspectives or practices into your work? How?
9. In your opinion, how many students from your HR class can go on to engage in HR-related work or are in positions to promote HR through their work?

G. Program Design

1. Do you think the Program should become a formal master's degree program (instead of being a research direction)? Will more or less students apply to such a degree program? Will it be a disadvantage in job search to hold a HR degree?
2. Do you think that because the Program is not a master's degree program (only a research direction), students may not devote as much effort to the HR courses as their main master's degree courses (especially when there is a course or time conflict)?
3. Do you think the RCHR should organize more HR-related extracurricular activities that allow students to witness/experience HR in social practice (e.g. class trips to factories, NGOs, courthouses, police detention centers, domestic violence centers, petition village)? Why?

4. Do you think the RCHR should organize more exchange or networking activities between Beida students and HR scholars and students from other Chinese or foreign universities? Why?
5. Do you feel your HR classmates come from different places, both in terms of geographical origin and family/socioeconomic background?
6. Do you think it is good for the Program to admit students from non-law disciplines or from different study disciplines? Why?
7. Do you think the Program courses should be open to undergraduate Beida students or students from other Chinese universities? Why?
8. If you studied law, do you think it would be possible and a good idea for HR students to integrate HR concepts into *pufa* (普法) activities?
9. Do you think volunteering at legal aid centers can provide a beneficial and worthwhile experience for HR students to apply their HR knowledge to real cases? Is this an effective practical method to learn HR? Are graduate students too busy to work at legal aid centers?
10. If you have graduated, do you think the RCHR or RWI should organize more alumni activities (e.g. student reunions, periodic newsletters, inviting alumni to RCHR or RWI activities)?

H. Program Content

1. One can analyze HR from 3 perspectives—seeing HR as 1) an ideal, 2) in law and legal practice, or 3) in social practice/reality. To what extent were these different perspectives covered by the teachers or classroom discussions? Do you feel one perspective was particularly emphasized?
2. How do you rate the HR professors? Do you like their teaching styles? Do you think instead of lectures, they should use more practical and interactive learning methods, such as case studies, problem-solving assignments, student discussions, field research, etc.?
3. How important do you think it is to have a foreign visiting professor (VP) teach in the Program? Did the VP have a different teaching style? Did the VP know enough about Chinese conditions? What can/should the VP bring to the Program or to the students?
4. Do you think having a VP teaching some courses in English makes the Program very attractive to many students? If there was no VP, would fewer students apply to the Program?
5. Which were your favorite courses? Why?
6. Were the HR courses different from other courses you have taken at Beida? How would you describe the learning experience, both in and out of the classroom, for the HR Program?
7. Do you think the Program should devote more attention to or set up separate courses to study human rights issues in criminal law, administrative law, labor law, or business/corporate law?
8. Did the courses give you a good understanding of how international HR law applies within the Chinese context? Was enough attention paid to contemporary HR issues in China?
9. How much attention did the courses pay to the role of NGOs in HR protection?
10. Did the courses give you some understanding of the intellectual history of HR in China?
11. Overall, how would you rate the Program on a scale of 1 to 10? Any other strengths and weaknesses about the Program you would like to comment on?

APPENDIX A: Statistical information on the samples of student respondents

Beida

In addition to the 80 students who enrolled in the Beida program since 2004 (20 students per class per year), I include two students from the China University of Nationalities who, though not Beida students, audited and completed all the courses of the program from 2004-2005 and were thus awarded graduation certificates. I also include three Beida students I interviewed, two of whom are auditing the program and one was waitlisted for the 2007 program.

Since the program's inception, women made up more than one-half up to two-third of each class. There have been 4 students from ethnic minorities. As can be seen in the following table, law students occupy a slight majority of the total number of students enrolled, and the second largest group consists of students from the international relations master's program.

Table 1. Total Beida Human Rights Students 2004-2007 - Distribution by academic disciplines

Number	Academic major (master's)
46	Law
14	<i>Public international law</i>
11	<i>Jurist Master (法律硕士 - non-law undergraduate degree)</i>
5	<i>Economic law</i>
5	<i>Criminal law</i>
3	<i>Constitutional & administrative law</i>
3	<i>Civil law</i>
2	<i>Legal history</i>
1	<i>Environmental law</i>
1	<i>LLB</i>
1	<i>Unspecified</i>
11	International relations
6	Journalism
5	Management (business, information, or engineering)
4	Marxism
3	Education
3	Foreign language
2	Sociology
2	History
1	Psychology
1	Politics & administration
1	Information science

As for the 28 students I surveyed from Beida, 14 were interviewed in person, 10 completed questionnaires, and 4 were interviewed in a more informal, unstructured, and less intensive manner. Women (61%) and ethnic Hans (96%) made up the large majority of my sample, but this approximates the actual demographic composition of the classes. The students were relatively evenly spread out between the years, amounting to approximately one-quarter of each class for the first three years, but over one-half of the class from the current year (2007), which was expected, as I was able to reach more of them through in-class interaction.

Table 2. Surveyed Beida Students - Distribution by year, gender, and ethnicity

Class Year	Number	Gender		Ethnicity	
		<i>Female</i>	<i>Male</i>	<i>Han</i>	<i>Other</i>
2004	5	4	1	4	1
2005	6	1	5	6	0
2006	5	4	1	5	0
2007	12	8	4	12	0
<i>Total</i>	28	17	11	27	1

A slight majority of my surveyed sample studied law, followed by students studying international relations or politics.

Table 3. Surveyed Beida Students - Distribution by academic disciplines

Number	Academic major (master's)	Academic major (bachelor's)	Number
16	Law	Law	13
4	<i>Public international law</i>	International politics	3
3	<i>Jurist Master (法律硕士)</i>	International politics & English	2
3	<i>Criminal law</i>	International relations & arts	1
2	<i>Constitutional & administrative law</i>	International relations & economics	1
2	<i>Civil law</i>	Philosophy	1
1	<i>Economic law</i>	Journalism	1
1	<i>LLB</i>	Journalism & economics	1
5	International relations	Information management	1
2	History	Administrative management	1
1	Journalism	Korean	1
1	Information management	Social work	1
1	Foreign language	Advertising	1
1	Education		
1	Psychology		

The geographic origins of the surveyed Beida students are quite diverse. Many students come from the central provinces. The great majority of students come from small cities or county towns, with a couple coming from villages, and one from Beijing. As for their socioeconomic background, I used the professions of the students' parents as an indicator. Most students have parents who are civil servants, teachers, or workers with state-owned enterprises (SOEs). Some have parents in the medical profession, some parents work in the corporate or financial sector, and a few are described as peasants (*nongmin*).

Table 4. Surveyed Beida Students - Distribution by geographic origin

Number	Geographic origin
4	Jiangsu
3	Hunan
3	Anhui
2	Guizhou
2	Henan
2	Heilongjiang
2	Beijing
1	Liaoning
1	Shandong
1	Shanxi
1	Hubei
1	Sichuan
1	Yunnan
1	Zhejiang
1	Fujian
2	unknown

Based on the information kept by PULS and RWI and from talking with the students, the follow table shows that approximately a third of the 62 students who have graduated are pursuing advanced studies, with a couple in academia, whereas another third are evenly distributed among working for law firms, the government, and the private sector. Only two students are directly working with human rights issues in the public sector, and three students are either teaching or pursuing advanced studies in human rights.

Table 5. Graduated Beida Human Rights Students 2004-2006 - Distribution by profession

Number	Profession / Work Unit
22	Further studies (master's or PhD)
2	<i>Advanced studies in human rights field (one reportedly trying to start a human rights course in her university)</i>
8	Law firm (mostly corporate)
7	Government (ministry, committee, local government, court)
2	<i>Human rights-related (Chinese Ministry of Foreign Affairs, Dutch embassy)</i>
7	Private Sector (companies)
3	Media & communications (financial magazine, CCTV, financial news agency)
2	University teacher
1	<i>Teaching minority rights</i>
13	Unknown

CUPL

As for the 19 CUPL students who have enrolled in the human rights program since its inception three years ago, I surveyed a total of 11 students, eight through interviews, and three through questionnaires. Again, like the Beida students, most CUPL students studying human rights are female (64%) and of Han ethnicity (100%).

Table 6. Surveyed CUPL Students - Distribution by year and gender

Class	Number	Gender	
		<i>Female</i>	<i>Male</i>
First year	6	4	2
Second year	3	2	1
Third year	2	1	1
<i>Total</i>	11	7	4

Unlike the Beida students, the CUPL students all studied law as their undergraduate major. As their master's degree, all first-year students majored in human rights law, while almost all students from the second and third years majored in jurisprudence (legal theory) with a human rights research direction, though they essentially follow the same human rights courses.⁶⁸ One exception is a second-year student majoring in public international law but following a human rights research direction. Only one student has graduated (ahead of schedule), and he is working in the human rights division of the Ministry of Foreign Affairs.

⁶⁸ This is because CUPL's human rights program was originally created as a research direction under the jurisprudence master's degree and became a human rights master's degree only in the third year.

In terms of geographic origin, approximately half of the students come from the East coast (with Zhejiang dominant), while the rest come from the central and interior provinces. Thus compared to the Beida students I surveyed, a larger proportion of the CUPL students surveyed come from the East coast. As for the students' socioeconomic background, I do not have information from all the students about their parents' professions; but judging from the information I have, the CUPL students come from similar backgrounds as the Beida students.

Table 7. Surveyed CUPL Students - Distribution by geographic origin

Number	Geographic origin
4	Zhejiang
2	Shaanxi
1	Anhui
1	Gansu
1	Sichuan
1	Hebei
1	Tianjin

Summary Conclusions

Based on these statistics, some preliminary conclusions can be drawn about the demographics of students studying human rights in China. In terms of sex, women occupy a majority in almost every class year. In terms of academic field, the great majority are law students, followed by those studying international relations. In terms of geographic origin, there is a spread in geographic diversity, but most students come from the central and Eastern provinces, with very few from the far western provinces and autonomy regions. Students from major cities like Beijing, Shanghai, or Guangzhou as well as non-Han minorities consist of a very small percentage. In terms of socioeconomic background, most students appear to come from the "middle class" with parents working as civil servants, teachers, workers in SOEs, or in companies.

LIST OF INTERVIEWS

Interviews with donor representatives

Cecilie Figenschou Bakke, Director of the China Programme at the NCHR. Telephone interview (10 Jan 2008).

Joshua Bird & Tingting Chen, Acting Head and Programme Assistant at the RWI Field Office in Beijing. Recorded interview (25 Sept 2007).

Malin Oud, Head of RWI Field Office in Beijing. Recorded interview (25 Sept 2007).

Hatla Thelle, Senior Researcher and Project Manager for China at the DIHR. Email communications (6 and 10 Dec 2007).

Interviews with Chinese professors of human rights

Prof. A, professor at PULS RCHR. Notes taken during interview (28 Sept 2007).

Prof. B, professor at PULS RCHR. Recorded interview (13 Oct 2007).

Prof. C & D, professors at PULS RCHR. Recorded interview (19 Oct 2007).

Prof. X, professor at CUPL IHR. Recorded interview (21 Sept 2007).

Prof. Y, professor at CUPL IHR. Questionnaire (16 Nov 2007).

Prof. Z, professor at the Center for International Law Studies, Chinese Academy of Social Sciences (CASS). Notes taken during interview (30 Oct 2007).

Interviews with foreign visiting professors of human rights at PULS

VP1, Recorded interview (12 Oct 2007).

VP2, Telephone interview (11 Feb 2008).

BIBLIOGRAPHY

- Alford, William P. (2007) "Of Lawyers Lost and Found: Searching for legal professionalism in the People's Republic of China," in William P. Alford (ed.) *Raising the Bar: The Emerging Legal Profession in East Asia*. Cambridge: Harvard University Press, 287-310.
- Alfredsson, Gudmundur (1997) "A Few Practical Suggestions Concerning Human Rights and Development Co-operation," in Per Sevastik (ed.) *Legal Assistance to Developing Countries: Swedish Perspectives on the Rule of Law*. Stockholm: Norstedts Juridik, 81-105.
- Alkon, Cynthia (2002) "The Cookie Cutter Syndrome: Legal Reform Assistance Under Post-Communist Democratization Programs," *Journal of Dispute Resolution*, Vol. 2002, 327-65.
- Alvesson, M. & Sköldbberg, K. (2000) *Reflexive Methodology: New vistas for qualitative research*. London: Sage Publications.
- Andersen, Erik André & Sano, Hans-Otto (2006) *Human Rights Indicators at Programme and Project Level: Guidelines for Defining Indicators, Monitoring and Evaluation*. Copenhagen: Danish Institute for Human Rights.
- Andreopoulos, George (July 2002) "Human Rights Education and Training for Professionals," *International Review of Education*, Vol. 48, No. 3/4, Education and Human Rights, 239-49.
- Anger, Joakim & Bergling, Per (2007) "Review of Raoul Wallenberg Institute's Human Rights Capacity Building Programme in China (2004-2007)," Institute of Public Management.
- Bakke, Cecilie Figenschou, Bird, Joshua & Thelle, Hatla (June 2007) "The Nordic Institutes and Human Rights Education in China," unpublished manuscript on file with author.
- Bell, Daniel A. (2007) "Introduction: Reflections on Dialogues between Practitioners and Theorists of Human Rights," in Daniel A. Bell & Jean-Marc Coicaud (eds.) *Ethics in Action: the ethical challenges of international human rights nongovernmental organizations*. Cambridge: Cambridge University Press, 1-22.
- Belton, Rachel Kleinfeld (Jan 2005) "Competing Definitions of the Rule of Law: Implications for Practitioners," Carnegie Endowment for International Peace, Rule of Law Series, Carnegie Paper No. 55, available at <<http://www.carnegieendowment.org/files/CP55.Belton.FINAL.pdf>>.
- Bergling, Per (1999) *Legal Reform and Private Enterprise: The Vietnamese Experience*, Umeå Studies in Law No. 1/1999. Umeå: Umeå University.
- Burg, Elliot M. (1977) "Law and Development: A Review of the Literature & a Critique of 'Scholars in Self-Estrangement,'" *The American Journal of Comparative Law*, Vol. 25, No. 3, 492-530.
- Cai, Yongshun & Yang, Songcai (2006) "State Power and Unbalanced Legal Development in China," in Suisheng Zhao (ed.) *Debating Political Reform in China: Rule of Law vs. Democratization*. London: M.E. Sharpe, 164-79.
- Carothers, Thomas (1999) *Aiding Democracy Abroad: The Learning Curve*. Washington, DC: Carnegie Endowment for International Peace.
- Carothers, Thomas (Jan 2003) "Promoting the Rule of Law Abroad: The Problem of Knowledge," Carnegie Endowment for International Peace, Rule of Law Series, Working Paper No. 34, available at <<http://www.carnegieendowment.org/files/wp34.pdf>>.
- Chan, Alex (2002) "From Propaganda to Hegemony: *Jiaodian Fangtan* and China's Media Policy," *Journal of Contemporary China*, Vol. 11, No. 30, 35-51.
- Chan, Cheri Shun-ching (2004) "The *Falun Gong* in China: A Sociological Perspective," *The China Quarterly*, Vol. 179, 665-83.

Chang, Phyllis L. & Svensson, Marina (2005) "Review of Human Rights Capacity Building Programme in China, 2001-2003" *Report for Swedish International Development Cooperation Agency (Sida)*.

Clarke, Donald C. (2003) "Empirical Research into the Chinese Judicial System," in Erik G. Jensen & Thomas C. Heller (eds.) *Beyond Common Knowledge: Empirical Approaches to the Rule of Law*. Stanford: Stanford University Press, 164-92.

Cody, Edward (14 Mar 2004) "China Amends Constitution to Guarantee Human Rights," *The Washington Post*, available at <<http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&contentId=A57447-2004Mar14>>.

Davies, Rick (2002) "Monitoring and evaluating NGO achievements," in Vandana Desai & Robert B. Potter (eds.) *The Companion to Development Studies*. London: Hodder Arnold, 523-28.

De Burgh, Hugo (2003) "Kings without Crowns? The Re-Emergence of Investigative Journalism in China," *Media, Culture & Society*, Vol. 25, 801-20.

De Goys, Margareta, Nababan, Asmara, & Alffram, Henrik (2006) "Sida Support to the Raoul Wallenberg Institute Indonesia Programme 2004-2006," *Sida Evaluations* 06/33.

Desmond-Harris, Jenée (Spring 2007) "'Public Interest Drift' Revisited: Tracing the Sources of Social Change Commitment Among Black Harvard Law Students," *Hastings Race and Poverty Law Journal*, Vol. 4, 335-93.

Dowdle, Michael (2000) "Preserving Indigenous Paradigms in an Age of Globalization: Pragmatic Strategies for the Development of Clinical Legal Aid in China," *Fordham Journal of International Law*, Vol. 24, Symposium Issue, 56-83.

Esarey, Ashley (Feb 2006) "Speak No Evil: Mass Media Control in Contemporary China," *Freedom at Issue: A Freedom House Special Report*, available at <http://freedomhouse.org/uploads/special_report/33.pdf>.

Fu, Hualing & Cullen, Richard (Jan 2008) "*Weiquan* (Rights Protection) Lawyering in an Authoritarian State: Building a Culture of Public-interest Lawyering," *The China Journal*, Vol. 59, 111-28.

Hammergren, Linn (2003) "International Assistance to Latin American Justice Programs: Toward an Agenda for Reforming the Reformers," in Erik G. Jensen & Thomas C. Heller (eds.) *Beyond Common Knowledge: Empirical Approaches to the Rule of Law*. Stanford: Stanford University Press, 290-335.

Human Rights in China (HRIC) (2003) "Funding the Rule of Law and Civil Society," *China Rights Forum*, No. 3, 22-35.

HRIC (2008) "Protect Human Rights Lawyers, Establish a True Legal System," trans. by J. Latourelle, *China Rights Forum*, No. 1, 87-93.

Hurwitz, Deena R. (Summer 2003) "Lawyering for Justice and the Inevitability of International Human Rights Clinics," *Yale Journal of International Law*, Vol. 28, 505-50.

Jensen, Erik G. (2003) "The Rule of Law and Judicial Reform: The Political Economy of Diverse Institutional Patterns and Reformers' Responses," in Erik G. Jensen & Thomas C. Heller (eds.) *Beyond Common Knowledge: Empirical Approaches to the Rule of Law*. Stanford: Stanford University Press, 336-80.

Kaempfer, Ines (2006) "Human Rights in the Eyes of China's Student Elite," *China Rights Forum*, No. 3, 76-81.

Kvale, Steinar (1996) *InterViews: An introduction to qualitative research interviewing*. London: Sage Publications.

- Li, Xiaoping (2002) "Focus' and the Changes in the Chinese Television Industry," *Journal of Contemporary China*, Vol. 11, No. 30, 17-34.
- Liebman, Benjamin L. (2007) "Lawyers, Legal Aid, and Legitimacy in China" in William P. Alford (ed.) *Rising the Bar: The Emerging Legal Profession in East Asia*. Cambridge: Harvard University Press, 311-356.
- Lindsnæs, Birgit, Sano, Hans-Otto & Thelle, Hatla (2007) "Human Rights in Action: Supporting Human Rights Work in Authoritarian Countries," in Daniel A. Bell & Jean-Marc Coicaud (eds.) *Ethics in Action: the ethical challenges of international human rights nongovernmental organizations*. Cambridge: Cambridge University Press, 117-31.
- Mellbourn, Anders & Svensson, Marina (Feb 1999) "Swedish Human Rights Training in China: An Assessment," *Studies in Democracy and Human Rights - China*. Stockholm: Sida.
- Merryman, John Henry (1977) "Comparative Law and Social Change: On the Origins, Style, Decline & Revival of the Law and Development Movement," *The American Journal of Comparative Law*, Vol. 25, No. 3, 457-91.
- Michelson, Ethan (2006) "The Practice of Law as an Obstacle to Justice: Chinese Lawyers at Work," *Law & Society Review*, Vol. 40, No. 1, 1-38.
- Oakley, Paul (1999) *The Danish NGO Impact Study: A Review of Danish NGO Activities in Developing Countries, Synthesis Report*. Oxford: International NGO Training and Research Centre.
- O'Brien, Kevin & Li, Lianjiang (2006) *Rightful Resistance in Rural China*. Cambridge: Cambridge University Press.
- Oud, Malin (2006) "Creative Tensions and the Legitimacy of Human Rights Education - A Discussion on Moral, Legal and Human Rights Education in China," *Journal of Social Science Education*, Vol. 1, available at <http://www.jsse.org/2006-1/oud_china.htm>.
- Peerenboom, Randall (2002) *China's Long March toward Rule of Law*. New York: Cambridge University Press.
- Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) (2005a) *Human Rights Capacity Building Programme in China 2004-2007: Funding Proposal*.
- RWI (2005b) *Human Rights Capacity Building Programme in China: Plan of Operations January-December 2005*.
- RWI (2006) *Human Rights Capacity Building Programme in China: Plan of Operation January-December 2006*.
- RWI (2007) *Human Rights Capacity Building Programme in China: Plan of Operation January-December 2007*.
- RWI (2008) *Human Rights Capacity Development Programme in China 2008-2010*.
- Rose, Carol V. (1998) "The 'New' Law and Development Movement in the Post-Cold War Era: A Vietnam Case Study," *Law & Society Review*, Vol. 32, No. 1, 93-140.
- Rosenblum, Peter (Spring 2002) "Teaching Human Rights: Ambivalent Activism, Multiple Discourses, and Lingering Dilemmas," *Harvard Human Rights Journal*, Vol. 15, 301-15.
- Saich, Tony (2004) *Governance and Politics of China*. 2nd ed. New York: Palgrave MacMillan.
- Sevastik, Per (1997) "The Rule of Law and Swedish Development Assistance," in Per Sevastik (ed.) *Legal Assistance to Developing Countries: Swedish Perspectives on the Rule of Law*. Stockholm: Norstedts Juridik, 17-31.

- Steiner, Henry J. (1971) "Legal Education and Socio-Economic Change: Brazilian Perspectives," *The American Journal of Comparative Law*, Vol. 19, No. 1, 39-90.
- Steiner, Henry J. (Spring 2002) "The University's Critical Role in the Human Rights Movement," *Harvard Human Rights Journal*, Vol. 15, 317-28.
- Stephenson, Matthew C. (Fall 2000) "A Trojan Horse Behind Chinese Walls? Problems and Prospects of U.S.-Sponsored 'Rule of Law' Reform Projects in the People's Republic of China," *UCLA Pacific Basin Law Journal*, Vol. 18, 64-96.
- Sun, Shiyan (2006) "Human Rights Education and Research in China: The Contribution of the Raoul Wallenberg Institute," in Jonas Grimheden & Rolf Ring (eds.) *Human Rights Law: From Dissemination to Application - Essays in Honour of Göran Melander*. Leiden: Martinus Nijhoff Publishers, 57-83.
- Svensson, Marina (2002) *Debating Human Rights in China: A Conceptual and Political History*. Oxford: Rowman & Littlefield Publishers.
- Swedish Embassy in Beijing (May 2007) *Sida Country Report 2006: China*. Stockholm: Sida, available at <<http://www.sida.se/publications>>.
- Swedish Ministry of Foreign Affairs (SMoFA) (2006) *Country Strategy for Development Cooperation with The People's Republic of China, January 2006-December 2010*.
- Tibbitts, Felisa (July 2002) "Understanding What We Do: Emerging Models for Human Rights Education," *International Review of Education*, Vol. 48, No. 3/4, 159-71.
- Tibbitts, Felisa (16 Nov 2006) "Universities and Human Rights Education: Mapping Growth and Opportunities Worldwide," Presentation at the Norwegian Centre for Human Rights, available at <<http://www.hrea.org/tibbitts1106.html>>.
- Trubek, David M. (2006) "The 'Rule of Law' in Development Assistance: Past, Present, and Future," in David M. Trubek & Alvaro Santos (eds.) *The New Law and Economic Development: A Critical Appraisal*. Cambridge: Cambridge University Press, 74-94.
- Trubek, David M. & Galanter, Marc (1974) "Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States," *Wisconsin Law Review*, Vol. 1974, 1062-1102.
- Trubek, David M. & Santos, Alvaro (2006) "Introduction: The Third Moment in Law and Development Theory and the Emergence of a New Critical Practice," in David M. Trubek & Alvaro Santos (eds.) *The New Law and Economic Development: A Critical Appraisal*. Cambridge: Cambridge University Press, 1-18.
- Wizner, Stephen (Summer 2000) "Can Law Schools Teach Students to Do Good? Legal Education and the Future of Legal Services for the Poor," *New York City Law Review*, Vol. 3, 259-66.
- Woodman, Sophia (Jan-Feb 2004) "Bilateral Aid to Improve Human Rights: Donors need to adopt a more coherent and thoughtful strategy," *China Perspectives*, No. 51, 28-49.
- Woodman, Sophia (2007) "Driving without a Map: Implementing Legal Projects in China Aimed at Improving Human Rights," in Daniel A. Bell & Jean-Marc Coicaud (eds.) *Ethics in Action: the ethical challenges of international human rights nongovernmental organizations*. Cambridge: Cambridge University Press, 132-50.
- Wortham, Leah (Spring 2006) "Aiding Clinical Education Abroad: What can be gained and the learning curve on how to do so effectively," *Clinical Law Review*, Vol. 12, 615-83.
- Wu, Edward (2002) "Human Rights: China's Historical Perspectives in Context," *Journal of the History of International Law*, Vol. 4, 335-373.

Yu, Jianrong (2005) "Social Conflict in Rural China Today: Observations and Analysis on Farmers' Struggles to Safeguard Their Rights," *Social Sciences in China*, 125-36.

Zhao, Yuezhi (2004) "The State, the Market, and Media Control in China," in Pradip Thomas & Zahoram Nain (eds.) *Who Owns the Media: Global Trends and Local Resistance*. London: Zed Books, 179-212.

UN Documents

Revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education (A/59/525/Rev.1), Annex (2 Mar 2005).

United Nations Decade for Human Rights Education (1995-2004): Guidelines for national plans of action for human rights education (A/52/469/Add.1) (20 Oct 1997).