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I. INTRODUCTION ..................................................................................115
   A. Swedish Law-Related Development Cooperation with China in Context ..........................................................................................115
   B. Certain Assumptions Guiding Swedish Development Cooperation with China .......................................................................................118
   C. Research Problem, Purpose, and Questions ..........................................................................................................................122
II. THEORETICAL FRAMEWORK ..................................................................124
   A. Law and Development’s Conception of Legal Education and Social Change .........................................................................................124
   B. Situating the Beida Program in the Revived Law and Development Movement ...............................................................................................129
III. METHODOLOGY ..................................................................................130
   A. Evaluating Impact ..................................................................................130
   B. Design, Selection, and Method ..................................................................131
IV. EMPIRICAL RESULTS ON IMPACT ..........................................................132
   A. Framework of Collection and Analysis .......................................................132
   B. Mental Impact ..................................................................................................133
   C. Behavioral Impact ..........................................................................................136
   D. Career Impact ...............................................................................................138
       1. Student Interest and Motivations ..............................................................138
       2. The Job Market and Career Prospects ......................................................142
       3. Where Are the Students Working? ............................................................145
   E. Institutional Impact ........................................................................................145
V. ANALYSIS ..............................................................................................150
   A. What Does the Empirical Evidence Suggest About LDM’s Theory of Change? ...............................................................................................150
   B. Policy Recommendations ............................................................................155
VI. CONCLUSION ........................................................................................161
VII. APPENDIX A ........................................................................................163

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I. INTRODUCTION

A. Swedish Law-Related Development Cooperation with China in Context

The end of the Cold War led to a resurgence of law-related development projects\(^1\) funded by diverse international donors\(^2\) in so-called developing and transition countries. Today, these law and governance projects amount to billions of dollars and are driven by 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.\(^3\)

In China, donors have similarly moved in with law and governance projects 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 the early 1990s, in the wake of the harsh Chinese official crackdown on the 1989 student democracy movement and the ensuing storm of international criticism, the Chinese government recognized the value of proactively developing a distinctive position on human rights that could counter Western critique. Accordingly, it began endorsing domestic research on human rights with the aim of elaborating a more sophisticated theoretical response to justify China’s human rights policies and

\(^1\) Variously termed 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.

\(^2\) These international donors include bilateral and multilateral development agencies, intergovernmental organizations (“IGOs”), private foundations, and nongovernmental organizations (“NGOs”).

protect national interests.\textsuperscript{4} At the same time, it lobbied intensively for bilateral dialogue in order to shore up its international image.\textsuperscript{5} 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 policy shift contrasted with the previously more critical and confrontational strategy of public censure through the multilateral mechanisms of the United Nations ("U.N.") 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."\textsuperscript{6} These projects typically involve study tours, input by international experts, joint research on legal reform issues, training of legal professionals, technical assistance in lawmaking, and criminal justice reform.\textsuperscript{7}


\textsuperscript{6} Woodman, supra note 3.

\textsuperscript{7} See Woodman, supra note 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 U.S., 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 U.N. 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 RAOUl WALLENBERG INSTITUTE OF
Swedish development cooperation has long emphasized the promotion of democracy and human rights. Following the visit of a Swedish human rights delegation to China in 1994, Sweden and China signed a memorandum of understanding on cooperation in the field of human rights in 1996, at the initiative of the Chinese Ministry of Foreign Affairs. 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. RWI 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 activities in China at primarily public authorities and academic institutions. Since 2000, it has focused on cooperating with Chinese law faculties and the procuratorate.

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. 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 several projects. Their common activities include training and building a network of Chinese university teachers in international human rights law, providing

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8 See Per Sevastik, The Rule of Law and Swedish Development Assistance, in LEGAL ASSISTANCE TO DEVELOPING COUNTRIES: SWEDISH PERSPECTIVES ON THE RULE OF LAW 17 (Per Sevastik ed., 1997). 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. See SWEDISH MINISTRY OF FOREIGN AFFAIRS, COUNTRY STRATEGY FOR DEVELOPMENT COOPERATION WITH THE PEOPLE’S REPUBLIC OF CHINA, JANUARY 2006-DECEMBER 2010 10 (2006) [hereinafter SWED, COUNTRY STRATEGY FOR CHINA].


10 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. See Cecilie Figenschou Bakke et al., The Nordic Institutes and Human Rights Education in China 3-5 (June 2007) (unpublished manuscript, on file with author).

11 See Woodman, supra note 3.
institutional support to teachers wishing to open human rights courses, production and translation of human rights literature, research cooperation, and academic exchange. 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.”

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. 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.

B. 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, 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. The belief is that

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12 See Bakke et al., supra note 10, at 10-11.

13 Id. at 1; accord Birgit Lindseth et al., Human Rights in Action: Supporting Human Rights Work in Authoritarian Countries, in ETHICS IN ACTION: THE ETHICAL CHALLENGES OF INTERNATIONAL HUMAN RIGHTS NONGOVERNMENTAL ORGANIZATIONS 117 (Daniel A. Bell & Jean-Marc Coicaud eds., 2007) (explaining DIHR’s strategy and working philosophy for promoting human rights in authoritarian countries such as China).


15 See RWI 2008, supra note 7, at 29.

16 Telephone Interview with Cecilie Figenschou Bakke, Director of China Programme, Norwegian Centre for Human Rights (Jan. 10, 2008) [hereinafter Telephone Interview with Bakke].

17 See SWED. COUNTRY STRATEGY FOR CHINA, supra note 8, at 2. See also Interview with Malin Oud, Head of RWI Field Office in Beijing, RWI, in Beijing,
long-term engagement with key actors in feasible areas within the field of human rights and legal development “will achieve gradual improvements in . . . human rights and the democratization process.”\(^\text{18}\) 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.”\(^\text{19}\)

An example of RWI’s long-term institutional approach is its ground-breaking support of the Beida program, a three-semester research direction in human rights offered by Peking University Law School (“PULS”). Launched in 2004 and managed by PULS’s Research Center for Human Rights (“RCHR”),\(^\text{20}\) the Beida program is organized under PULS’s master’s program in international law but is open to all master’s students at Peking University (“Beida”), a top university in China. It is the first systematic postgraduate program on human rights in China.\(^\text{21}\) The master’s program model was pursued as a result of a combination of donor competence,\(^\text{22}\) interest from Chinese...
professors, and bureaucratic realities of the Chinese higher education system. 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.

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.” 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,” in short, for the greater benefit of Chinese society.

According to RWI’s Beijing staff, RWI operates under the belief that there is a causal connection between education and social

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23 Because approval of an independent 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 Professors C & D, Professors in Human Rights, Peking University Law School, in Beijing, P.R.C. (Oct. 19, 2007) [hereinafter Interview with Prof. C & D]; Interview with Professor B, Professor in Human Rights, Peking University Law School, in Beijing, P.R.C. (Oct. 13, 2007) [hereinafter Interview with Prof. B] (the professors’ names are kept anonymous in order to protect confidentiality within a small circle of individuals with potentially competing interests); and Interview with Joshua Bird, Acting Head of RWI Field Office in Beijing, and Tingting Chen, Programme Assistant of RWI Field Office in Beijing, RWI, in Beijing, P.R.C. (Sept. 25, 2007) [hereinafter Interview with Bird & Chen].

24 RWI 2008, supra note 7, at 29.

25 Research Center for Human Rights at Peking University Law School, A Brief Introduction to the Human Rights Master Program, http://www.hrol.org/hrmp/english.php (last visited Nov. 29, 2008). 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.” Id.


27 Interview with Bird & Chen, supra note 23.
change, i.e., between HRE and improvement in the protection of human rights in a given society.\(^{28}\) This belief is based not so much on theory as on faith and hope, and substantiated by informal discussions with human rights students and backed by international law.\(^{29}\) 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, since many of these elite students will likely go on to occupy positions of power in Chinese government or society, the belief and hope is that they can become a force for human rights reform at a higher level by influencing policy. The students need not necessarily become human rights activists in the classic sense of NGO work. Rather, 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 future work and decisions will be influenced by human rights considerations. Thus, directly or indirectly, students who have studied human rights will help improve the human rights situation in China. In fact, a number of Beida graduates have already become cooperation partners for RWI in the HRE field.\(^{30}\) This process of reasoning is shared by several leading Chinese professors of human rights.\(^{31}\)

Both RWI and the Chinese professors agree that this process of


\(^{30}\) Interview with Oud, supra note 17; Interview with Bird & Chen, supra note 23.

\(^{31}\) See Interview with Prof. B and Interview with Prof. C & D, supra note 23. See also Interview with Professor X, Professor in Human Rights, China University of Political Science and Law, in Beijing, P.R.C. (Sept. 21, 2007) [hereinafter Interview with Prof. X]; Questionnaire from Professor Y, Professor in Human Rights, China University of Political Science and Law (Nov. 16, 2007) [hereinafter Questionnaire from Prof. Y].
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. 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.

C. Research Problem, Purpose, and Questions

Many observers would probably agree that there was value in supporting a leading Chinese law faculty to pioneer a master’s-level program in human rights, for it crucially demonstrated that the programmatic study of human rights was legitimate and feasible in China. Simply realizing such a program was a major accomplishment in a restricted environment such as China, where human rights remain mostly a state-controlled academic endeavor. However, 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. Is the 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 most effective strategy to pursue HRE and thereby promote human rights in China, this paper uses the Beida program as a case study to explore the on-the-ground impact of donor-funded legal education projects from the often-overlooked perspective of the students. The study 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

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32 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 or international organization, or consulting on public sector reform. See infra, note 109. Throughout this study, “human rights-related work” and “public interest work” are used interchangeably.

33 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. Telephone Interview with Bakke, supra note 16. 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 Professor Z, Professor in Human Rights, Center for International Law Studies, Chinese Academy of Social Sciences, in Beijing, P.R.C. (Oct. 30, 2007) [Interview with Prof. Z].
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? This study also evaluates whether RWI’s belief in change is 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.

To better gauge impact, the study also seeks to shed light on the empirical context of the Beida student beneficiaries. In particular, the fieldwork sought to assess the students’ motivations and incentives in studying human rights and their career prospects after graduation. The study also examines the teaching methods and perspectives emphasized by the program’s teachers and the measures taken to encourage students to work in the human rights field. In evaluating the program, the students were asked to suggest areas where the program could improve. All of these findings could indicate ways to enhance the Beida program’s intended impact.

For comparative purposes, the study also examines 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 university in China, but funded by Chinese sources without foreign support (“the CUPL program”).34

Much has been written about the impact and effectiveness (or lack thereof) of donor interventions in the law and governance sector. This study chooses to focus on the impact of the Swedish approach in China in the human rights sector for chiefly two reasons. First, compared to other donors in China who tend to pursue diverse programs under the catch-all rubric of “rule of law,” Sweden is one of the few donors with a more direct, discrete, and clearly defined strategy to promote human rights in China. Thus, this study can assess the effectiveness of the Swedish strategy to influence and work through key actors to achieve change. Second, little empirical study has been conducted to measure the impact of HRE on the students’ knowledge, attitudes, or involvement in human rights activities, whether in their adult careers or as volunteers.35 Likewise, little research has been done regarding the implementation of HRE, especially at the university level, in terms of program design, selection of target groups, pedagogy, and the link between HRE and social

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

By evaluating the impact of a HRE program, this 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.

II. THEORETICAL FRAMEWORK

A. Law and Development’s Conception of Legal Education and Social Change

The Beida program’s, as well as the CUPL program’s, underlying assumptions about the connection between education and social change 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 primarily in the U.S. to use law as a tool toward economic development in so-called developing countries starting in the 1960s. 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. 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,


37 See Trubek, supra note 3, at 75.

evolutionary terms with all countries converging on the model of the industrialized Western democracies.\textsuperscript{39} LDM was infused with a confidence in progress characteristic of the postwar years, and its practitioners believed that progress could be achieved through legal reform.\textsuperscript{40}

To orient countries on the path to economic development and “modernity,” LDM believed that “modern” laws and institutions were needed to help the state to regulate economic life and create an efficient bureaucracy. Likewise, a strengthened legal profession consisting of public-spirited “development lawyers” was needed to operate and guide this enterprise.\textsuperscript{41} It was assumed that reforms in the economic and legal spheres would eventually spill over to foster democracy and human rights.\textsuperscript{42} To overhaul the legal sector, LDM prioritized reforming legal education out of a belief that changing the legal culture was the most effective way to bring about change in all other legal institutions.\textsuperscript{43} Thus, LDM practitioners targeted law schools and legal elites, hoping to nurture a new generation of pragmatic, instrumentalist, policy-oriented lawyers who could socially 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.\textsuperscript{44}


\textsuperscript{42} See Trubek, \textit{supra} note 3, at 77.

\textsuperscript{43} See \textit{id}.

\textsuperscript{44} Henry J. Steiner, \textit{Legal Education and Socio-Economic Change: Brazilian Perspectives}, 19 AM. J. COMP. L. 39, 86-87 (1971).
LDM practitioners, however, 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. 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. Practitioners began questioning the intellectual basis of the whole endeavor. LDM was accused of being naïve, ethnocentric, and imperialistic, of trying to impose a peculiarly American view of law on other cultures, and of mechanically transplanting legal institutions without attention to local context. By the late 1970s, donors had withdrawn from LDM projects.

In the 1990s, however, the end of the Cold War, the opening up of the global economy, and the rise of the international human rights movement converged to revitalize interest in the role of law in development. LDM made a big comeback in the form of development aid to promote “the rule of law,” which came to be seen as an essential element bridging neo-liberal economic reform, democratic governance, and the protection of human rights.

The new wave of rule of law projects differs from LDM in some respects. In addition to promoting a different model of economic development, donors and recipient countries seem to operate on a more level playing field. Nevertheless, in many respects the new rule of law enterprise seems not to have learned from the mistakes of LDM

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45 See id. at 87-88.
46 See Trubek, supra note 3, at 78-79.
47 See Trubek & Galanter, supra note 38 at 1080-82, 1091-92; see also Merryman, supra note 40, at 466, and Rose, supra note 14, at 122-24. 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, supra note 43, at 483.
48 See Rose, supra note 14, at 125; RANDALL PEELENBOOM, CHINA’S LONG MARCH TOWARD RULE OF LAW 151 (2002).
49 See Trubek, supra note 3, at 84-85.
50 See Trubek & Santos, supra note 38.
51 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. See Rose, supra note 14, at 126-28. In this environment, recipient governments have increased political leverage and are also more skeptical about Western models. See id. at 126. In addition, donors now appear more sophisticated and 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. See Trubek & Santos, supra note 38; Peerenboom, supra note 48, at 151-52.
and continues to proceed on similar assumptions lacking theoretical foundation. 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. 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 across institutions that is tailored to local circumstances. 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.”

Moreover, the numerous projects on exchange, training, and education of legal actors seem to be motivated 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. 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. This change will presumably in turn influence the entire legal system and then inevitably seep into the political system, ultimately leading to a host of broader desired reforms, such as improved human rights protection, more independent judiciary, equality before the law, and legal restraints on state power. But this “Trojan Horse” mentality


53 See Carothers, supra note 3, at 8; see also THOMAS CAROTHERS, AIDING DEMOCRACY ABROAD: THE LEARNING CURVE 86 (1999).

54 See Rachel Kleinfeld Belton, Competing Definitions of the Rule of Law: Implications for Practitioners, (Carnegie Endowment for International Peace, Carnegie Paper No. 55, 2005), available at http://www.carnegieendowment.org/files/CP55.Belton.FINAL.pdf. 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. See id. at 10.

55 Id. at 8.


57 For example, it is presumed that American-style legal education can encourage students to critically analyze the relationship between law and policy and learn how law can be used to serve greater social ends.

rests on dubious assumptions of causality, and the actual mechanism of change is poorly understood. 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.

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 premise of these law and governance projects, and the relationship between law and development. Just as LDM practitioners were driven by an intellectual style that was action-oriented and biased against theory, current rule of law promoters feel the pressure to act and deliver results rather than spend time and money on analysis.

But rather than rejecting wholesale law-related development cooperation in the face of these difficulties (as LDM practitioners did), some current scholars and practitioners call for moving beyond critique of orthodoxy, accusations of ethnocentrism, and tearing down LDM in favor of reconstruction. What is needed is to build up the knowledge base and do the due diligence so that practitioners can better assess the most effective strategies. In this undertaking, conversation between academic theorists and practitioners will prove beneficial in forging an

59 See id. at 81; see also Carothers, supra note 3, at 8-11.
60 See Stephenson, supra note 58, at 88; Alkon, supra note 56. 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, supra note 3, at 10.

62 See Merryman, supra note 40, at 474-75.
64 See Bilder & Tamanaha, supra note 39, at 483-86; Trubek, supra note 3, at 93-94.
65 See Wortham, supra note 63, at 682; Woodman, supra note 61, at 146; Jensen, supra note 61, at 362.
analytical framework that is both theoretically and empirically grounded as well as sensitive to the constraints on development practitioners.\textsuperscript{66}

B. \textit{Situating the Beida Program in the Revived Law and Development Movement}

This 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.\textsuperscript{67} Neither the Beida nor CUPL program is a general program of legal education as traditionally targeted by LDM practitioners, as both programs are specialized, advanced studies in the normative field of international human rights law,\textsuperscript{68} and in the case of the Beida program, enrolled students 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,”\textsuperscript{69} both the Beida and CUPL programs are based on the belief 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, an authoritarian one-party state.\textsuperscript{70} In particular, most Chinese lawyers are neither powerful nor well respected, and are driven by material incentives.\textsuperscript{71} The few lawyers who dare to advocate human rights face

\textsuperscript{66} See Daniel A. Bell, \textit{Introduction: Reflections on Dialogues between Practitioners and Theorists of Human Rights}, in \textit{ETHICS IN ACTION: THE ETHICAL CHALLENGES OF INTERNATIONAL HUMAN RIGHTS NONGOVERNMENTAL ORGANIZATIONS} 1, 2 (Daniel A. Bell & Jean-Marc Coicaud eds., 2007); see also Carothers, \textit{supra} note 3, at 13-14.

\textsuperscript{67} Mindful of LDM’s failure to reform law schools, donors have mostly shied away from legal education projects because these projects require sustained, costly funding and do not produce direct, clear impact in the short term. See Jensen, \textit{supra} note 61, at 359; CAROTHERS, \textit{supra} note 53, at 167-69; Linn Hammargren, \textit{International Assistance to Latin American Justice Programs: Toward an Agenda for Reforming the Reformers}, in \textit{BEYOND COMMON KNOWLEDGE: EMPIRICAL APPROACHES TO THE RULE OF LAW} 290, 298 (Erik G. Jensen & Thomas C. Heller eds., 2003).

\textsuperscript{68} Thus, the Beida program is not at risk of being accused of furthering authoritarian ends, unlike earlier LDM projects that targeted general legal education and trained future lawyers in legal instrumentalism without giving them a normative grounding in human rights.

\textsuperscript{69} Trubek & Galanter, \textit{supra} note 38, at 1079.

\textsuperscript{70} See Peerenboom, \textit{supra} note 48, at 201, 207.

\textsuperscript{71} See Alford, \textit{supra} note 61; see also Ethan Michelson, \textit{The Practice of Law
official harassment and imprisonment.\textsuperscript{72} As an external evaluation noted, 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 rights, even though human rights violations primarily result from more systemic failures.\textsuperscript{73}

By examining empirical data regarding the impact of the Beida program on the students—the intended agents of change—this study 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.

\section*{III. Methodology}

\subsection*{A. Evaluating Impact}

Impact can be defined as the intended and unintended as well as positive and negative changes and outcomes brought about by a development intervention.\textsuperscript{74} 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.\textsuperscript{75} It is often 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. 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 pales in light of the magnitude and complexity of the problems to be addressed.\textsuperscript{76} Nevertheless, one accepted method of evaluating impact is participatory impact as an Obstacle to Justice: Chinese Lawyers at Work, 40 \textit{Law & Soc’y Rev.} 1 (2006).


\textsuperscript{73} Mellbourn & Svensson, \textit{supra} note 9, at 2.


\textsuperscript{75} See OAKLEY, \textit{supra} note 74; see also Rick Davies, \textit{Monitoring and Evaluating NGO Achievements, in The Companion to Development Studies} 523 (Vandana Desai \& Robert B. Potter eds., 2002).

\textsuperscript{76} See ANDERSEN \& SANO, \textit{supra} note 74; see also MARGARETA DE GOYS ET AL., SIDA SUPPORT TO THE RAOUl WALLENBERG INSTITUTE INDONESIA PROGRAMME 2004-2006 8 (Swedish International Development Cooperation Agency, Sida Evaluations 06/33, 2006).
assessment, which seeks to obtain the views of all stakeholders in a project regarding how a project has affected them.\textsuperscript{77}

B. 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 contribute to a more balanced picture of the study as the other stakeholders to the programs.

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. The study concentrates 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.

To capture such subjective and interpreted data reflecting personal opinions, motivations, and attitudes, this study relied on in-person interviews as the primary method of data collection. Interviews were conducted with both current and former students of the Beida and CUPL programs, staff members of RWI’s Beijing office, and several Chinese and foreign professors of human rights at Beida, CUPL, and

\textsuperscript{77} See ANDERSEN & SANO, supra note 74, at 24.
the Chinese Academy of Social Sciences. The interviews were semi-structured, mostly one-on-one, and generally lasted two to two-and-a-half hours. Questionnaires and telephone interviews were also used to reach additional subjects. To acquire a better understanding of the context in which the students studied human rights, the interviews were supplemented by month-long participatory observation in both Beida and CUPL classrooms. Finally, various primary documentation as well as three external evaluations about the Beida program were reviewed.

Overall, fifty-three people were surveyed: twenty-eight Beida students (out of eighty-four), eleven CUPL students (out of nineteen), nine professors teaching human rights in China (two of whom are foreign), and five staff members from the three Nordic human rights institutes. The survey results were based on thirty-five in-person interviews, two telephone interviews, and sixteen written questionnaires. 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.

IV. EMPIRICAL RESULTS ON IMPACT

A. 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 foster 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,

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78 The interviews and questionnaires were conducted between September 2007 and February 2008.

79 See infra Appendix A (providing statistical information about the surveyed students).
of what I would characterize, for ease of reference, as mental, behavioral, career, and institutional impact.

B. 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] 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 causing change in a subtle or subconscious manner [qianyimuohua effect].

In terms of knowledge, almost all students claimed that they had a vague and emotive understanding [ganxing] 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.

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.

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80 Prior to the interviews, the students were informed that their identity would be kept anonymous in order to ensure they could freely express their opinions. Thus, this article will not cite to individual students. The student views presented herein result from a content analysis of the interviews and questionnaires that drew out broad patterns and recurrent themes as well as individual anecdotes.

81 In China, human rights may be touched upon in academic subjects such as public international law, criminal law, constitutional or administrative law, and international relations. Students noted, however, that these courses or 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. See Shiyan Sun, Human Rights Education and Research in China: The Contribution of the Raoul Wallenberg Institute, in HUMAN RIGHTS LAW: FROM DISSEMINATION TO APPLICATION – ESSAYS IN HONOUR OF GORAN GORAN MELANDER 57, 58 (Jonas Grimheden & Rolf Ring eds., 2006); see also Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Human Rights Capacity Building Programme in China: Plan of Operation January-December 2006 (2006) (on file with author) [hereinafter RWI 2006].
In terms of attitudes and values, a large majority of students reported experiencing an increase in their sense of social responsibility or duty to care about and promote human rights. Human rights have 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 attitudes 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.82 A few students reported little or no change in their thinking or attitude, some because prior to studying human rights, they already cared about issues of 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.83 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. 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

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82 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. See TONY SAICH, GOVERNANCE AND POLITICS OF CHINA 184-85 (2nd ed. 2004); Cheris Shun-ching Chan, The Falun Gong in China: A Sociological Perspective, 179 THE CHINA Q. 665, 670 (2004).

83 While the Chinese government recognizes the universality of international human rights standards and is committed to the U.N. 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 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. See Wu, supra note 5.

84 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.
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 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.⁸⁵ 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 China, have tended to endorse.⁸⁶ 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 stance⁸⁷ and counter RWI’s position that human rights are

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⁸⁵ One Beida student specifically mentioned that her understanding on this point is influenced by Marxist theory.

⁸⁶ See Wu, supra note 5, at 347.

⁸⁷ To some extent this may result from the fact that not all professors strongly accentuated the universality and indivisibility of human rights. 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. See Interview with Foreign Visiting Professor 1, Professor in Human Rights, Peking University Law School, in Beijing, P.R.C. (Oct. 12, 2007) [hereinafter Interview with Foreign Visiting Professor 1]; Telephone Interview with Foreign Visiting Professor 1]; Telephone Interview with Foreign Visiting Professor 2, Professor in Human Rights, Peking University Law School (Feb. 11, 2008) [hereinafter Telephone Interview with Foreign Visiting Professor 2]. On the other hand, the Chinese professors, who are the ones most able to link the
universal and indivisible, as based on the 1993 Vienna Declaration.\textsuperscript{88} 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,\textsuperscript{89} 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.

Overall, in terms of mental impact, the survey results indicate that the Beida and CUPL programs rationalize and systematize students’ knowledge of human rights, and 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.

C. Behavioral Impact

Although many students experienced change at the mental level, to what extent does this change translate into action? Not many students conceded that studying human rights has changed their behavior or spurred them to action, though more probing questions 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 sociopolitical contexts. See Interview with Prof. B; Interview with Prof. C & D, supra note 23.


sometimes revealed 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. The same CUPL student 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. Another Beida student undertook fieldwork to study minority rights. However, in these two latter cases it is unclear whether their actions resulted from their human rights studies or from a prior interest.

Nevertheless, students seemed to enjoy discussing human rights issues among themselves after class hours. Many also reported that they discuss human rights issues with other friends or family more often than before. A few students stated they have become more willing to donate to or volunteer for NGO or public interest activities. Several students believed that many students probably have a wish to improve human rights or have an interest in human rights work, and that they 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 interest, 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. 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. This indicates that university research centers

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

91 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. One Chinese professor explicitly advises his students that the human rights field is economically unprofitable and politically risky. He currently harbors no hope that the students would work in the field. Interview with Prof. Z, supra note 33.

92 According to RWI, among the first two groups of approximately forty
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 ventured out to promote human rights in the wider 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.

D. 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. Before assessing how many students changed their career plans on account of their exposure to human rights, it is relevant to first explore the students’ original motivations in applying to study human rights. The strength of the desire to pursue a career in human rights is also influenced by the job market and career prospects of students from elite universities like Beida and CUPL.

1. Student Interest and Motivations

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 view also mirrored the sentiment of almost all CUPL students 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, more than half obtained human rights-related internships. The internship rate of later students is unknown. See RWI 2007, supra note 21, at 5.
students have applied out of a wide range of motivations. Some students 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 who mainly hoped to work abroad or improve their English skills through the foreign professors.

Some Chinese professors adopted a rather realist view toward students’ motivations. They believed that today’s students are quite realistic or materialistic \([gonglihua]\), driven by pragmatic considerations such as money, prestige, and security when they choose what to study. Few students have an absolute interest in or are committed to human rights. These professors believed that many of the sixty to eighty students who applied to the Beida program each year mainly sought to practice their English language skills, to study abroad, to learn from 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.

In contrast, the foreign visiting professors (“VPs”) held more positive perspectives. One VP 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. This VP 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 and/or jobs at international organizations. The other VP felt that Chinese students often seemed deeply affected by the lectures and discussions, and they yearned to make China a better place.

The survey results reveal that most Beida students were motivated by genuine interest as well as practical considerations. Most

\[93\] Interview with Oud, supra note 17.
\[94\] See Interview with Prof. B, supra note 23; Interview with Prof. C & D, supra note 23; Interview with Prof. Z, supra note 33.
\[95\] One teacher even lamented the lack of idealism and sense of social responsibility in today’s students. Interview with Prof. B, supra note 23.
\[96\] Interview with Prof. X, supra note 31; Questionnaire from Prof. Y, supra note 31.
\[97\] Interview with Foreign Visiting Professor 1, supra note 87.
\[98\] Telephone Interview with Foreign Visiting Professor 2, supra note 87.
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.\footnote{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.} 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 an important consideration. A few students 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 (twelve) 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 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.\footnote{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, supra note 81, at 81-82.} In this light, the Beida students probably would not have chosen to devote three semesters in this field if they were largely driven by realistic, practical concerns.

It may be more accurate to infer that among students who had no interest in human rights-related work, many applied to the Beida program out of, \textit{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.\footnote{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.} 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 practice and sharpen their English skills, or to attend lectures and interact with guest speakers who are famous domestic experts or from the foreign or 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 in human rights and the desire to obtain a master’s degree from a well reputed school like CUPL appeared to be the primary reasons.102

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 (thirteen Beida and eight 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 sixteen Beida students (or fifty-seven percent of the surveyed sample) if 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,103 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. 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.

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102 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.

103 For example, 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. See RWI 2007, supra note 21, at 5; Interview with Prof. C & D, supra note 23. In contrast, CUPL’s IHR devotes less resource on this front and has not established similar internship arrangements. Interview with Prof. X, supra note 31. 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.
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.

2. 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. The study focuses on the students’ subjective perceptions since, even if irrational, these are the factors that will influence students’ career choices.

By almost all accounts (including students, professors, and RWI), the current Chinese job market is highly competitive. Students are under much pressure, both economic and reputational, to find jobs paying good salaries and providing security. Survey participants generally felt that demand far exceeds the supply of jobs, and salaries are inadequate vis-à-vis the high cost of living (especially if one wants to live in major cities). In addition, as one professor said, Beida students probably entertain high career expectations because they worked hard to gain admission to the elite university. According to another professor, today’s students are often driven by realistic and pragmatic considerations and want to quickly “cash out” on their education. One VP observed that compared to students from Western countries, Chinese students seem to be under greater economic pressure since many of them come from poorer families, and Chinese students cannot take good jobs for granted.

From the students’ viewpoint, the ability to follow one’s personal interest in choosing a career is a luxury for many. However, several students also believed that students graduating from an elite educational institution like Beida stand in a relatively superior position to compete for jobs. Thus, to some extent they can afford to pursue their interest when choosing careers. A few students also thought that Beida’s traditionally strong reputation for producing students with a social conscience who are not entirely money-oriented still holds

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104 Interview with Professor A, Professor in Human Rights, Peking University Law School, in Beijing, P.R.C. (Sept. 28, 2007) [hereinafter Interview with Prof. A].

105 Interview with Prof. B, supra note 23.

106 Telephone Interview with Foreign Visiting Professor 2, supra note 87.

some sway today. 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 this student, 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, students mentioned that competition for law-related jobs has increased 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. 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”) 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 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. However, students uniformly held domestic NPOs in low regard. Domestic NPOs are perceived as ineffective (due to government restriction and lack of resources), 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

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108 Interview with Prof. A, supra note 104.

109 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.

110 Interview with Prof. C & D, supra note 22; Telephone Interview with Foreign Visiting Professor 2, supra note 87.
for the higher-salary jobs, which was not surprising given the substantial salary differential.\footnote{Telephone Interview with Foreign Visiting Professor 2, supra note 87.}

In contrast, many students expressed an interest in working for international organizations because they have more prestige, appear more legitimate, and offer better job benefits and security. Several CUPL students agreed that if the program offered more human rights-related internships or job opportunities, 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.\footnote{Interview with Prof. B, supra note 23; Interview with Prof. Z, supra note 33.}

Moreover, Chinese students and professors believed that aside from NPOs and certain government departments, Chinese employers currently do not perceive a need to hire people with human rights expertise. Since human rights is such a new field of study, most employers do not set aside positions or seek applicants with such expertise. Nonetheless, most professors and students remain 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 means that the demand for human rights experts would increase. One student described the human rights field as a field “with future career possibilities” \textit{[youqianjing]}. Professors of the Beida course on “Business and Human Rights” were especially optimistic because they believed that Western companies, and increasingly Chinese companies, need employees with human rights expertise to advise them on corporate social responsibility (“CSR”) issues.\footnote{Interview with Prof. B, supra note 23; Telephone Interview with Foreign Visiting Professor 2, supra note 87.} However, current students in this course did not seem as optimistic about the ability to incorporate human rights to their future work.

In short, HRE does affect students’ perceptions of desirable careers. There is definite student interest in human rights-related careers, especially at the international level. Moreover, a significant portion of this interest was fostered by students’ exposure to human rights through the Beida and CUPL programs. But the current job market is highly competitive, and it is decidedly difficult to find human rights-related jobs, whether in NPOs, the government, private law firms or companies, or international organizations. Students who are interested in human rights work face few reasonable options and often find themselves unqualified. Consequently, they are also pursuing internships at, for example, law firms, companies, and the
procuratorate. In other words, students are casting their nets wide and leaving career options open. 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. Overall, the lack of viable job opportunities means that very few students end up working in human rights-related fields. 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 jobs. 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.

3. Where Are the Students Working?

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

Among the three classes of Beida students who have graduated (approximately sixty students), approximately one-third are pursuing advanced studies, whereas another third are evenly distributed among working for law firms, the government, and the private sector. Only five students are directly engaged in human rights-related jobs, all in government or academia. In addition, six students (five of whom have not graduated) have expressed that their primary interest is in human rights-related work, such as working for NGOs 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 engaged in non-human rights-related work or pursuing other job options first. It is unclear to what extent students who decided to pursue advanced studies were in fact interested in public interest work but decided to continue studying because they could not find suitable public interest jobs. The record, however, indicates that so far no Beida student has landed a job with an NPO or international organization. One CUPL student has obtained a job at the Ministry of Foreign Affairs’ human rights division.

E. Institutional Impact

The institutional impact of the Beida and CUPL programs depends on the likelihood that Chinese human rights students have the power and will to push for human rights reform once they enter

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114 See infra Appendix A, Table 6.

115 One student 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).
working life and then reach positions of influence. This case study cannot adequately answer this question of longer-term impact since most Beida and CUPL students are still studying, and those students who are employed have been working for only a short period of time. 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, the room for reform seems quite narrow today. Generally, students who are working or interning at law firms, companies, local governments, or news media do not feel they have had much opportunity so far to apply human rights concepts. This is likely 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, especially at this early stage in their career, because they do not want to be perceived as trouble-makers or politically unreliable. In one student’s opinion, the reality is that one person cannot do much with his or her human rights knowledge or inclination, 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 avenue for human rights reform. Almost all of the Chinese human rights professors surveyed believed such incremental reform is taking place, especially in more technical areas, albeit at a very gradual pace and in subtle ways.116

It is also questionable as 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. However, insufficient time was devoted to examining in practice what was possible and feasible in the current Chinese environment. This sentiment is echoed by a few other Beida students who felt that the courses focused too much on international standards and not enough on real Chinese problems and ways to resolve them. Other students, however, felt Chinese problems were given adequate attention.117 Two Beida

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116 See, e.g., Interview with Prof. A, supra note 104; Interview with Prof. B, supra note 23; Interview with Prof. C & D, supra note 23; Interview with Prof. Z, supra note 33; Questionnaire from Prof. Y, supra note 31. 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. Interview with Prof. B, supra note 23.

117 According to most Beida students, 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 substantial time
students reported feeling powerless and helpless as they studied human rights because they felt they could not improve the human rights situation around them through their own actions.

From a Western perspective, 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, policymaking, or public interest litigation. However, this presumes the legal system functions effectively and coherently and has 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. Further, lawyers tend to be seen as wealthy and intelligent individuals. Many lawyers are also reputed to be unethical, corrupt, or too preoccupied with making money or their own survival to uphold the public interest. Overall, whether working in the private or public sector, the field of action of Chinese legal professionals is tightly constrained by the government, and they have few channels of political influence. 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. As specialists trained to defend legal rights, however, they do play some role in protecting human rights.

In the private sector, Beida students who have worked or are working at corporate law firms generally did not feel they had the opportunity to apply human rights knowledge to their work, even in the fields of CSR, labor rights, or contract law. Human rights knowledge is not perceived as relevant or valuable in Chinese law firms. One student who is now working at a prestigious law firm noted that the 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 professor.

118 This opinion expressed by several students is corroborated by scholarly research in this area. See, e.g., Benjamin L. Liebman, *Lawyers, Legal Aid, and Legitimacy in China*, in RAISING THE BAR: THE EMERGING LEGAL PROFESSION IN EAST ASIA 311 (William P. Alford ed., 2007); Alford, supra note 61; Michelson, supra note 71; Yongshun Cai & Songcai Yang, *State Power and Unbalanced Legal Development in China*, in DEBATING POLITICAL REFORM IN CHINA: RULE OF LAW VS. DEMOCRATIZATION 164 (Suisheng Zhao ed., 2006); Peerenboom, supra note 48. However, other scholars have also demonstrated how the Chinese legal profession has become increasingly autonomous. 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 thus able to mobilize the law as well as political and social resources to advocate for legal and political reform. See Hualing Fu & Richard Cullen, *Weiquan Lawyering in an Authoritarian State: Building a Culture of Public-interest Lawyering*, THE CHINA J., Issue 59, Jan. 2008, at 111.

119 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.
busy and high-pressure work environment in law firms leaves lawyers little time for other initiatives. In addition, law students appear reluctant to engage in the fields of criminal defense and administrative litigation, which are tightly controlled by the government, because they perceive these fields as possibly dangerous or risky and too unprofitable and unrewarding.\textsuperscript{120} 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.

As 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 intends 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. However, he believes 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 neither well known nor accepted or seen as relevant, and, in certain departments, are 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 careers, they will maintain the will and acquire the influence to change their institutions, or rather their institutions will change them.

\textsuperscript{120} 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.
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.\footnote{It has been noted that student activism has often played a critical element in human rights movements in Western countries. See, e.g., Ines Kaempfer, Human Rights in the Eyes of China’s Student Elite, CHINA RIGHTS FORUM, No. 3, Oct. 6, 2006, at 76. University students also played a major role in China’s democracy movements in the 1980s, though many surveyed Chinese professors felt that today’s students are much less idealistic and public interest-minded than before. See Saich, supra note 82, at 210; Wright, supra note 107; Interview with Prof. B, supra note 23.} Many students believed that students are more open-minded, moldable, and receptive to new ideas than, for example, government officials, who have been steeped in bureaucratic thinking.\footnote{In response to my question whether HRE activities should target elite students as opposed to government officials or the popular masses, most students supported targeting 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 leaders (rather than current leaders) will achieve more long-term impact. However, a sizeable number of students preferred to target government officials because they are the most likely violators of human rights. Additionally, several students prioritized targeting the popular masses.} However, as one student remarked, students could just as well succumb to institutional 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.\footnote{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. See Woodman, supra note 3.} 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 their 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 the impulse for human rights reform.

V. ANALYSIS

A. 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 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, HRE has kindled a transformation in personal values and attitudes in some students. They have strengthened their sense of social responsibility and duty to promote human rights, become more sensitive to the principle of equality and non-discrimination, and adopted 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 or promote human rights practices is more limited, though still noticeable. Students do pass on human rights concepts and viewpoints to those around them, and a few have even felt encouraged to spread human rights farther afield. Despite the fact that most students did not study human rights out of a strong desire to work in the field, HRE can and does spark an interest in many students to engage in or contribute to human rights-related work, by exposing them to the practical possibilities to promote human rights, and by the simple fact of having invested several years of study into the specialized field. Thus, HRE can achieve 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 careers, most find little opportunity to apply their human rights knowledge because they operate in work environments that do not value human rights perspectives. Furthermore, many students feel frustrated and do not 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, in light of the adverse institutional settings and incentives faced by students, it is doubtful that, to the extent HRE has effected change in the students’ knowledge and mentality, such impact can be sustained and realized in their future professional and social lives. 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. Thus, given the current nature and scope of the intervention, it is uncertain that 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.

Since most Chinese workplaces do not particularly support human rights perspectives, perhaps one should target HRE at professions inherently involved with human rights where simple attitude change could more directly be articulated through one’s work. Thus, 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

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124 Interview with Foreign Visiting Professor 1, supra note 87.
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, “[p]resuming 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.”

In China, the legal profession is politically weak and inclined to commercialism and even corruption. Most Chinese lawyers are financially insecure and struggling for survival, and they are dependent on clientelist relations with the Party state.

“[M]ost lawyers appear to be more concerned about making money than politics,” willing to compromise their independence in return for the good life. 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, 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. 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.”

Similarly, Chinese journalists’ ability to play the vanguard of human rights reform is questionable. Despite greater pluralism and editorial freedom as a result of economic reform, the media remains

125 Alkon, supra note 56, at 336-37.
126 See Michelson, supra note 71.
127 See Alford, supra note 61, at 302; Peerenboom, supra note 48, at 354-58, 366. 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, supra note 61, at 292 n.15.
128 Peerenboom, supra note 48, at 383.
129 See Alford, supra note 61, at 295.
130 See Fu & Cullen, supra note 118. See also Human Rights in China, supra note 72, at 87.
131 See Liebman, supra note 118, at 312, 340, 342.
132 Peerenboom, supra note 48, at 383.
controlled by the government to cultivate popular consent in CCP leadership.\textsuperscript{133} Moreover, under the pressure of increasing marketization, the media caters to the rising business and urban consumer middle class and sticks to what is politically safe and financially rewarding.\textsuperscript{134} Like lawyers, journalists are 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.\textsuperscript{135} As the new intellectual elite, journalists may also succumb to a privileged and patronizing mentality and have tended to conform to the official line.\textsuperscript{136}

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 their hands in despair and walk away. Donors cannot be expected to solve the myriad of complex problems stemming from China’s development. Moreover, the potential for reform in China is not so pessimistic. Chinese society is changing rapidly and has become freer and more pluralistic as a result of economic reform.\textsuperscript{137} In this opening and dynamic environment, donors can 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,\textsuperscript{138} and all the Chinese respondents agreed on this point. Some have argued that a clear and comprehensive understanding of human rights can help motivate people to defend these rights.\textsuperscript{139} And as Leah Wortham, based on her experience introducing clinical legal education to many Eastern

\textsuperscript{133} See Alex Chan, From Propaganda to Hegemony: Jiaodian Fangtan and China’s Media Policy, 11 J. CONTEMP. CHINA 35 (2002) (claiming that although investigative journalism highlights social problems and often criticises local governments, it acts as a safety valve for popular grievances and ultimately helps to bolster CCP rule).


\textsuperscript{136} See Hugo De Burgh, Kings without Crowns? The Re-Emergence of Investigative Journalism in China, 25 MEDIA, CULTURE & SOC’Y 801 (2003); Xiaoping Li, ‘Focus’ and the Changes in the Chinese Television Industry, 11 J. CONTEMP. CHINA 17 (2002).

\textsuperscript{137} See Peerenboom, supra note 48, at 199-200.

\textsuperscript{138} See Mellbourn & Svensson, supra note 9, at 15.

\textsuperscript{139} See, e.g., Kaempfer, supra note 121, at 75.
European countries, concluded: “[T]here 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.” ¹⁴⁰

The empirical evidence shows that at this preliminary stage, the HRE approach pursued by RWI has kindled change in the individual students and has the potential to extend its social impact. The program’s impact may have been even stronger if it had targeted solely law or journalism students, whose future work will be more intrinsically involved with human rights. 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 a wide variety of disciplines may become civil servants or scholars and have direct opportunities to initiate or influence human rights discourse and practices in their respective work settings. ¹⁴¹

Whether one teaches only law students or interdisciplinarily, donors should pursue goal-based, rather than institution-based, measures to sustain the preliminary impact and nurture, for the long term, the desire for reform and the will for action in light of local realities. 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.” ¹⁴²

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. ¹⁴³ But in practice, RWI has focused on institution-building, i.e., institutionalizing HRE and research at university law faculties, by, for example, creating a postgraduate human rights program. ¹⁴⁴ This

¹⁴⁰ Wortham, supra note 63, at 682.
¹⁴¹ 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.
¹⁴² Belton, supra note 54, at 18.
¹⁴³ See Woodman, supra note 3.
¹⁴⁴ See supra note 10 (discussing RWI’s institution-building activities at Chinese law faculties and university human rights research centers).
approach failed to adequately analyze, on both theoretical and empirical levels, how strengthening certain institutional attributes actually leads to improved 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 will not necessarily lead to concrete action or change. To better realize the theoretical causality between education and social change in a restricted environment such as China, RWI and Chinese human rights educators need to go beyond institution-building toward a more holistic and ends-based strategy. They need to design HRE programs that impart knowledge, cultivate skills, as well as adopt persistent measures aimed to support initiatives for human rights reform. As one American law professor noted 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.” For illustrative purposes, the following section will briefly describe what this holistic strategy might entail for the Beida program.

B. Policy Recommendations

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 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.”

\[145\] See De Goys et al., supra note 76, at 3, 18.

\[146\] Stephen Wizner, Can Law Schools Teach Students to Do Good? Legal Education and the Future of Legal Services for the Poor, 3 N.Y. CITY L. REV. 259, 266 (2000).

\[147\] Henry J. Steiner, The University's Critical Role in the Human Rights
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).\textsuperscript{148} 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.\textsuperscript{149} An 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 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. Expanding the applicant pool can help to elevate the quality of the student body. Thus, the Beida program should consider opening application to non-Beida students. For a program such as CUPL’s, expanding publicity and actively recruiting an interdisciplinary student body are also important to increase the number of applicants.\textsuperscript{150}

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.\textsuperscript{151} 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. As one Chinese professor noted, since Chinese


\textsuperscript{148} This is a strategy recommended by a recent study of black graduates from Harvard Law School. See Jenée Desmond-Harris, \textit{Public Interest Drift’ Revisited: Tracing the Sources of Social Change Commitment Among Black Harvard Law Students}, 4 HASTINGS RACE & POVERTY L.J. 335 (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. See id. at 390.

\textsuperscript{149} Interview with Prof. Z, supra note 33.

\textsuperscript{150} 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. Interview with Prof. X, supra note 31. Thus, the CUPL program seems much less well known among students.

\textsuperscript{151} See Tibbitts, supra note 35, at 164.
students tend to be practically oriented nowadays, they are probably more interested in human rights in practice than in theory.\textsuperscript{152}

Indeed, almost all of the surveyed students called for more practical and interactive pedagogies to allow them to explore in greater depth not only human rights problems in China, but also practical ways to resolve them. Many of the students seemed to believe in the value of human rights but were at a loss as to how they could individually contribute to the cause. More practice-oriented teaching methods can thus expose students to human rights in reality and in practical application and teach them how to negotiate human rights amidst a contentious field of multiple discourses and ideologies.\textsuperscript{153} In this regard, participatory and interactive teaching techniques are more likely to produce attitude or behavioral change than a pure lecturing approach.\textsuperscript{154} These methods should not only be \textit{transformative} and allow students to personally experience the necessity of promoting human rights in China, but they should also be \textit{empowering} by nurturing problem-solving, advocacy, and lobbying skills.\textsuperscript{155} Students can then apply these skills in their daily work, regardless of what they do, and in their communities.

In fact, such practical pedagogy can largely build on existing Chinese-initiated activities.\textsuperscript{156} In particular, Beida’s “Series Lecture,”\textsuperscript{157} which invites mostly Chinese professors and practitioners

\begin{footnotesize}
\begin{enumerate}
\item Interview with Prof. B, \textit{supra} note 23.
\item See Tibbitts, \textit{supra} note 35, at 162. The U.N. also advocates participatory and interactive pedagogical approaches to HRE. See, e.g., U.N. Guidelines for HRE (1995-2004), \textit{supra} note 29, at ¶ 19(d); World Programme for HRE, \textit{supra} note 28, at ¶ 8(g).
\item The U.N. 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. See Malin Oud, \textit{Creative Tensions and the Legitimacy of Human Rights Education – A Discussion on Moral, Legal and Human Rights Education in China} (2006), available at http://www.jsse.org/2006-1/oud_china.htm. According to the U.N., 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.” World Programme for HRE, \textit{supra} note 28, at ¶ 8(i).
\item Chinese human rights professors already employ practical pedagogies. As reported by the students and observed by myself, at both Beida and CUPL, the professors supplement traditional lectures with interactive teaching methods, including student discussions and presentations, group work, case studies, and mock hearings. Professors also try to situate international human rights principles in the context of contemporary human rights problems in China, and they devote time to examine ways to improve local human rights protection.
\item One of Beida students’ favorite courses is the “Series Lecture on Human Rights” (“Series Lecture”), which makes international human rights principles real and relevant to concrete local social problems. The Series Lecture has invited a famous journalist to discuss peasant rights, an AIDS activist to discuss discrimination
\end{enumerate}
\end{footnotesize}
to discuss the human rights aspects of their work, is a promising platform. The course 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. Interaction with different professionals who engage with human rights issues in the local context helps students to explore how they can incorporate human rights perspectives and practices into their future careers (whether they become lawyers, journalists, scholars, bureaucrats, 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. In fact, some students have already taken the initiative to organize these projects. 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 or 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 villages, and factories. There, students can 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.” These activities have

against people with HIV/AIDS, government officials/researchers to discuss the rights of women, children, and migrants, representatives from U.N. 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.

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. See Rosenblum, supra note 153. 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. Michael William Dowdle, Preserving Indigenous Paradigms in an Age of Globalization: Pragmatic Strategies for the Development of Clinical Legal Aid in China, 24 FORDHAM INT’L L.J. 56, 77 (2000).

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. PHYLLIS L. CHANG & MARINA SVENSSON, REVIEW OF HUMAN RIGHTS CAPACITY BUILDING PROGRAMME IN CHINA, 2001-2003: REPORT FOR SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY (SIDA) 19-20 (2005) (on file with author).

158 Tibbitts, supra note 35.
already occurred, but more as a matter of individual student or professor initiative.\textsuperscript{161} Students unanimously wish for more such activities as a way to deepen their learning experience.\textsuperscript{162} One student advocated that 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. Overall, 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.\textsuperscript{163}

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 for a human rights degree is key to attracting students to study human rights.\textsuperscript{164} RCHR and RWI should maximize their relationships with both domestic and international organizations to further improve students’ access to human rights-related jobs and internships. Enhanced access to international connections is where a foreign-funded program, such as Beida’s, is advantageous over an entirely Chinese undertaking, such as the CUPL program. In addition to RWI’s international networks, the foreign VP provides a significant career resource, because a well established foreign professor typically has extensive international connections in both the public and private sectors.\textsuperscript{165} On the whole, the program’s practical component should

\textsuperscript{161} 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.

\textsuperscript{162} 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.

\textsuperscript{163} 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.


\textsuperscript{165} 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. Telephone Interview with Foreign Visiting Professor 2, supra note 87. In contrast, although students in the CUPL program may 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
not be sidelined or seen as an add-on. Practical activities are 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, lawmaking, and policymaking, the Beida program could consider strengthening its capacity to train future human rights scholars. One might argue that demanding the program to bolster both research and practice components is premature given the early stage of HRE in China and the constraints in manpower and resources. Moreover, it is a question of strategy and the talents and preferences of individual universities and educators. Nevertheless, 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 adding a research-oriented course or track for students and university teachers aspiring to human rights research and teaching. 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 to the process of capacity-building, and he or she may introduce refreshingly new and different, and perhaps cutting edge, knowledge and perspectives of human rights to Chinese students and professors. This is not to say that a foreign VP is crucial to a HRE program’s success, for the same objectives could possibly be achieved by other means. But a program that decides to allocate substantial resources to hiring a VP should ensure that it takes advantage of the full extent of the VP’s knowledge, connections, and resources.

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166 Currently, human rights is primarily an academic endeavor in China, and increasing government consultation with scholars presents a possibly significant avenue of human rights reform through law- and policymaking. See Sun, supra note 81; see also Saich, supra note 82, at 184-85.

167 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. See Joakim Anger & Per Bergling, Institute of Public Management, Review of Raoul Wallenberg Institute’s Human Rights Capacity-Building Programme in China 16-17 (2004-2007) (2007) (on file with author) (this evaluation interviewed students but seemingly on a less in-depth basis). Some surveyed students also noted that the program’s research aspect was not particularly high-level. One non-law student thought the courses were insufficiently theoretical or in-depth to produce future leaders in the human rights field. So far only three out of sixty-two students have chosen to pursue academic careers in human rights. 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.
activism, the fifth strategy stresses the importance of 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 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.  

Building on the frequent exchanges already occurring at the scholarly level, RCHR can create more exchange and cooperation activities at the student level with human rights courses or programs at other Chinese universities. 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 promoting human rights, but find themselves in work environments where such ideas or activities are not valued or encouraged. With some twenty new graduates every year, RCHR should strengthen its alumni network by organizing regular alumni activities. These activities may include disseminating informative newsletters, organizing outings or reunions, and inviting alumni to attend RCHR- or RWI-sponsored activities. Creating an active 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.

VI. 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. Students have learned to put on a

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168 See, e.g., Desmond-Harris, supra note 148, at 353, 389.

169 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).

170 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 lens in analyzing problems, become more critical of the
government, hold stronger beliefs about human equality, and feel a
greater sense of social responsibility. It has even encouraged a
significant number of students to consider working in a human rights-
related field. Thus, education alone can 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 human
rights professors, and the empirical evidence does indicate a potential
for change in this direction. But in an adverse environment where
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 in order to actualize this
potential and sustain reformist impulses. A comprehensive program of
coherent and ends-based measures that are 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 promote, whether in their personal lives,
their communities, or their work institutions, human rights in a
restricted environment such as China.

At a more general level, this case study suggests 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. If donors want to
achieve fundamental change, at a minimum, it is essential to clarify
objectives, to know and understand the local context, to commit for the
long-term, and to maintain a holistic view that organizes interventions
according to the ultimate ends sought, rather than institutional
attributes to be reformed. Naturally, additional detailed empirical
research can throw further light on the relationship between law and
social change as theorized by LDM. But this case study suggests that
donor interventions can bring about change. 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.
VII. APPENDIX A

A. Statistical Information on the Samples of Student Respondents

1. Beida Sample

In addition to the eighty students who enrolled in the Beida program since 2004 (twenty students per class per year), these statistics include two students from the China University of Nationalities, who audited and completed all the courses of the program from 2004-2005 and were thus awarded graduation certificates. The statistics also include three Beida students I interviewed, two of whom were auditing the program and one was waitlisted for the 2007 program.

Since the program’s inception, women have typically made up one-half to two-thirds of each class. There have been four 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 master’s program in international relations.

Table 1: Total Beida Human Rights Students from 2004 to 2007 - Distribution by academic discipline.

<table>
<thead>
<tr>
<th>Number of Students</th>
<th>Academic Disciplines in the Master’s Degree Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>46</td>
<td>Law</td>
</tr>
<tr>
<td>14</td>
<td>Public international law</td>
</tr>
<tr>
<td>11</td>
<td>Jurist Master (non-law undergraduate degree)</td>
</tr>
<tr>
<td>5</td>
<td>Economic law</td>
</tr>
<tr>
<td>5</td>
<td>Criminal law</td>
</tr>
<tr>
<td>3</td>
<td>Constitutional &amp; administrative law</td>
</tr>
<tr>
<td>3</td>
<td>Civil law</td>
</tr>
<tr>
<td>2</td>
<td>Legal history</td>
</tr>
<tr>
<td>1</td>
<td>Environmental law</td>
</tr>
<tr>
<td>1</td>
<td>LLB</td>
</tr>
<tr>
<td>1</td>
<td>Unspecified</td>
</tr>
<tr>
<td>11</td>
<td>International relations</td>
</tr>
<tr>
<td>6</td>
<td>Journalism</td>
</tr>
<tr>
<td>5</td>
<td>Management (business, information, or engineering)</td>
</tr>
<tr>
<td>4</td>
<td>Marxism</td>
</tr>
<tr>
<td>3</td>
<td>Education</td>
</tr>
<tr>
<td>3</td>
<td>Foreign language</td>
</tr>
<tr>
<td>2</td>
<td>Sociology</td>
</tr>
<tr>
<td>2</td>
<td>History</td>
</tr>
<tr>
<td>1</td>
<td>Psychology</td>
</tr>
<tr>
<td>1</td>
<td>Politics &amp; administration</td>
</tr>
<tr>
<td>1</td>
<td>Information science</td>
</tr>
</tbody>
</table>

Of the twenty-eight Beida students this study surveyed, fourteen were interviewed in person, ten completed questionnaires, and four were interviewed in a more informal, unstructured, and less

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171 Source: RWI internal records.
intensive manner. Women (61%) and ethnic Hans (96%) made up the large majority of the surveyed sample, but this approximates the actual demographic composition of the classes. The study surveyed approximately one-quarter of the students from each class from the first three years, and over one-half of the class from 2007.

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

<table>
<thead>
<tr>
<th>Class Year</th>
<th>Number</th>
<th>Gender</th>
<th>Ethnicity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>2004</td>
<td>5</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>2005</td>
<td>6</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>2006</td>
<td>5</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>2007</td>
<td>12</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>28</td>
<td>17</td>
<td>11</td>
</tr>
</tbody>
</table>

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

Table 3: Surveyed Beida Students - Distribution by academic discipline in master’s degree programs.

<table>
<thead>
<tr>
<th>Number of Students</th>
<th>Academic Disciplines for the Master’s Degree Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Law</td>
</tr>
<tr>
<td>4</td>
<td>Public international law</td>
</tr>
<tr>
<td>3</td>
<td>Jurist Master</td>
</tr>
<tr>
<td>3</td>
<td>Criminal law</td>
</tr>
<tr>
<td>2</td>
<td>Constitutional &amp; administrative law</td>
</tr>
<tr>
<td>2</td>
<td>Civil law</td>
</tr>
<tr>
<td>1</td>
<td>Economic law</td>
</tr>
<tr>
<td>1</td>
<td>LLB</td>
</tr>
<tr>
<td>5</td>
<td>International relations</td>
</tr>
<tr>
<td>2</td>
<td>History</td>
</tr>
<tr>
<td>1</td>
<td>Journalism</td>
</tr>
<tr>
<td>1</td>
<td>Information management</td>
</tr>
<tr>
<td>1</td>
<td>Foreign language</td>
</tr>
<tr>
<td>1</td>
<td>Education</td>
</tr>
<tr>
<td>1</td>
<td>Psychology</td>
</tr>
</tbody>
</table>

Table 4: Surveyed Beida Students - Distribution by academic discipline in bachelor’s degree programs.

<table>
<thead>
<tr>
<th>Number of Students</th>
<th>Academic Disciplines for the Bachelor’s Degree Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Law</td>
</tr>
<tr>
<td>3</td>
<td>International politics</td>
</tr>
<tr>
<td>2</td>
<td>International politics &amp; English</td>
</tr>
<tr>
<td>1</td>
<td>International relations &amp; arts</td>
</tr>
<tr>
<td>1</td>
<td>International relations &amp; economics</td>
</tr>
<tr>
<td>1</td>
<td>Philosophy</td>
</tr>
<tr>
<td>1</td>
<td>Journalism</td>
</tr>
</tbody>
</table>
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, the professions of the students’ parents were used as an indicator. Most students have parents who are civil servants, teachers, or workers in 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 5: Surveyed Beida Students - Distribution by geographic origin.

<table>
<thead>
<tr>
<th>Number of Students</th>
<th>Geographic Origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Jiangsu</td>
</tr>
<tr>
<td>3</td>
<td>Hunan</td>
</tr>
<tr>
<td>3</td>
<td>Anhui</td>
</tr>
<tr>
<td>2</td>
<td>Guizhou</td>
</tr>
<tr>
<td>2</td>
<td>Henan</td>
</tr>
<tr>
<td>2</td>
<td>Heilongjiang</td>
</tr>
<tr>
<td>2</td>
<td>Beijing</td>
</tr>
<tr>
<td>1</td>
<td>Liaoning</td>
</tr>
<tr>
<td>1</td>
<td>Shandong</td>
</tr>
<tr>
<td>1</td>
<td>Shanxi</td>
</tr>
<tr>
<td>1</td>
<td>Hubei</td>
</tr>
<tr>
<td>1</td>
<td>Sichuan</td>
</tr>
<tr>
<td>1</td>
<td>Yunnan</td>
</tr>
<tr>
<td>1</td>
<td>Zhejiang</td>
</tr>
<tr>
<td>1</td>
<td>Fujian</td>
</tr>
<tr>
<td>2</td>
<td>unknown</td>
</tr>
</tbody>
</table>

Based on PULS records and discussions with the students, the following table shows that approximately a third of the sixty-two 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 6: Graduated Beida Human Rights Students from 2004 to 2006 - Distribution by profession.172

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

2. CUPL Sample

Among the nineteen CUPL students who have enrolled in the human rights program since its inception three years ago, this study surveyed a total of eleven students, with 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 7: Surveyed CUPL Students - Distribution by year and gender.

<table>
<thead>
<tr>
<th>Class</th>
<th>Number</th>
<th>Gender</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>First year</td>
<td>6</td>
<td>4</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Second year</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Third year</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>11</td>
<td>7</td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>

Unlike the Beida students, the CUPL students all studied law as their undergraduate major. For 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.173 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.

172 Source: PULS RCHR internal records.
173 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 surveyed, a larger proportion of the surveyed CUPL students comes from the East coast. As for the CUPL students’ socioeconomic background, information about their parents’ professions was incomplete; but judging from the information available, the CULP students come from similar backgrounds as the Beida students.

Table 8: Surveyed CUPL Students - Distribution by geographic origin.

<table>
<thead>
<tr>
<th>Number</th>
<th>Geographic origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Zhejiang</td>
</tr>
<tr>
<td>2</td>
<td>Shaanxi</td>
</tr>
<tr>
<td>1</td>
<td>Anhui</td>
</tr>
<tr>
<td>1</td>
<td>Gansu</td>
</tr>
<tr>
<td>1</td>
<td>Sichuan</td>
</tr>
<tr>
<td>1</td>
<td>Hebei</td>
</tr>
<tr>
<td>1</td>
<td>Tianjin</td>
</tr>
</tbody>
</table>

B. 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 western provinces and autonomous regions. Students from major cities like Beijing, Shanghai, or Guangzhou as well as non-Han minorities also 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.