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Cross-cultural Curriculum Design in China: Reflections on Human Rights Education

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# An Introduction to ATINER's Conference Paper Series

ATINER started to publish this conference papers series in 2012. It includes only the papers submitted for publication after they were presented at one of the conferences organized by our Institute every year. The papers published in the series have not been refereed and are published as they were submitted by the author. The series serves two purposes. First, we want to disseminate the information as fast as possible. Second, by doing so, the authors can receive comments useful to revise their papers before they are considered for publication in one of ATINER's books, following our standard procedures of a blind review.

Dr. Gregory T. Papanikos President Athens Institute for Education and Research



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### Cross-cultural Curriculum Design in China: Reflections on Human Rights Education

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#### **Abstract**

This paper will focus on applying a framework of human rights education theory within higher education theories of curriculum development to a discussion of the presenter's experiences gained during tenure as a visiting professor in a major Chinese university. Part of the (co-funded by the Chinese university and the overseas partner institution) post required the introduction and then standardisation of both syllabi and curriculum within the Law School's masters' programme, something which engendered cross-cultural confusion (see generally Yeh 2008). Drawing on theories of curriculum design and teaching and learning (eg Tyler 1949; Mager 1975; Biggs 2009; Entwhistle 2009), this paper will reflect on the experiences of this period.

Ultimately satisfactory curriculum and syllabi were finalised and implemented. The programme is continuing to evolve and is becoming regarded as a flagship human rights master's programme within China, something of an achievement in a country sceptical of human rights education (eg Bjornstol 2009; Oud 2006).

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This paper seeks to analyse the ongoing curriculum design process on the human rights masters programme offered by Peking University's Research Centre on Human Rights and Humanitarian Law. The author had responsibility for this from 2008-2010 with a visiting professorship supported by Peking University Law School and the Raoul Wallenberg Institute of International Human Rights and Humanitarian Law (hereafter 'RWI' - funded by the Swedish International Development Agency). She was the fifth and final visiting professor under this programme. To evaluate the experience, this paper will first outline the programme at Peking University to contextualise the discussion which follows. Thereafter, the relevant human rights education theory, curriculum design and learning and teaching theories will be discussed. The process of standardising the curriculum for the master's programme at Peking University will then be considered, reflecting on the experiences of the author and the cross-cultural confusion which occasionally ensued. Curriculum design is used in the present paper to describe the process of agreeing on a standardised format to provide details on the scope and content of each course comprising the masters programme. In part, the process was implemented to develop the programme but in the main it was in furtherance of establishing Peking University as a centre of excellence for human rights education in China. Ultimately the exercise was a success and the programme is continuing with visiting scholars<sup>2</sup> providing foreign language input and some funding remaining from the Swedish International Development Agency to support new areas of development.

Bjornstol, Oud, Smith and Bai are among the commentators discussing the evolution of human rights education in China. Progress has been marked: some sixty Chinese universities now offer courses in human rights, barely ten years after the Chinese Ministry of Education added human rights to the list of recognised law degree subjects.<sup>3</sup>

To support the introduction of human rights modules in Chinese universities, the Norwegian Centre for Human Rights, in cooperation with the Chinese University of Politics and Law (CUPL) and the Foreign Affairs College, published the first Chinese language textbook on International Human Rights in 2002. They also worked together to develop postgraduate human rights instruction at CUPL. Shortly thereafter, in February 2004, a three-semester Human Rights Master Programme was launched at Peking University in cooperation with RWI. The programme comprises of core modules on national and international human rights law as well as a number of elective modules. Students of the programme are selected on application and are mainly graduate students at Peking University. Almost 200 students have so far graduated from the programme, with some now playing significant roles in promoting human rights in China through careers with the Chinese Ministry of Foreign Affairs, media companies, and various NGOs. In an effort to encourage the introduction of human rights courses elsewhere in China, visiting university teachers from Chinese

<sup>&</sup>lt;sup>1</sup> Only the first (Professor Dennis Driscoll) and last visiting professors had involvement in curriculum development, the others primarily taught their allocated modules.

<sup>&</sup>lt;sup>2</sup> To date the visiting scholars attracted have been predominantly from Asia-Pacific and Europe though most have considerable international experience beyond those regions.

<sup>&</sup>lt;sup>3</sup> Human Rights was added in 2001. Precise data is difficult to obtain not least as human rights is often not taught on courses titled 'human rights'. Human rights remain primarily taught as a law option.

<sup>&</sup>lt;sup>4</sup> IHRL Textbook Project Group (eds) *Guoji Renquanfa Jiaocheng* (Textbook on International Human Rights Law) Beijing, China University of Political Science and Law Publishing House 2002 (in Chinese).

western universities<sup>1</sup> also participated in the programme. The programme is partially funded by the Swedish International Development Agency through a partnership with the RWI. Support initially involved provision of a visiting foreign professor, assistance with administrative costs and provision of key textbooks. Today, this contribution is reduced as the programme moves towards being self-funded.

Established in 1904, Peking University Law School (PULS) has become a leading institution for legal education and a potent force for legal development in China. PULS frequently partners with the government, with law firms and with the business community in the development of cutting edge legal, social and commercial policy. It also has many international links and partnership programs with leading universities and legal institutions around the world. The members of the Law School faculty have excellent backgrounds in academic research and teaching, with most having also accrued experience at foreign universities. Above all, Peking University is recognized as one of the foremost and most prestigious Law Schools in China. Should Peking University succeed in graduating high-quality, human rights-aware practitioners, it is likely that other law schools will follow suit. Moreover, the Research Centre for Human Rights and Humanitarian Law (RCHR) of PULS aspires to be a centre of excellence in human rights within China. It was founded in 1997, an academic association with a membership drawn from scholars in international law, criminal procedure law, administrative law, comparative law and other areas of human rights. The RCHR is dedicated to facilitating academic exchanges between scholars both at home and abroad in the field of human rights, advancing the consciousness of human rights of Chinese citizens, and promoting human rights in China. After all, if human rights education (broadly construed) is a success in China, statistically that means at least twenty percent of the global population know their rights!

The ideal of global human rights education and awareness has long been posited by the United Nations (as early as the Universal Declaration of Human Rights in 1948<sup>2</sup>) but is yet to become a reality. As the literature explains, the theory is that people must be aware of their rights to be in a position to hold their state to account for their implementation (eg Nowak 2004; Alfredsson 2001; Steiner 2002; Andreopoulos and Claude 1997; Backer 2002; Bajaj 2011). Primary responsibility for implementing human rights (and remedying violations thereof) lies with the state although some sixty years later after the Universal Declaration's adoption, it is accepted that other sectors of society have a role to play: 'Individuals, nongovernmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental activities'. A World Decade for Human Rights Education was followed by the present World Programme for Human Rights Education to pursue these ideas, the second period of which (from 2010) focuses on tertiary level institutions, law enforcement, military, prison officers etc..4 the first phase having focused on primary and secondary education. The UN Declaration on Human Rights

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<sup>&</sup>lt;sup>1</sup> 'Western' is a pseudo-geographical Chinese term applied to the regions which are less developed. The universities are not necessarily far in the west of China.

<sup>&</sup>lt;sup>2</sup> See GA Res 217(III) D 1948, reiterated, for example, in para 33 Vienna Declaration of the World Conference on Human Rights 1993.

<sup>&</sup>lt;sup>3</sup> GA Res 53/144 (1999) Article 16.

<sup>&</sup>lt;sup>4</sup> Relevant materials accessible from the following portal of the Office of the High Commissioner for Human Rights: <a href="http://www2.ohchr.org/english/issues/education/training/index.htm">http://www2.ohchr.org/english/issues/education/training/index.htm</a>.

Education and Training<sup>1</sup> adds considerable weight to calls for progressing human rights education. Drawing on the provisions of this Declaration, human rights education is stated as being a lifelong process<sup>2</sup> with objectives including raising awareness, understanding and acceptance of human rights, realising human rights, promoting tolerance and equality of all and otherwise developing a culture of human rights.<sup>3</sup>

A good human rights practitioner should be aware of all core human rights instruments, their status within a given national environment (here China) and act in accordance with those rights, striving to compel others to do likewise. Human rights issues must be recognized, in the first instance, and then the correct standard applied and upheld. Skills of advocacy, diplomacy, pragmatism and, of course, intellect are required. Human rights are proclaimed by the international community, thus advocacy thereof is crucial to establish a global (or national) culture of human rights. Teaching human rights thus requires more than the mere transfer of knowledge and development of understanding. Advocacy skills are required and the willingness and aptitude to embrace human rights. Using the popular head, hand, heart analogy, human rights education requires knowledge (head), skills (hand) and attitude (heart). This means traditional legal 'black letter law' teaching methods (reliant on 'memory work' and recitations of screeds of laws) are inadequate (Lubman 1999, p152 et seq).

The process of curriculum development instituted at RCHR had several aims. First and foremost, it was hoped developing the curriculum would support the RCHR's aspiration to be a centre of excellence for human rights education in China (see also National Human Rights Action Plan for China 2009-2010, part IV). In furtherance of this objective, consideration was given to developing a standard format in which all courses and the programme itself would be presented. Preparation of a standardized set of documentation for the masters' programme in human rights was deemed imperative for several reasons, not least Toohey's identified success factors.<sup>4</sup> A model set of documentation would create a framework within which the programme could be evaluated externally by the donors and others; it would allow the donors to see some progress towards the internationalization of the programme; it will help Peking University with succession planning by providing an outline of the syllabi etc which future staff can use and adapt; it will help the students when applying for international programmes and work, as they will have a better understanding of their transferrable skills, and it will serve as a model for other universities seeking to develop human rights courses by indicating appropriate syllabi and suggested teaching resources.

At the outset, discussions between the foreign visiting professor (the author) and Chinese colleagues focussed on clarifying the goals of the programme as a whole. A variety of different programmes from around the world were consulted and general discussions ab initio helped clarify what we were trying to achieve through teaching the students on the programme. The principal outcomes of the human rights programme were thus identified as being as follows:

Upon graduation from the program, the graduates will be able to:

1)Demonstrate excellent knowledge about the rule of law and human rights and substantive human rights law, including the content of specific human rights, such as human rights of women and children, as well as a

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<sup>&</sup>lt;sup>1</sup> GA Res 66/137, UN Doc A/RES/66/137, 16 February 2012.

<sup>&</sup>lt;sup>2</sup> Article 3(1).

<sup>&</sup>lt;sup>3</sup> Article 4.

<sup>&</sup>lt;sup>4</sup> Toohey, 1999 at pp40-43.

detailed understanding of the mechanisms of human rights protection on both international and national levels:

- 2)Account for the different stakeholders in a human rights context, such as rights holders, duty bearers, the media, civil society, international organizations etc.
- 3) Confidently combine human rights theory with practice and analyze Chinese human rights issues from the perspective of international human rights law;
  - 4) Analyze Chinese human rights issues from a comparative perspective;
- 5) Summarise and present human rights cases in writing and in verbal presentation
  - 6) Work effectively in an English-Chinese bilingual environment
- 7) Contribute to the work of human rights institutions, such as UN agencies or NGOs. <sup>1</sup>

Why did we select these? Lawyers are obviously good lawyers if they know and understand the salient laws and can apply them skillfully to sets of facts, adequately representing their client's interests. A human rights aware practitioner would, in addition, operate within the ethical confines of international human rights, advocating compliance therewith by all actors. Human rights practitioners can of course be non-lawyers, the programme is extended to those studying other subjects and even elsewhere, hence some perhaps generic outcomes.

Having established the programme objectives, attention turned to the individual courses taught by staff. The first step was to decide a format. As a preliminary step in the process, meetings were held to discuss the idea of a standardized outcomes-based approach for the programme. Examples of different learning outcome statements and module descriptors from different universities were considered. The experience of current and past students when drafting international standard CVs was also a factor – there was an emergent need for students to understand the skills acquired during the programme and convey the essence of the course to potential employers. A couple of sample syllabi were then prepared, one by the foreign professor. These were circulated among staff. Drafts were submitted for all courses on the programme. Again, these were circulated to all staff. These were then standardized and edited for consistency. This resulted in the final draft curriculum discussed in this article.

Each tutor identified the intended learning outcomes of his or her module. In some instances, the outcomes has to reflect the process of developing research inquiry.<sup>2</sup> While there are many models exploring the link between teaching and research<sup>3</sup> at Beijing, the focus was on encouraging research centred learning. Thus, when selecting among the models proposed by Jenkins etc al<sup>4</sup> the emphasis was on ensuring that students develop the research skills necessary to guarantee lifelong learning in the subject. This is also consonant with theories of human rights education. A variety of teaching methods were deployed to ensure that students developed the necessary research skills through the teaching process. These research skills are not simply related to law, rather students are encouraged to consider the political and economic context of issues discussed in class. This is aided by the multidisciplinary experience of students, thus the economists add a valuable economic

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<sup>&</sup>lt;sup>1</sup> Peking University Law School HR Masters Curriculum 2009 Programme statement.

<sup>&</sup>lt;sup>2</sup> Jenkins, A. (undated).

<sup>&</sup>lt;sup>3</sup> Healey and Jenkins 2009.

<sup>&</sup>lt;sup>4</sup> Jenkins 2004, Jenkins, Healey, and Zetter 2007 and Jenkins, Breen, and Lindsay 2003.

analysis to discussions, while the media students can emphasise the reality of mobilizing public opinion and the lawyers can demonstrate complex applications of legal and constitutional norms. Group exercises help harness the pre-existing knowledge basis, sharing knowledge and experience in developing innovative solutions to hypothetical and real problems set in class. For example, in some modules, students worked in class on newspaper reports, ascertaining which rights and freedoms were engaged by each selected news story.

Moreover, the link between teaching and research was clearly demonstrated through the exposure of the students to some of the most experienced and famous scholars in China: students were being taught by staff at the forefront of the field. While some students found this intimidating, most appreciated the expertise upon which they were drawing. In addition, guest lecture series exposed students to further international experts and experts working in human rights, and thus able to bring practical experiences to the classroom. Guest lectures frequently drew on the considerable contacts of the Raoul Wallenberg Institute with many of their experts passing through Beijing on missions elsewhere but nevertheless able to spend a couple of hours at the university. Other guest lectures reflected NGO and practitioner experience in the Chinese context, with major organisations with offices in Beijing fielding guest speakers. For the students, this had an added benefit of opening up avenues of potential employment. This breadth of expertise is rarely encountered in universities anywhere in the world and the quality of lecturers and other speakers to whom the Peking students are exposed is often underestimated, not least by them. (It is arguable that the students at Peking University have an 'elite' experience but there are attempts to extend the participation of students from underrepresented groups in an attempt to redress any imbalance.)

We adopted a simple approach to learning outcomes, specifying the 'essential learning', 2 the minimum acceptable standard for a student. However, during the drafting stage, the benefits of the process were emphasized. Thus the learning outcomes were presented as statements students could use when drafting their curriculum vitae in application for human rights internships or jobs and as a mechanism for standardizing the programme thereby reducing the burden on staff. Understandably, there was some consternation: what was required by the donors and collaborating universities, was deemed superfluous, an extra layer of bureaucracy, by some of the host university staff. Nevertheless, a curriculum with syllabi for each module, complete with basic aims and outcomes was drafted during spring semester 2009. This was then presented by Professor Bai at the National Human Rights Expert Meeting in 2009 and to Western Universities working in partnership with RWI during a workshop in September 2009. As a trial, an electronic learning platform, moodle, is under construction. This, it is hoped will allow the syllabi to be disseminated further, providing a framework for human rights courses at other institutions in China.<sup>3</sup>

Articulating goals to be assessed at the culmination of a learning process has been part of curriculum theory since the Universal Declaration of Human Rights itself was adopted (for a contemporaneous exposition of the relevant pedagogy, see Tyler 1949). A number of theorists and pedagogic experts have developed and expounded on this.

<sup>&</sup>lt;sup>1</sup> Careers services are not integral to Chinese universities. Indeed, we introduced careers sessions to the programme and workshops on drafting CVs and appropriate covering letters for internships and employment opportunities beyond the Chinese based Chinese language sector.

<sup>&</sup>lt;sup>2</sup> Moon 2002 at p72.

<sup>&</sup>lt;sup>3</sup> This is at an early phase, with the preliminary 'pilot' materials only being made available to students in 2012.

Now, specifying learning outcomes of an education process, or writing competency statements is an established 'normal' part of curriculum development for many academics and teachers. However, this style is not especially common in China. In the United Kingdom, there is now an expectation that all modules and programmes have clear learning outcomes. These link to the assessment strategy and are evaluated annually. The existence of these shape the student experience by setting expectations at the outset<sup>1</sup> and encouraging the lecturer to focus on the outcomes throughout. This helps define the curriculum, as well as the assessment.<sup>2</sup> Benchmarking of expectations at each level of higher education (and lower levels) is common, such benchmarks often agreed set at national level. These are statements of generic expectation of quality at the end of the formal learning process.<sup>3</sup> In China, benchmarking, such as it is, tends to focus on knowledge indicators. Thus for core law subjects, there is a prescribed (approved) syllabus which must be adhered to, with a resultant emphasis on learning screeds of codes and procedures. Although common as an element of law courses worldwide, this approach is not compatible with the essential aims of human rights education. Moving towards specifying competencies for human rights was thus feasible without prejudicing the existing practices of the law school. Nevertheless, there was consternation over the actual content of these statements.

From a pedagogic standpoint, it is possible to analyse the process of curriculum design and comment on the product (draft curriculum). Curriculum design requires consideration of the following factors: who are the students; what should they learn; how do these students learn; how does the lecturer know the students have learned; how can it be improved? These questions are common to all course designs, but no less vital in law schools. Their discussion requires revisiting in this article with reference to cross-cultural factors pertinent to the teaching of human rights in China.

The students remain primarily law students, but with an increasingly diverse mix of disciplines offered places each year. Thus we have a range of students on the programme, all with an undergraduate degree, or in the final stages of undergraduate study. As for what the students should learn, the proclaimed aims of the programme are outlined above. These must be viewed in the context of the goals of human rights education enumerated in the first section of this article. The course is intended to equip students with basic human rights awareness and research skills, thus the focus is not on pure knowledge delivery but rather on developing student skills of enquiry. Human rights education is changing as Okafaor and Agbakwa note<sup>6</sup> and challenges posed are different for different groups. How students learn is an interesting question question against the backdrop of traditional Chinese legal education (dense texts, rote learning of legal rules etc- see eg Grimshaw 2007, Ryan and Louie 2007). On the programme, the addition of visiting professors and scholars add variety to the teaching methods, while the Chinese professors are advocates of innovating teaching methods on a regular basis to capture the enthusiasm of the students. With different academic backgrounds inevitably the students learn differently thus introducing a

<sup>&</sup>lt;sup>1</sup> The origins of outcomes-based learning is rooted in psychology, see Tyler, 1949 and also Mager, 1975.

<sup>&</sup>lt;sup>2</sup> For a basic map of this process, see Moon, 2002 at p51.

<sup>&</sup>lt;sup>3</sup> For Law in the UK, see the 2007 QAA benchmarks for law, available at <a href="http://www.qaa.ac.uk/Publications/InformationAndGuidance/Pages/Subject-benchmark-satatement-Law-2007.aspx">http://www.qaa.ac.uk/Publications/InformationAndGuidance/Pages/Subject-benchmark-satatement-Law-2007.aspx</a>.

<sup>&</sup>lt;sup>4</sup> For a basic model, see eg p16 of Moon 2002, Entwhistle 2009.

<sup>&</sup>lt;sup>5</sup> See, eg, Schwartz, Sparrow, and Hess, 2009.

<sup>&</sup>lt;sup>6</sup> Okafaor, and Agbakwa, 2001.

<sup>&</sup>lt;sup>7</sup> See, eg Andreopoulos, et al 1999.

variety of teaching methods assists – no single method can suit all students. Similarly, designing a programme of research and inquiry demands that the assessments reflect the outcomes sought, hence the variety of methods of assessment are used: presentations, participation in group work, written exam, supervised coursework, written papers, reports, even posters. It is fair to say that the range of assessments deployed stretch students and staff alike.

Continual review and improvement is integral to any good learning experience. At Beijing University, informal and formal feedback from students is gathered to inform this process. Staff are also consulted and participate in monthly meetings with the foreign partner (RWI). Preliminary feedback appears encouraging, though a more comprehensive and systematic method of obtaining feedback is currently being embedded.

The final (ongoing) process is to develop a coherent strategy for assessment as, at present, the students have a high burden of assessment, given they are submitting for the masters programme and their main programme at the same time. This brings an unusual set of challenges as not all students are drawn from the same disciplines or even the same universities, thus the general aims of each student's programme of study may differ. Rationalizing assessments should be an easier process now that the curriculum documentation has been prepared as assessments can obviously be drafted to match the specific outcomes specified. Indeed, Biggs notes that teaching should align to the desired learning outcomes: 'In setting up an aligned system, we specify the desired outcomes of our teaching in terms not only of topic content, but in the *level of understanding* we want students to achieve. We then set up an environment that maximises the likelihood that students will engage in the activities designed to achieve the intended outcomes. Finally, we choose assessment tasks that will tell us how well individual students have attained these outcomes, in terms of graded levels of acceptability. These levels are the grades we award.'.<sup>2</sup>

The process of curriculum design is ongoing but has been an interesting experience in cooperation and collaboration. Whilst at times it was difficult to convey pedagogic theory and practice to colleagues in China, the practical approach adopted at Peking University meant that the benefits of clarifying the objectives and outcomes of the programme were recognised rendering the programme more transparent from the perspective of donors and more overtly beneficial career-wise for students. As the foreign academic, at times I had to reconcile the need to create a set of curriculum papers, a need arising from my visiting professorial contract and from donor pressure, with concern for ensuring respect for the traditional educational practices at Peking University and within China. After all, my role was to support the development of the programme, not to usurp its Chinese characteristics. Moreover, pedagogic theory is clear on the need to respect and tolerate differences, an approach commensurate with and reflective of human rights education theories.

Undoubtedly, the curriculum discussed herein is helping to shape human rights education not only at Peking University but within China and increasingly the Southeast Asian region. It is testament to the potential for cross-cultural collaboration and indeed represents the embodiment of international human rights education. Perhaps the final words should be on human rights education, the most recent reiteration of the following statement being in the preamble to the new UN Declaration on human rights education and training: 'everyone has the right to

<sup>&</sup>lt;sup>1</sup> Healey, M and Jenkins, A, 2009.

<sup>&</sup>lt;sup>2</sup> Biggs, undated.

education, and that education shall be directed to the full development of the human personality and the sense of its dignity, enable all persons to participate effectively in a free society and promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace, security and the promotion of development and human rights'.

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