

Decolonizing Human Rights Education

by

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## ABSTRACT

Arguing for the importance of decolonial pedagogy in human rights education, this research is located at the intersection of human rights education, pedagogy, and justice studies, and is situated in the context of a contested neoliberal university in order to learn about and understand some of the challenges in implementing pedagogical change inspired by decolonial theory. This research focuses on pedagogical approaches of human rights professors to understand how and to what extent they are aligned with and informed by, incorporate, or utilize decolonial theory. This is accomplished through a content analysis of their syllabi, including readings and pedagogical statements, and semi-structured interviews about their praxis to draw attention to the what and how of their pedagogical practices and the ways in which it aligns with a decolonial pedagogical approach. This research calls attention to the specific manner in which they include decolonial pedagogical methods in their human rights courses.

The findings determined that a decolonial pedagogical approach is only just emerging, and there is a need to address the barriers that impede their further implementation. In addition, there is a need for research that will further investigate the pedagogical approaches professors are employing, particularly those in alignment with decolonial criteria; the impact of decolonial and non-decolonial approaches on students' epistemologies, and how to overcome barriers to advance implementation of a decolonizing pedagogical approach.

## DEDICATION

To my husband in appreciation for all his love, encouragement, support, and positivity throughout this journey.

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## CHAPTER 1

### INTRODUCTION

Arguing for the importance of decolonial pedagogy in human rights education, this research is located at the intersection of human rights education, pedagogy, and justice studies, and is situated in the context of a contested neoliberal university in order to learn about and understand some of the challenges in implementing pedagogical change inspired by decolonial theory. This research focuses on pedagogical approaches of human rights professors to understand how and to what extent they are aligned with and informed by, incorporate, or utilize decolonial theory. This is accomplished through a content analysis of their syllabi, including readings and pedagogical statements, and semi-structured interviews about their praxis to draw attention to the *what* and *how* of their pedagogical practices and the ways in which they align with a decolonial pedagogical approach. I call attention to the specific manner in which they include decolonial pedagogical methods in their human rights courses.

Decolonial theory, as developed by Latin American theorists<sup>1</sup>, views colonialism as an ongoing process that did not end when colonies around the world successfully struggled for the right of self-determination. Instead, decolonial theorists contend that another form of colonialism continued – that of Eurocentric domination of culture and knowledge, ways of thinking and organizing that knowledge, which needs, creates, and reproduces hierarchies of race, gender, sex, ethnicity, economy that have resulted in

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<sup>1</sup> This research focuses on Latin American decolonial theorists due to their work regarding coloniality, in particular, theorists Walter D. Mignolo, Aníbal Quijano, and Ramón Grosfoguel.



subjugation and exploitation (De Lissovoy, 2010; Grosfoguel, 2000; Maldonado-Torres, 2011).

Decolonial theorists have identified academia as an area in need of decolonization due to the lack of non-Eurocentric ways of knowing and understanding that guide the practices and production of knowledge in universities (Grosfoguel, 2012; Barreto, 2012; Calderon, 2014). This critique, which has ties to a larger theoretical framework calling for the deconstruction of academia (Bloland, 1995; Bloland, 2005; Clegg, Hudson & Steel, 2003; Peters and Biesta, 2009), has been applied to specific disciplines, mostly in the humanities and social sciences, which are seen as locations where non-Eurocentric knowledge “dies” (Grosfoguel, 2012, p. 84). I understand deconstructing the academy to mean the criticism of higher education due to its hierarchies, embeddedness in neoliberal ideology, capitalism, and corporatization. In particular, programs within these disciplines such as Ethnic Studies, Women’s Studies, and Queer Studies, which were created to bring life back to non-Eurocentric knowledge, have faced critique due to lack of evaluation of valid sources of knowledge (p. 85). These critiques have also extended to programs in human rights (Barreto, 2012; Al-Daraweesh and Snauwaert, 2013; Coysh, 2014). With regard to this dissertation, I refer to the human rights programs situated within institutions of higher learning in the U.S.

While international human rights law and mechanisms have often been criticized for having developed out of a Eurocentric liberal tradition and for excluding and suppressing people and knowledge, human rights education also faces those same critiques. However, the literature on decolonizing human rights, thus far, has not included research focused on whether a decolonial pedagogy has been adopted by human rights

professors, and how this inclusion or exclusion- or the complicated and layered process of transformation - is understood by the field. By decolonial pedagogy, I mean a pedagogy that confronts Eurocentric epistemologies and aims to “delink from the currently embedded colonial model” of pedagogy (Drinkwater, 2014, p.73). From this pedagogy a “new and authentic...solidarity” (De Lissovoy, 2010, p. 286) and transformative discourse and praxis can emerge.

This research contributes to expanding our knowledge of the basis for a decolonial pedagogy of human rights and emerging ideas of how such a pedagogy can be implemented. The remainder of this chapter emphasizes the different timelines impacting that discussion which intersect and run parallel: 1) the arc of anti-colonial struggles post World War II and the work of contemporary anti- and de-colonial intellectuals that produced decolonizing knowledges and theories; 2) the emergence and development of human rights law, and human rights (law) education; 3) changes to disciplinary content, training, and pedagogy within graduate school programs; 4) the publication, in English, of theories of coloniality, critiques of human rights from a decolonial perspective, and decolonial critiques of human rights education; and 5) and the development of professors’ teaching histories, syllabi and pedagogical strategies post graduate school – which could also include continued pedagogical training. In other words, the establishment of HRE programs beginning in the late 1980s to early 1990s occurred during a period of time when anti- and de-colonial theorists writings in English begin to emerge. Although the emergence of these theorists’ writing does not imply or assume their incorporation into curriculums, the timeline is relevant with regard to when human rights professors were trained as graduate students as some of this literature had not yet been published.

Moreover, in cases where literature had been published, the disciplines and programs in which professors received their graduate training may not have prioritized examination of anti- and de-colonial critiques.

It is also important to recognize the many genealogies of anti-colonial thought: central to anti-colonial political movements in the post WWII time period were intellectuals who dissected and interpreted colonial experiences, relations of power, institutions of authority, putting forth both cultural and psychological contestations (Césaire, 1950; Fanon, 1961; Achebe, 1958; Memmi, 1957). These political and intellectual trajectories inspired people all over the world, and including in the US, people, organizations, artists, and intellectuals that identified with the struggles of third world peoples and identified themselves as such (Young, 2005; Gómez, 2016), in turn producing new models of knowledge production. Many of these political movements across the globe had an impact on universities, in terms of admission, curriculum, pedagogies, and the politics of knowledge production. This resulted in the creation of programs, and academic journals, in Ethnic and Third World Studies, Women and Gender Studies, Queer studies, Africa/Afro/Black Studies, and Asian American studies (Ferguson, 2012). The emerging theories that were part of the creation of these programs were further developed and impacted the university as a knowledge-producing institution (Mignolo, 2009). In the following chapters, I expand on these topics at length.

This paper is organized into six additional chapters. Chapter 2 begins by establishing the impact that liberalism and neoliberalism have had on human rights law and discourse but also post-secondary education. I argue that the ideological impression of these two concepts on human rights and higher education has resulted in the

perpetuation of Eurocentric epistemologies that ignore and dismiss subaltern<sup>2</sup> epistemologies. Therefore, the university, which is a contested space of knowledge production related to economic, cultural, social, psychological, political and other spheres of life, should be a place where decolonial ideas and practices exist, are created and circulated. I assert that the implementation of a decolonial pedagogical approach is an important step in considering the implication of decolonial ideas for curriculum, graduate training, pedagogy and other elements of the university, while specifically acknowledging the relevance of barriers to pedagogical change for actualization of decolonial ideas.

Chapter 3 establishes the connections and differences between postcolonialism, anti-colonialism, and decolonialism and establishes the tenets of decolonial theory. The chapter then digresses to a brief discussion of the history of human rights education and the critiques that have emerged in contestation. Among the critiques of human rights, feminist and cultural relativist, which are found extensively in the literature, are introduced followed by the critique of human rights that has emerged from decolonial theorists. I posit that based upon a synthesis of the tenets of human rights from the writings of decolonial theorists, decolonial measures can be established that will analyze the extent to which efforts toward decolonization have been implemented.

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<sup>2</sup> Spivak writes of the subaltern as “everything that has limited or no access to the cultural imperialism” (p. 45); it is not just a “classy word for oppressed, for Other, for somebody who's not getting a piece of the pie” (p. 45). However, in this paper, “subaltern” is defined as groups of people whose voices have been silenced and do not adhere to Eurocentric and colonial epistemologies. Subaltern epistemic perspectives are knowledge coming from below that produces a critical perspective of hegemonic knowledge in the power relations involved.

In Chapter 4, I lay out the methodology of this study. For transparency and to provide context to the research questions this study seeks to answer, I first highlight my own background, beliefs, and biases for transparency and to provide context to the research questions this study seeks to answer. The research design is then explained followed by details regarding the recruitment and backgrounds of the participants. Next, the procedure and method of data processing is revealed, and I conclude by addressing the steps taken to ensure the reliability and validity of the study.

Chapter 5 introduces the findings of the study and begins by reintroducing the participants and providing more background information revealed through the interviews. I then move on to address the research questions by first explaining what the findings reveal regarding professors' engagement with and support of decolonial pedagogical approaches within their human rights courses. I then provide an analysis of the extent to which each of the decolonial measures was addressed based on the analysis of the interviews and syllabi provided by the professors.

Chapter 6 addresses the how of professors' pedagogical approaches. I provide an analysis of the influence professors' disciplinary training has had on their pedagogy, the pedagogical approaches they use in the classroom, and the objectives they seek to accomplish in their courses. The chapter concludes by identifying the challenges that exist at both the individual and institutional level to implement a decolonial approach within human rights courses.

Finally, in Chapter 7, the conclusion explains the implications of the research findings, the limitations of the research, and possible research for further study. I close with a discussion of how the findings augment our theoretical understanding of

decolonial pedagogy and human rights education, and I demonstrate how the adoption of decolonial pedagogy and curriculum can generate an epistemological shift in how human rights are understood, contextualized, and implemented.

The chapters discussing academia and decolonial thinking emphasize the breadth of decolonial thinking regarding Western intellectual traditions to demonstrate the 1) significance of this intellectual genealogy that emerged alongside and in the aftermath of anti-colonial political struggles; 2) to highlight the challenges of incorporating these intellectual traditions and corresponding pedagogical practices into 3) curriculum and teaching practices in undergraduate graduate and programs as well as graduate student training.

A further caveat to explain decolonial theory and my research questions, a binary was created between the colonial and the decolonial. Binaries are an imposition of the colonial and intended to destroy, but my use of a binary in this research is purposeful in that it is intended to expose contradictory colonial and decolonial goals and processes and how they are in opposition to each other. There is a need to introduce the binary in order for initial dialogue to occur and to reveal how the binary is a means of colonial ordering. However, this binary is later complicated by the findings, which demonstrate the limitations of a binary – that the decolonial allows for engagement with the colonial and for differences as the basis of agreement - and the ways in which a third element is produced by the relationship of the two, which is a space in which new questions and dialogue can emerge (Derrida, 1998).

This project also attempts to bring into discussion the anti-colonial intellectual tradition, which targeted the knowledge, including parameters, methods, ontologies, and

epistemologies, that rationalized and explained colonial relations of power with theories and approaches to human rights education, curriculum, and pedagogy.

This work should be seen in the context of my own experience with human rights education as a student in a Ph.D. program and as a professor teaching human rights education (HRE) to English as a Second Language (ESL) students. Thus, my inquiry is three-fold: from my perspective as student, as researcher, and as teacher. As a student, I have taken classes within different disciplines that have introduced me to human rights, the ideas of critical theories and critiques of human rights, and human rights law. So this research is not only about understanding how human rights is taught within different disciplines, particularly those I am being trained in, but also my own process of applying HRE and decolonial pedagogical practices to my teaching as I navigate the weaknesses of my training in decolonial pedagogical practices.

This project is slightly unconventional in the sense that this dissertation is layered and incorporates my own voice, emanating from these three positions of teacher, student, and researcher. It is also purposefully unconventional in its organization of the chapters. The structure of the narrative is such that understanding both the content and the context of the research is important to help the reader contextualize the project, especially the research questions that I am asking. For that reason, Chapter 2 and Chapter 3 precede a full discussion of the methodology of the project. Given this organization and the intention of this dissertation to serve as an invitation to dialogue, I want to introduce some of the methodology here so that readers can begin to formulate their own responses to the research questions but also join in the discussion, but I will return in much greater detail to the methodology in Chapter 4.

My research questions were three-fold: 1) How do human rights professors' engage with decolonial pedagogical approaches in their human rights courses?; 2) How do professors' pedagogical approaches support a decolonial perspective of human rights?; and 3) Why do challenges to approaches supporting a decolonial perspective on human rights exist, and how can pedagogical barriers to implementation of a decolonial approach be overcome? In order to address these questions, I interviewed twenty-two professors who teach human rights and I conducted a content analysis of their syllabi. In each interview, I asked the professors three sets of questions. The first set were background questions that established how long professors had been teaching human rights, the courses they teach, what their motivation was in teaching human rights, how well prepared they were to teach human rights, and how their training has influenced their presentation of human rights in their courses. The second set of questions asked professors about their curricular content and included questions about how they choose their course materials, the extent to which they incorporate UN treaties, conventions, and case law, whether they incorporate critiques of the human rights framework, and which course materials they believe demonstrate non-Eurocentric contributions to human rights. The third and final set of questions were pedagogical in nature and asked professors whether they emphasize a universal or pluriversal epistemology of human rights, if they engage students in questions of hierarchies of human rights knowledge and the impact of power relations on human rights discourse, and to explain their pedagogical approach to teaching human rights. In asking these questions, I wanted to understand the extent to which decolonial pedagogical criteria were met and the location of each professor in the process of decolonizing their human rights courses. Likewise, through this brief



introduction to the research methods, I hope readers might engage in a similar dialogue based on this study's questions.

I approach this topic with humility and intellectual curiosity to understand how to better incorporate voices, experiences, dialogues that have been excluded to promote genuine solidarity that can lead to individual and societal transformations. I point to absences within human rights education and pedagogy not to critique the absence but rather to understand why pedagogical training is not common in human rights programs, and particularly, pedagogical training that does not reproduce the rationale and parameters for excluding and silencing particular ways of knowing and understanding human rights. Along the same line, when writing about assumptions, particularly in the methodological section, I am aware of making transparent my own assumptions and expectations stemming from my own experiences about how a program in human rights *should* or *could* be. Finally, when thinking about decolonizing epistemologies, pedagogies, and institutions, I consider Ashis Nandy's reflection on the secular hierarchies established through the "second form of colonialism":

This colonialism colonizes minds in addition to bodies and it releases forces within the colonized societies to alter their cultural priorities once for all. In the process, it helps generalize the concept of the modern West from a geographical and temporal entity to a psychological category. The West is now everywhere, within the West and outside; in structures and in minds. (1983, p.11)

With regards to this project, the secular hierarchies include hierarchies of knowledge and knowledge production, their transmission, and reproduction of ideologies.

## CHAPTER 2

### A ECOLOGY OF DECONSTRUCTING ACADEMIA

Much of the current need to deconstruct academia and specifically human rights education can be traced to colonization as well as the hegemonic discourse of liberalism and, later, neoliberalism that have influenced academia since its formal origination in the United States. This chapter will begin by briefly exploring the contentious relationship liberalism has with human rights and justice theorist Charles Mills' critique of liberalism as a gendered and racialized philosophy. This discussion is followed by defining neoliberalism and investigating the impact it has had on human rights law and discourse. In the final sections of this chapter, an examination of the relationship between neoliberalism and higher education provides additional context to the need to deconstruct academia and the barriers to implementing pedagogical change within academia are underscored.

#### **Liberalism and Human Rights**

Liberalism and human rights have had an enduring antagonistic relationship that preceded the current contentious relationship between neoliberalism and human rights. This history is important and complex, but for the purposes of this paper and its focus, I'll keep my comments on liberalism brief to better understand the ways in which neoliberalism has impacted human rights.

Liberalism is associated with many theorists, perhaps most often with John Locke, Jeremy Bentham, John Stuart Mill, and Adam Smith, but "liberalism" has varied over time and theorists are not wholly in agreement with each other as to what constitutes liberalism. Even so, as a philosophy, it has faced harsh critique. To begin, for theorists

concerned with the idea of justice, such as Charles Mills, liberalism is an “exclusionary hierarchical ideology of the racial-gendered system established by modernity: racial patriarchy” (Mills, 2011, p. 32). In his book chapter, “Liberalism and the Racial State”, Charles Mills (2011) presents his argument that liberalism has, from the beginning of its development as a political philosophy, been gendered and racialized (p. 31). For Mills, liberalism has been racialized due to society’s failure to examine this race-gendered system while perpetuating a false, yet standardized, historical narrative in modernity (p. 43). Mills believes that the standard narrative built around the concept of liberalism is incorrectly connected to concepts such as moral egalitarianism, equal rights, and an open democracy where equality is actualized. In fact, Mills believes that liberalism has been built upon quite the opposite: white patriarchy and racism (Mills, 2008, p. 1381). The narrative Mills writes of has been accepted and legitimized through what he terms “discursive shifts and conceptual framings” (p. 1381).

These discursive shifts and conceptual framings Mills writes of have been achieved through racial opacity or the white-washing of history, including human rights history. In accepting the idea of egalitarianism, society has forgotten how it arrived in its current stage. The narrative has been adjusted such that the atrocities of the past and present have been accepted and silenced so that any discussion of racism has become inappropriate. Mills (2011) argues that liberalism has been complicit with racism requiring whiteness as a “prerequisite for individuality” (p. 28). Due to the liberal ideal of individual rights and freedoms, the reduction of people to chattel and genocide based on race should have been viewed as a gross transgression and that racial injustice and oppression should have been condemned. However, this has not been the case (p. 28).

White men were deemed moral while all others, including white women, were judged morally inferior, and as such, order could only come from a system of domination in which white men ruled over all (p. 30). Thus, the liberal state equated to the racial state (p. 28) and the role of the racial state is to privilege white males, the minority, while subordinating the majority (p. 32). Mills argues that the social contract of the racial state is structured upon disrespect and exclusion of nonwhites (p. 33) rather than a “colorless, egalitarian, and inclusive sociopolitical system (Mills, 2009, p. 163).

Mills believes that we need to make racial oppression central to our understanding of liberalism. It is only by examining the mechanisms of racial liberalism that continue to help “maintain [the world’s] topography of illicit racialized privilege and disadvantage” (Yancy and Mills, 2014, para. 21) that liberalism can be saved. Mills maintains that liberalism could be reconstituted through a “domination contract” which sees “social domination rather than social equity as the actual norm”. As the starting point, the actual mechanisms of the state can be then be understood as well as how to make it just (Mills, 2011, p. 45). A domination contract acknowledges the racism and lack of egalitarianism of liberalism in modernity, end the white-washing of historical racially-charged tragedies, and expose the truth of racial liberalism (p. 46).<sup>3</sup>

In addition to the critique that liberalism is a racialized and gendered philosophy, liberalism’s antagonistic relationship with human rights also stems from two general

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<sup>3</sup> Mills’ theory of racial justice aligns in many ways with other theories of justice including anti-colonial, post-colonial, and decolonial theories. In particular, they align in their understanding of a racial and gendered system, which has been sustained and utilized to colonize bodies and lands. In the next chapter, these three theories of justice will be examined and the differences between them explored in order to better understand the importance of using decolonial theory as a means of decolonizing human rights education.

beliefs held by human rights theorists. Although liberal theorists would state that people have rights because they are human and that these rights are universal and inalienable, most would argue that those rights are limited to what is required to safeguard life and liberty. Generally, social and economic rights are not included. Additionally, they would argue that the state's responsibility in protecting rights should be constrained so as to limit interference in citizens' privacy and freedoms (Douzinas, 2014; Renshaw, 2014). This has been referred to as a negative constitution by Susan Bandes, meaning that a state does not have the affirmative duties to help its citizens. This minimal model of liberalism does not align with human right discourse that argues for the centrality and importance of social and economic rights in addition to political and civil rights. Furthermore, from a justice theory standpoint the absence of or indifference to social and economic rights perpetuates the subordination of the poor and oppressed by not meeting their needs.

Stemming from this antagonism toward liberalism, precursors to decolonialism emerged including liberation theology. Liberation theology has its roots in the Roman Catholicism of Latin America and is primarily linked to Friar Gustavo Gutiérrez, author of *A Theology of Liberation*. Gutiérrez, a Quechua Indian priest and theologian, came from an oppressed class, but his success as a student provided him with the opportunity to pursue graduate studies in Europe. His time studying in Europe led him to realize that the theories embraced by many voters in Europe were not applicable to impoverished Latin America and especially the poor of the region. The liberation theology Gutiérrez emphasized sought to bring greater justice to the poor and marginalized whose rights, in particular social and economic, had been deprived in part due to liberal ideology. From liberation theology emerged other forms of anti-oppression theories, including black

liberation and feminist liberation. Black liberation theology, often traced intellectually to James Cone who wrote *A Black Theology of Liberation*, which focused on the social, political, economic, and religious injustices and inequality experienced by people of color (Krattenmaker, 2017). Feminist liberation theology, likewise, asserts the need to examine the ways in which women have been oppressed and the need for theological praxis that considers the knowledge of women (Russell, 1974). These liberation movements, which preceded and have emerged along with decolonization, share in the ideology that certain groups of people have experienced the oppression of their rights in response to the global hegemony of liberalism.

Of particular contention has been an aspect of liberalism known as liberal internationalism, which asserts that liberal states should intervene in the affairs of sovereign states for the purpose of pursuing liberal objectives - such as global free trade, liberal economics and political systems – and democracy. Human rights has been criticized as a (neo)liberal enterprise for perpetuating those objectives and being co-opted by them. In particular, development measures purported to be based on establishing and ensuring human rights have faced harsh criticism. Gustavo Esteva (2010) has written extensively of the conceptual inflation of the terms “development” and “economic growth” and the ways in which “economization and colonialism were synonymous” (p. 14). In addition, he writes of how in many countries the quest for rapid economic growth (development) has resulted in increased inequality. Esteva cites a relatively early UN report (1971) that stated: “The fact that development either leaves behind, or in some ways even creates, large areas of poverty, stagnation, marginality and actual exclusion from social and economic progress is too obvious and too urgent to be overlooked” (p.

10). The impact of liberalism then has not only decentralized the importance of social and economic rights but has also resulted in their demise through measures connected to liberal internationalism.

Also worth mention in the discussion of liberal development efforts is the critique of NGO-ization, or the proliferation of Non-Governmental Organizations (NGOs) throughout the developing world and Global South (Jad, 2004). In response to the findings that development efforts have resulted in increased inequality, many NGOs have emerged bringing with them the criticism that they are “the products of neoliberal policies expressed in privatization and decentralization of state institutions” (Yachobi, 2007, p. 745) as well as a form of neocolonialism (Jad, 2004; Hanafi and Tabar, 2002). Whereas many liberals have applauded NGO efforts in countries with ineffective governments and their ability to work toward a society that is not dependent on the state or market, others have criticized the top-down approach of many NGOs and the lack of accountability they have to the often-marginalized recipients of their efforts (O’Loughlin, 2014).

As previously stated, neoliberalism is a current component of an on-going contentious relationship between liberal theory and human rights. The values of liberalism have contrasted directly with theories of human rights that view social and economic rights as intrinsic and fundamental. In addition, the hegemonic proliferation of liberal policies has resulted in movements, including decolonialization, that aim to address the continued colonization and oppression of marginalized people that these liberal policies perpetuate. Human rights have been directly and negatively impacted

under liberalism. In the following paragraphs, I wish to bring attention to the ways in which neoliberalism has served to detriment human rights.

### **Neoliberalism and Human Rights**

Saunders (2004) describes neoliberalism as a “varied collection of ideas, practices, policies, and discursive representations”, but explains that “this collection is united by three broad beliefs: the benevolence of the free market, minimal state intervention and regulation of the economy, and the individual as a rational economic actor” (p. 45). Fundamentally, neoliberalism is guided by the concept of a self-regulating market in which free trade and competition leads to economic advancement and wealth for most. In cases where they do not occur, it is due to external meddling (Saunders, 2004, p. 46). McChesney adds that “neoliberalism is the defining political economic paradigm of our time — it refers to the policies and processes whereby a relative handful of private interests are permitted to control as much as possible of social life in order to maximize their personal profit” (as quoted in Giroux, 2002, p. 425).

Neoliberalism has left a mark on our understanding of what counts as human rights, both human rights law and human rights discourse, which are major components of any human rights curriculum. MacNaughton and Frey (2015) argue that at both international and national levels, neoliberalism has become so normalized that many fail to understand the impact of neoliberal policies on human rights law (p. 18). They explain that in the U.S. there is a belief that human rights are not relevant to the U.S., and where rights are concerned, the emphasis is on civil rights rather than human rights. Human rights abuses do not extend to their thinking beyond gross violations such as war crimes



or genocide. As for civil rights, these are very rarely reflected upon as a component of human rights and other components such as economic, social, and cultural rights go unacknowledged. MacNaughton and Frey argue that the myopic focus on civil rights is due to neoliberal governing. After the Cold War ended, neoliberalism gained a foothold and the International Covenant on Economic, Social and Cultural Rights (ESCR) was forgotten despite the significant attention given to those rights during the drafting of the Universal Declaration of Human Rights (UDHR) (p. 20). The authors point to specific rights within the UDHR that have been negatively impacted by neoliberalism such as Articles 23, 26, and 27 - the rights to full employment and decent work, progressive realization of free higher education, and the benefits of science respectively. Interestingly, the substance of each of these articles was echoed in the negative impact neoliberalism has on the university.

Neoliberalism has also impacted human rights discourse. Evans (2005) argues that human rights discourse is a legal discourse of human rights (p. 1046-1047) but that this discourse has lacked a “reflection on authority, relevance, and hegemony of international human rights law” (p. 1048). While he admits that the discourse has included extensive criticism pertaining to some theories and ideologies, he argues that the discourse has lacked critique (p. 1048). Evans differentiates criticism and critique by explaining that criticism is confined to arguments while critique investigates how the claims that “human rights represent a universal and eternal truth” (p. 1048) are “achieved, legitimated, and presented as the authoritative guide for action” (p. 1049). Evans maintains that “critique is concerned to expose the interests served by the production and maintenance of particular truths, and the processes that enable some forms of knowledge

to be accepted as complete and legitimate while other forms are labeled partial and suspect” (p. 1049). Evans believes that as discourse is privatized and institutionalized, assumed experts gain authority while other voices whose discourse differs are discounted (p. 1050). Thus, “discourses...act as the meeting place for power and knowledge” (p. 1050), and power, whether legitimate or illegitimate, can exclude and marginalize. Evans cites Mutua’s argument that human rights discourse often highlights the idea of a savior overthrowing the savages in order to reinstate the victim’s rights, yet ignores that the victim may have a vision of an ideal life that differs from the savior (Evans, 2005, p. 1050). Evans argues that the processes of domination that underlie human rights discourse are a result of what he refers to as ‘market discipline’, which he explains emphasizes economic growth, the free market, and privatization. Within the bounds of market discipline, human rights are conceptualized differently than they would be within international law. They are envisaged as “freedoms necessary to maintain and legitimate particular forms of production and exchange,” and are only important so as to affirm neoliberal freedom (p. 1057). Because human rights discourse is presented as the undisputed and yet remains reticent on issues of power and dominant concepts of human rights, many human rights abuses experienced by subaltern<sup>4</sup> voices remain suppressed. Additionally, Evans explains that because market discipline underlies human rights discourse, “human life is valued as a means to an end rather than as an end in itself. This is seen in the greater attention given to trade, property, and finance, compared to that

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<sup>4</sup> Spivak writes of the subaltern as “everything that has limited or no access to the cultural imperialism” (p. 45); it is not just a “classy word for oppressed, for Other, for somebody who's not getting a piece of the pie” (p. 45). However, in this paper, “subaltern” is defined as groups of people whose voices have been silenced and do not adhere to Eurocentric and colonial epistemologies.

concerned with humanitarian issues, for example, poverty, the environment, and socio-economic rights” (p. 1057). Given the influence of neoliberalism on human rights law and discourse, a significant critique must be a component of any effort to decolonize how human rights is taught within the university.

The following section explores the reasons the university is viewed as a contested space. I highlight how colonialism, Eurocentrism, liberalism, and specifically neoliberalism have contributed to its contestation in an effort to demonstrate not only the difficulty but also the importance of a decolonial approach to human rights within higher education.

### **Universities as Contested Spaces- Historical Analysis**

Ecologies are complicated systems that are always in flux, transition, and change, with different elements vying for attention and prominence (Weaver-Hightower, 2008). Similarly, U.S. universities are contested spaces and sites, that according to Pillay (2015), are characterized by “constant invention, contestation, negotiation, subversion and potentially, reinvention” of ideas, possibilities, methodology, and power and politics. It is a contested space in which there is a “struggle for social control” (Reyes, 2016, p. 201) and in the context of universities, this struggle for social control often stems from divergent ideas with regards to the purpose of and differences between education and learning, as well as what defines a university. As argued below, the university serves as a contested space especially because it is a colonized space in which Eurocentrism has maintained power and control through liberal and neoliberal policies, the silencing of non-Eurocentric epistemologies, and the Eurocentric universalism of knowledge.

U.S. and Latin American universities were established as a direct consequence of European colonization and served as a contested and colonized space in its mission and purpose. When the Europeans first began to colonize the Americas, British and Spanish settlers used universities as a device to create, implement and maintain a white Eurocentric system of power (Sui, 2015). These universities were created and run by these settlers establishing them as they colonized the continent. Siu (2015) provides the location and year of establishment of these universities to illustrate the historical connection between colonization and universities: the Universidad Autónoma de Santo Domingo (1538), Universidad de San Marcos of Perú (1551), Real y Pontificia Universidad de México, today the UNAM (1551), and Harvard University (1636). From its function as colonial institution, and accounting for the different colonial/intellectual histories with regards to Spain, France, and Great Britain, for example, the university has been and continues to be a contested and colonized space in its mission and purpose. Siu contends that each of these universities served “as spaces for the creation and retention of systems of thought...[that] contributed to the eradication of indigenous educational institutions and to the displacement, invalidation, destruction, and subalternization of indigenous and African ways of knowing” (para. 4). She explains that indigenous knowledge and epistemologies did not match the imposed history of the colonizers and were not favorable to the system of colonization being enforced: “Native knowledges did not support racial, class nor gender hierarchies –all organizing principles of colonial America” (para. 4). Thus, universities were spaces in which Eurocentric ideology was developed and preserved creating a lens through which all academic disciplines were

directed and allowing for the rationalization of the white Eurocentric system of power (Quijano, 2000).

After WWII, when the US university systems (public and private – with public money), expanded their reach to possible students, as well as expanding areas of research in the social sciences, humanities, and hard sciences (Giroux, 2015; Gilmore, 1991), the framework of human rights law was emerging. A Cold War project, meaning a bulwark for capitalism against communism, of education, the expansion of (public) universities increased influence and impact on policy, politics, culture, science and other areas of life also created the conditions for contesting the impact of knowledge production that often made certain epistemological assumptions. The discussion of the role of US universities in reproducing certain ideologies or methods of social control for creating a docile labor force, for example as introduced by the work of Herbert Marcuse's *One Dimensional Man*, is beyond this research project, but it is important to continue to point out that the university is a contested space of knowledge production (subject and method) that people – students, administrators, academics – reproduce, challenge, and remake. I mention these characteristics intentionally to link the time period of the expansion of higher education, and thus the mechanisms and apparatuses of producing, reproducing, circulating and transmitting knowledge – to students, policy makers, captains of industry, and social justice activists - to the emergence, post WWII, of international agreements and documents outlining, defining the parameters of, and creating institutions of political authority for this new regime of rights.

Suarez-Krabbe's (2012) research demonstrates Eurocentric perspectives are prioritized within academia ontologically, epistemologically, and theoretically and are

often an implied requirement for obtaining funding, publishing, or climbing the academic ladder. Other perspectives are silenced, and non-Eurocentric theories, in particular, are categorized as “lay criticism, political manifestos, ideology, polemics or empirical material” in an effort to lessen their significance (p. 39). In addition, Progler (2014) identifies Eurocentrism within the curriculum, including its textbooks, methods, and theories, as oriented toward white Eurocentric knowledge at the expense of other forms of knowledge. Progler also argues that universities are contested spaces as a result of maintaining and imposing a Eurocentric knowledge system. This epistemic violence enables political and economic violence, and the violence of sanctioned ignorance (the established institutional intellectual boundaries of who can know, and how that knowing is recognized), that in turn further sustains a hierarchy based on social class by using education to limit mobility. Thus, the desire for social control via the maintenance of an education regime of power (Foucault, 1977) has resulted in the university being a contested and colonized space in which the social hierarchies attempt to exclude marginalized and peripheral voices contributing to the perpetuation of relations of oppression and exploitation. Arguably, higher education is the location in which the liberal racial state is ideologically, materially, economically, psychologically, and culturally reproduced. Thus, the university serves as one of the mechanisms of racial liberalism that Mills writes of. From the standpoint of Mills’ theory of justice, in order to dismantle the discursive shifts and conceptual framings that have allowed for racial opacity and the white-washing of history, the university as mechanism must be carefully dissected so as to move toward justice and allow for the adoption of a domination contract as well as the uprooting of neoliberal thought which has perpetuated this false

narrative and served as a conduit of Eurocentrism's continued expansion. Drawing on an array of additional theorists, I understand this contestation as the politics of knowledge production, the contested foundational intellectual dynamics and parameters of an ongoing project of coloniality,<sup>5</sup> that continues in and has been exacerbated by the process of neoliberalism.

### **Neoliberalism and Higher Education**

In *Higher Education in America*, former President of Harvard University, Derek Bok (2013) writes comprehensively about the system of higher education (HE) in the United States and tackles many of the criticisms of the system of HE. Bok claims that while universities in the U.S. have not had a singular purpose for more than one hundred

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<sup>5</sup> The university, for example, as a contested space (of knowledge production, organization, and circulation) is part of a colonization process in that contestation is always about reproducing the institution on new terms of order (Robinson, 1983) that draw from a previous set of knowledges before whatever crisis occurred that precipitated the need to re-organize power relations – between administrators and students or faculty, between the university and society, and between departments. Contesting the terms of order can include putting forward an analysis that emphasizes the paradigmatic processes of colonialism, i.e. that it is the entire structure, including the critique to reform the structure that contestation often assumes. This is not the same as a total paradigmatic re-organization of knowledge production, the parameters of what is considered knowledge, and the imaginary of how knowledge can be put to work for human dignity. Its worth remembering the words of Franz Fanon (1961): “The violence which has ruled over the ordering of the colonial world, which has ceaselessly drummed the rhythm for the destruction of native social forms and broken up without reserve the systems of reference of the economy, the customs of dress and external life, that same violence will be claimed and taken over by the native at the moment when, deciding to embody history in his own person, he surges into the forbidden quarters. To wreck the colonial world is henceforward a mental picture of action, which is very clear, very easy to understand and which may be assumed by each one of the individuals which constitute the colonized people. To break up the colonial world does not mean that after the frontiers have been abolished lines of communication will be set up between the two zones. The destruction of the colonial world is no more and no less that the abolition of one zone, its burial in the depths of the earth or its expulsion from the country (p. 40-41).”

years, specific aims can be identified, which developed from three separate movements. The first movement developed the aim of preparing students to work in a beneficial occupation and aligned with the growth of the economy during the industrialization period. The second movement resulted in a focus on research and scientific inquiry. The third movement focused on educating the elite through the cultivation of a liberal education (p. 29). In some institutions, performing service activities and the production of economic development have also become objectives (p. 30). Bok concedes that there are advantages and disadvantages to each of these aims. As to the disadvantages, he highlights the mounting costs of providing and obtaining higher education, students who are wholly unprepared for college-level education, and the disrupted economic relationship between institutes of higher education and the government. Bok also discusses universities' emphases on tangible goals rather than more nuanced goals and competition between universities that has led to dubious outcomes.

The pressure to raise increasing amounts of money has, in some cases, led to improper influence of those providing the funds as private donors (Korn, 2017). Bok also believes that there is a very limited pool of people who can provide the kind of competent leadership universities require. Bok's last concern is the number of low performing universities that are allowed to continue operating in absence of minimum standards of quality. What is interesting is that Bok never once addresses neoliberalism in his entire book despite many of the issues arguably having stemmed from neoliberal ideology. While Bok's criticisms ring true, the absence of discussion of neoliberalism, and furthermore, the impact of Eurocentric colonialism on higher education in his book are



indicative of the work required to create an environment in which decolonization is possible.

There are, however, many other scholars who are in agreement that neoliberalism has had significant negative impact on the institution of education. Henry Giroux (2002) has made the bold statement that “neoliberalism has become the most dangerous ideology of the current historical moment” (p. 428). In a similar vein, Mark Ferrara (2015), author of *Palace of Ashes*, begins his book by declaring neoliberal ideology to be “pernicious” to education and argues that the U.S. has thoughtlessly embraced this model of education. Unimpeded, neoliberalism “threatens to transform global higher education into an adjunct of corporate power and values” (p. 5). The repercussions of neoliberalism include a move in higher education toward restriction of knowledge rather than expansion demonstrated by the lack of public discourse, the justification of the transformation of the university to enterprises that mimic corporate structures, a push to ensure that research is market-friendly, the reduction of the intellectual capital, and the reduction of academic freedom.

First, the demands of the marketplace have caused public discourse to wane and have limited the ability of higher education to instruct for the purpose of “sustain[ing] and develop[ing] inclusive democratic spheres” (Giroux, 2002, p. 432). Additionally, as universities have become more impacted by corporate culture, it has also become more difficult to distinguish between higher education and business (p. 433). Educational programs that have not produced significant profit are often sidelined if not completely eradicated from the university. In particular, the humanities have suffered this fate in recent years (p. 434). University programs often make a profit by downsizing, becoming more efficient, and employing cost accounting. In other cases, corporations and corporate

donors like LEGO and Nike's Phil Knight are funding endowed chairs at universities such as MIT and the University of Oregon respectively (p. 435). In establishing the endowed chair, corporations and donors can gain a voice in deciding what is researched and who is hired or appointed for the endowments. Corporate donors have also used their financial gifts to influence academic freedom and faculty recruits. Western Carolina University has experienced two cases in which donors have made specific requests relating to academic content. BB&T offered a \$1 million gift for the purpose of business education but only on the condition that a novel by Ayn Rand was incorporated as required reading for students in their junior year. Additionally, the university sought a \$2 million donation from the Charles Koch Foundation, whose namesake is well known for funding conservative organizations and causes. Florida State University took donations from the Koch Foundation in 2011, and as part of the agreement, was required to utilize an advisory committee selected by the Foundation to review job candidates (Ball, 2016). Overall, closer ties to the business community have been established due to concerns of ensuring a revenue stream, increasing the student body numbers, and cutting overall costs (p. 442).

Another consequence is that the role of faculty and administrators has shifted. There has been a reduction in the number of faculty who participate in the governance of the university as administrators are now tasked with deciding the majority of university issues (Ferrara, 2015, p. 12). Additionally, even as administrative roles continue to increase, today, only 23% of faculty positions are tenured whereas in the 1960s, the percentage was closer to 70%. Full-time faculty members have been replaced by an ever-growing population of adjunct faculty who are generally over-worked and under-paid (p.

126). The demand for economic efficiency has resulted in the rationalization of providing fewer full-time positions for faculty and more adjunct positions (Ferrara, 2015; Saunders, 2004; Giroux, 2005). The tenuousness of faculty also then limits academic freedom and shared governance.

Furthermore, the pedagogy of faculty has changed. Professors are often required to teach large class sizes giving them little time for feedback and advising and conducting collaborative research with students and other faculty (p. 434). Faculty members are also often limited in what they can teach but also their delivery mode (p. 434), i.e. their pedagogical choices. In the neoliberal university, conducting research is important for professors, but it is highly influenced by the neoliberal ideology. Research is prioritized over teaching due to the academic capital afforded to it, meaning that quality research can significantly elevate a professor's career while excellent teaching is much less of a factor. However, even though research is greatly valued, not all forms of research are valued equally. Of course, research that leads to more funding, patents, and possible spinoffs are prioritized over the humanities, arts, and most social sciences. But additionally, research on pedagogy is not valued. Cartney and Cartney (2016) argue that this is because it is aligned more closely with teaching than research. Finally, corporations often fund research and can influence how their money is used and ultimately may compromise the integrity of the research. Thus, professors in the neoliberal university may be limited in their freedom to focus on teaching and fully control their pedagogy or conduct their research without significant constraints.

Lastly, these changes in governance and pedagogy effect how students now see more explicitly the purpose of attending an institution of higher education: getting a

better job rather than increasing one's knowledge. Attending college or university is now a consumer activity not simply an educational activity (Giroux, 2002; Molesworth et al., 2009). Thus, students experience the conflicting pull of being a critical and analytical student versus the pull of neoliberalism which demands subordination to the directives of the market (Jay, 2011, p. 169). According to Giroux (2004), higher education is now a "financial investment and learning is a form of training for the workforce" (p. 494).<sup>6</sup>

In their article "Resisting Neoliberalism from within the Academy", Preston and Aslett (2014) elucidate one other major strength of neoliberalism reproducing itself in models of governance, pedagogical cultures and curricular offerings within higher education: failure to engage critique (p. 503). Practices that encourage productivity, efficiency, and profit are seldom questioned and are perhaps characteristic of a neoliberal pedagogy. Additionally, in an effort to achieve these three goals, the quality of education suffers due to neoliberal logic in which students are put into larger, impersonal, and isolating classes and faculty are left with impersonal interactions and a reduced ability to engage critically with both the students and the subject. Particular to this paper, neoliberal ideology fails to engage in critique of what is being taught and how it is being taught: curricular choices and pedagogical practices. Neoliberalism, or neoliberal ideas, have a dominant influence within academia, and so while "scholarship that supports the value of capital is rewarded," scholarship that detours from a capitalist-centric ideology has no place and cannot be justified (p. 505). Furthermore, any research that questions or

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<sup>6</sup> Nevertheless, Giroux (2002) believes that "many students reject this model of the university as a business, which increasingly views students as consumers, the classroom as a marketplace, and the public space of the university as an investment opportunity" (p. 454).

criticizes neoliberalism's processes is not valued because it "creates 'inefficiency' in the market (Jay, 2011, p. 169). In addition, pedagogical outcomes that do not follow a model of efficiency – tests, quizzes, memorizations...must struggle to exist, and to justify that existence. "Inefficient" research can be re-valued and purposed by the university as an example of how it is an institution that allows for, cultivates and offers "diverse" perspectives (Ferguson, 2012).

As has been established, the impact of neoliberalism can be seen in the issues of academic capitalism, the corporatization of higher education, and in the deterioration of academic labor environments. These issues are seen as part of a "larger effort to undermine the progressive social development and egalitarian ideals of higher education in a democratic society" (Jay, 2011, p. 165) and a reason for which the deconstruction of academia is necessary. Boidin, Cohen, and Grosfoguel (2012) also argue that the need to deconstruct American and European universities stems from neoliberalism, capitalism, and the continued use of an academic model stemming from a type of universalism, which has been "complicit with processes of not only class exploitation but also processes of racial, gender, and sexual dehumanization" (p. 2). This academic model has been criticized and questioned globally by intellectuals who believe there is a need for decolonization within Westernized universities (p. 2).

The concept of deconstructing academia provides not only a critique of the spread of Eurocentrism through the neoliberalism system of higher education but also Eurocentric colonization via the universalism of knowledge (Boidin et al., 2012; Shahjahan, 2011). Shahjahan (2011) argues that colonial discourse in higher education is expressed in three ways: (1) through discussions of how to civilize the field of education;

(2) through the preferment of hierarchies of knowledge; and (3) through the connection between colonialism and educational policies based in neoliberalism (p. 182). Higher education has adopted and adhered to theories that are

based on European traditions and produced nearly always by European or Euro-American men who are the only ones accepted as capable of reaching universality, and truly foundational to the canon of disciplines in the Westernized university's institutions of social sciences and the humanities. (p. 2)

The Eurocentric colonization of higher education extends beyond U.S. universities to global higher education and is deeply ingrained within courses, course material, research, and policies. In 2011, the International Conference on Decolonising Our Universities was held in Malaysia. From this conference, a statement in the form of a memorandum was sent to UNESCO in which the attendees from countries across the world echoed Shahjahan's argument of the insidiousness of Eurocentrism within their countries' universities and the extent to which colonization has impacted the universities. The attendees also prioritized "the recovery of indigenous intellectual traditions and resources" explaining that "course structures, syllabi, books, reading materials, research models and research areas must reflect the treasury of our thoughts, the riches of our indigenous traditions and the felt necessities of our societies" (GlobalHigherEd, 2011, para. 6). The universalism of knowledge must extend to the inclusion of subaltern knowledge in every aspect of higher education courses in order to stem Eurocentrism's colonization.

Colonialism and Eurocentrism maintain strong roots within the system of higher education in the university system. Giroux's (2000) quote below explains how the corporatization of higher education has continued to uphold a system in which

“knowledge” is narrowly defined so as to be devoid of the critique necessary to push against the oppressiveness of the colonial and Eurocentric ideology rooted in that system:

Knowledge as capital in the corporate model is privileged as a form of investment in the economy, but appears to have little value when linked to the power of self-definition, social responsibility, or the capacities of individuals to expand the scope of freedom, justice, and the operations of democracy. Knowledge stripped of ethical and political considerations offers limited, if any, insights into how universities should educate students to push against the oppressive boundaries of gender, class, race, and age domination. Nor does such a language provide the pedagogical conditions for students to critically engage knowledge as an ideology deeply implicated in issues and struggles concerning the production of identities, culture, power, and history. (p. 441)

The weave between neoliberalism, colonialism and the university is intricate. Knowledge has been defined by neoliberalism whose foundations rest in the concept of colonialism. Thus, without recognizing the problematic definition of knowledge and addressing the need to separate knowledge from these two ideologies, there is little need to deconstruct the university. In its present form, the university does what it was intended to do: provide a space in which Eurocentric power and social control are retained. To decolonize the university is to repurpose it (reform its purpose) - to condition the possibility of universities in which the ideology of knowledge is not interwoven with capital, in which knowledge production that occurs outside the university is seen as valid, and in which knowledge is not linked to the maintenance of white Eurocentered social control, to the perpetuation of “isms”, and to epistemic violence.

Although Eurocentric colonization is embedded within higher education, decolonial theorists point to decolonization as reform rather than destruction. While the concept of “reformation” stems from European historical contexts and is arguably a Eurocentric construct, total destruction, though ideal, may not be realistic or

plausible. Instead, Boidin et al. (2012) argue for the deconstruction of these Eurocentric theories adopted by higher education and suggest it could begin through “inter-epistemic dialogues” - the purpose of which would be reforming the university (p. 2). Reformation as defined by the authors would involve “creating a less provincial and more open critical cosmopolitan pluriversalism,” which would result in “a radical re-founding of our ways of thinking and a transcendence of our disciplinary divisions”. In dialoguing with different traditions of thought that are often silenced, ignored, or inferiorized, a more critical pluriversalism could challenge the current universalism. Nelson Maldonado-Torres (2006) refers to the introduction of different traditions of thought or theories and ideas that are banned or excluded from the halls of academia into the universities and formal centers of learning” as ‘epistemic coyotismo’<sup>7</sup> (p. 16). Undertaking the reform and repurposing of universities will undoubtedly be difficult, but a possible starting point is recognizing the interconnections between neoliberalism, colonialism, and higher education as seen in curriculum content and pedagogical practices.

What would a decolonial curriculum and pedagogy would look like? This will be discussed in more detail below, but for now, decolonizing curriculum perpetuates “resistance” knowledge that probes the concepts of indigeneity, agency, resistance, and subjectivity, pushing against Eurocentric epistemology and coloniality (Kanu, 2006; Dei and Asgharzadeh, 2001). The product of the probing is the development of spirituality, agency, and critical consciousness amongst students and faculty. Furthermore, Dei and Asgharzadeh contend that decolonial curriculum must critically examine all types of

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<sup>7</sup> Meaning “to introduce theories and ontologies that are otherwise excluded from academia” (Suárez-Krabbe, 2012).



relationships that dominate and oppress from institutions of power and privilege (Dei and Asgharzadeh, 2001). Specifically, it must interrogate the varied locations of power within “ideas, cultures, and histories of knowledge production, validation, and use” (as cited in Kanu, 2006, p. 176). A new pedagogy would acknowledge “institutions and their structures of power are sanctioned by the state to serve the material, political, and ideological interests of the state and economic/social formation” (as cited in Kanu, 2006, p. 177). This pedagogy must also discern the power that comes with confronting colonialism. Much more discussion on the topic of decolonial pedagogy and curriculum will follow in the next chapter, but before delving into more specifics, it is important to name and address some challenges that must be overcome in order to implement decolonial curriculum and pedagogy within human rights higher education programs and courses.

### **Barriers to Implementing Pedagogical Change**

Implementing pedagogical change within a nascent discipline is certain to be challenging. Any effort to decolonize human rights pedagogy will require the discipline as well as individuals to adopt new assumptions and re-evaluate prior facts. Thomas Kuhn’s seminal book *The Structure of Scientific Revolutions* addresses the difficulties of creating shifts in our thinking and pedagogy. Kuhn acknowledges how difficult and time consuming this is and writes of the process within the scientific field. Kuhn identified two main phases occurring repetitiously throughout scientific history. The “normal” phase is the period of time during which a central set of beliefs (paradigms) are established and accepted. In addition, during this normal phase, “deep commitments to a particular way of looking at the world [are created], and...fundamental novelties which

conflict with received theories [are suppressed]” (Zaman, 2015, para. 3). A main effort for scientists during this period is trying to make conflicting observations fit into the central set of beliefs. At some point though there are enough conflicting observations that some scientists break away from the core beliefs of the paradigm. This is the second phase referred to as the “revolution” phase. The revolution phase is not complete until a new generation is able to push forward with change and with new research emerging out of the new paradigm (Zaman, 2015). Kuhn’s process has been applied to many other fields, and we might consider its relevance to the fields of human rights and human rights education. If Kuhn’s argument holds true, then implementing pedagogical change with these fields will take significant effort, and we must be mindful of where the field stands amidst these two phases.

Furthermore, at the individual level, the challenges that faculty face in light of the impact of neoliberalism’s clutch on higher education are many, and for those who wish to experiment with new ideas, there can be significant consequences. The precariousness of employment positions due to the limited hiring of full-time faculty and the difficulty of the tenure process create a situation in which faculty fear putting their jobs at risk, particularly if they are working alone, by introducing controversial ideas or pedagogical practices. The market restricts academic freedom and the push to engage in research that will make a profit limits the ability of faculty to make impactful changes to their pedagogy. These barriers are complicated by additional obstacles including: decision-making processes; the impact of perceptions of risk; limitations in training and support; lack of time and confidence; the absence of a culture of thinking collectively in an

individualized labor sector; and few enticements. Although many barriers do exist, research has shown that they can be overcome.

According to Tagg (2012), author of *Why does Faculty Resist Change?*, much of the resistance can be traced back to how people make decisions. Citing experiments conducted by Daniel Kahneman and Amos Tversky, most people do not choose what we believe to be the best option. Instead, we subjectively choose what we believe will be of greater value to us (p. 9). What we think will be of greater value is influenced by how the potential outcomes are presented. Outcomes that are presented in terms of how much can be gained result in less risky decision whereas outcomes presented in terms of how much can be lost result in more risky decisions (p. 10). Additionally, when making decisions, research supports the endowment effect in which we put more value on items we consider our own (see Ziv Carmon and Dan Ariely). This could include training in graduate school with regards to pedagogical practices.

The endowment effect applies not only to tangible items but also ideas. According to Tagg (2012), this research in decision-making results in the ultimate consequence of maintaining the status quo. He cites a study conducted by Thaler and Cass Sunstein in which faculty did not change anything about their retirement plans over their entire teaching career. Likewise, Samuelson and Zeckhauser's study demonstrated that faculty would not change their retirement plans even when the new plans may have benefitted the faculty more (p. 11). Tagg (2012) explains how all of this research pertains to pedagogy and curriculum: "Changes in pedagogy and curriculum are offered as a way of making gains in student learning. But if it comes, and it always does, to a weighing of gains versus losses, loss aversion and the endowment effect will keep a thumb on the

scale, leading losses to outweigh gains” (p. 11). Faculty members see monetary rewards in the form of increases in salary, grants, and stipends as a potential loss. For faculty, engaging primarily in research rather than in teaching can produce monetary gains, while also colonizing the time that could be put to learning new ways of teaching post-Ph.D. Another potential loss is tenure, which is also closely connected to research by way of producing scholarly journal articles and books. Tagg (2012) argues that, ultimately, teaching is then regarded as a loss not a gain. Adjusting one’s pedagogy will not only produce no gains but will result in the loss of time, energy, and income.

Deidre Le Fevre’s (2014) article, *Barriers to Implementing Pedagogy*, focuses on the impact of perceptions of risk on faculty’s willingness to achieve sustained pedagogical change. She agrees with Tagg’s (2012) research demonstrating faculty perceive greater risk if they also perceive that the potential loss to be great. She adds that perceived risk is influenced by physiological, psychological, and physical factors. When deciding to adopt a decolonial approach, perceived risk may currently be or will become a factor.

One of the psychological factors is cognitive bias. People tend to try to fit new information into their current viewpoints. When the new information does not fit, their current beliefs have to be re-evaluated; however, with that re-evaluation comes vulnerability, and ultimately, often the rejection of the new information. This is true of both students and professors. Altering beliefs or practices is risky and the potential of failure is unacceptable. Sinclair and Osborn’s research (2014) on pedagogical change also concluded that fear and anxiety serve as significant barriers. In addition, Le Fevre cites as a barrier the negative impact of too much change known as *initiativitis*. The more

changes or adjustments faculty feel they must make, the less likely they are to make any changes. From disciplines to departments and classes, these fears must be addressed.

With regard to human rights educators, we must consider the added pressure all educators face in light of the “transformative” nature of teaching human rights, which hopefully anticipates that in learning about human rights students will affect change within themselves, their communities, or globally, which are also outcomes of a decolonial pedagogy. Given the aforementioned factors that faculty generally face and compounding them with these added expectations, strong consideration must be given to the feasibility of achieving changes to human rights pedagogy. The fears and anxiety associated with altering pedagogy may exacerbate any initial reluctance faculty may have or could be used as a means of establishing legitimate reasons to reject pedagogical changes. A final barrier Le Fevre addresses is the faculty’s relationships with key stakeholders such as administration, fellow faculty, and students. Pedagogical changes that carry the risk of negatively influencing these relationships are rejected in favor of maintaining the status quo (Le Fevre, 2014; Sinclair and Osborn, 2014).

Brownell and Tanner’s (2012) research revealed additional barriers citing three main impediments: lack of training, time, and enticements. Due to a focus in higher education on efficiency and productivity, faculty are limited in terms of the resources available to them (Preston and Aslett, 2014, p. 508). Deficiency in training can lead faculty to feel ill-equipped to make changes to their pedagogy (Sinclair and Osborn, 2014). However, even with training, faculty are often not convinced that a change to pedagogy will be more beneficial to students than their current form of instruction. Furthermore, faculty who do not feel as though their institution or colleagues are not

firmly supportive of pedagogical change are unlikely to put into place enduring pedagogical changes (Brownell and Tanner, 2012, p. 340). Another issue to consider is that often times in research universities, where the goal is to train researchers, graduate students are teaching more core classes but without any training. Professional development is a substitute for pedagogical training, and the focus is on content changes rather than training on how to engage a pedagogy that can lead to personal and social transformation. My experience, for example, has been that in my six years in an R1 program, I have not received any training in how to teach outside of a workshop on teaching online courses. Likewise, the sample interviewees' demographics and the timeframe in which they attended graduate school not only impacts if they had access to decolonial literature, but also when and what type of pedagogical training was received.

Time can also be a hindrance to change because many faculty members are already overworked. Requirements of teaching, researching, and obtaining grant funding leave faculty short on the time necessary to implement pedagogical change. Those that do find the time, may abandon new techniques due to the time required to create lesson plans based on the new pedagogy (p. 340). Brownell and Tanner also concluded that when faculty do not feel incentivized to change their pedagogy, they are unlikely to do so. For many, intrinsic motivation is not sufficient enough to spur pedagogical change. However, across the board, faculty members are rarely compensated for making pedagogical changes and, in some cases, are penalized via negative student evaluations, which can impact their performance reviews and advancement (p. 340).

Overcoming all of these barriers is surely a significant challenge whether the pedagogical change is imposed or personally undertaken. Yet, research has shown that

certain strategies may reduce or remove some of the barriers. In some cases, the steps require an effort to be made on behalf of the university administration and other faculty while in other cases faculty members must undertake measures to break down those barriers. There has to be political, not only intellectual, desire to make these changes possible, which is in an of itself a question of ideology, i.e., the definition of change and the process by which decisions are made to enact change. Tagg (2012) and Le Fevre (2014) conclude that in order to overcome many of the barriers, the willingness of faculty to take the risks needed to implement change must be cultivated. Le Fevre (2014) believes that more education on the social construction of risk is needed and that identifying and exposing erroneous potential repercussions should be exposed. In addition, faculty should be made aware of how risk impacts educational practices (p. 64). Tagg (2012) also believes that endowments connected to monetary gains should be provided when an institution requires or supports pedagogical change. Further, faculty should be provided the tools and encouragement needed to gain the knowledge and skills needed to implement pedagogical change (Rodriguez, 2004; Sinclair and Osborn, 2014). Henderson (2009) concurs with Rodriguez and Sinclair and has identified four strategies for helping faculty alter their pedagogy. In combination, these strategies are useful for changing both the faculty and the university environment. The first strategy is teaching faculty “about new teaching conceptions and/or practices”. The second strategy is to “encourage/support individuals to develop new teaching conceptions and/or practices”. The third strategy is to develop new environmental features that require/encourage new teaching conceptions and/or practice. The final strategy is to empower collective development of environmental features that support new teaching conceptions and/or

practices (p. 20). Despite the positive impact these efforts can have on reducing barriers, the continuous push of neoliberal ideology within the university will pose as a very impermeable impediment to pedagogical change. Until universities engage in a critical evaluation of neoliberalism's impact on the educational institution, faculty, and students, some barriers will remain.

### **Conclusion**

Liberal and neoliberal policies have negatively impacted human rights law and discourse. As a result, human rights education within higher education suffers from approaches to education that prioritize capital-producing endeavors and limit knowledge outside of colonial and Eurocentric ideologies. Decolonial theorists argue for decolonization in order to address these ideologies and begin the repurposing of the university. One of the first steps in repurposing the university is the implementation of decolonial curriculum and pedagogy. However, there are many barriers that must be addressed in order to implement pedagogical change. In the following chapter, I explore the theory behind efforts to make a pedagogical change to human rights education. I begin by describing the foundations of decolonial theory differentiating decolonial theory from postcolonialism and anti-colonialism. I then go on to define and explain the tenets of decolonial theory and its critique of human rights education. I end the chapter by establishing the key criteria needed for the development of a decolonial pedagogical approach.



## CHAPTER 3

### DECOLONIAL THINKING

Decolonial thinking emerged along side and in opposition to the intellectual, economic and political institutions of colonization and developed into a theory through the efforts and works of Latin American theorists such as Ramon Grosfoguel, José-Manuel Barreto, Walter Mignolo, Enrique Dussel, Anibal Quijano, Arturo Escobar, and Nelson Maldonado-Torres. However, the genealogy of decolonial theory is often traced to the influential thinking and writing of Aimé Césaire and Frantz Fanon. Both Césaire and Fanon were instrumental founding fathers of the literary Négritude Movement, which sought to assert pride in African cultural identity as a means of offsetting the subaltern status imposed by Eurocentric colonialism. Césaire and Fanon's seminal writings were followed by writings from other influential decolonial thinkers, Albert Memmi and Edward Said. Memmi's *The Colonizer and the Colonized* was written in response to the political decolonization of Algeria and Tunisia from the French and explored colonialism's psychological effects. Said's *Orientalism* is often regarded as the origin of postcolonial studies and addressed the ways in which orientalism was used as a means of exoticizing and 'othering' Arabs for the purpose of justifying colonialism. Homi Bhaba and Gayatri Spivak, considered post-colonial theorists, are also considered instrumental to current decolonial theory. In addition to the writings of these anti- and post- colonial theorists, decolonial theory is also grounded in the writings of post-colonial feminist critics such as Chicanas Gloria Anzaldúa (1981), Chela Sandoval (1990), and Emma Pérez (1999) as well as scholars of Subaltern Studies like Chandra Mohanty (1991), Ashis Nandy (1980) and Ranajit Guha (1988), to name but a few. These authors' first

major publications were released between the years of 1980 to 1999. It is important to also locate the emergence of human rights discourse at an international level, and the timeline in relation to anti-colonial thought, and HRE programs.

Thus, postcolonialism and anti-colonialism are significant to the field of decolonial studies. Acknowledging the distinction between these terms and theories is important to obtain a clearer picture of how decolonial studies developed. The following sections provide brief descriptions of postcolonialism and anti-colonialism as a means of both differentiating these terms from decolonialism, and demonstrating their relationship to HRE. Following these sections, critiques of human rights education, including the decolonial critique are detailed, and finally, a decolonial approach to human rights is described.

### **Postcolonialism**

Postcolonialism's<sup>8</sup> origins are located within the theories grounding anti-colonial movements within Africa and Asia that incorporated political organization, cultural empowerment and physical resistance (Young, 2016, p. 11). Those theories focus on racial differences exemplified in the politics and economics as well as the social and cultural structures of the West and the East.

Defining postcolonialism is difficult because the concept is somewhat abstruse and diffuse. Thus, there is little agreement in the literature as to a common description. In a very general sense, postcolonialism reflects on the effects of colonialism, with regards to cultural constructs, economic ideas, political formations and authority, and

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<sup>8</sup> Postcolonialism should not be confused with post-colonialism. Post-colonialism refers to a distinct period of time after political-juridical colonial rule.

institutionalized bureaucracies that have their own relationship to state-building and colonialism, but also engages in self-reflexivity aimed at examining defects in subaltern thought, theories, and realities. Self-reflexivity is also a pedagogical practice at the heart of solidarity and social transformations, goals of both human rights education but also decolonial pedagogy. As part of self-reflexivity and with regards to pedagogy, we might consider the importance of Mignolo's call for "epistemic disobedience" as a curricular and practical goal, where listening to, learning from and learning with implies the question not only of what is read, but who is in the room, and who is not. While at the same time, not assuming an *a priori* relationship between bodies and ways of knowing and being as based on racial or geographic origins.

Jane Hiddleston (2014) in *Understanding Postcolonialism* explains postcolonialism as an analysis of colonialism's effects "both in its heyday and during the period that followed the end of the literal, concrete colonial presence. The movement is associated with the examination and critique of colonial power both before and after decolonization" (p. 4). Both of these definitions vary slightly from the other but each describes postcolonialism as a critical analysis of colonialism. McLeod (2000) details a three-pronged explanation of what he believes this critical analysis should involve:

Reading [critical scrutiny of] the *cultural endeavors* produced by people from countries with a history of colonialism, primarily those concerned with the workings and legacy of colonialism, and resistance to it, in either the past or the present. *Reading cultural texts* produced by those that have migrated from countries with a history of colonialism, or those descended from migrant families, which deal in the main with diaspora experience and its many consequences. In the light of theories of colonial discourses, re-reading texts produced during the colonial period often by members of the colonizing nations; both those that directly address the experiences of Empire, and those that seem not to. (n.p.)

Reading of cultural endeavors and cultural texts foment opportunities to make connections between the present and the past, to see power relationships, and to engage in the re-mapping of historical moments in time. These readings provide a starting place for the emergence of a new epistemology of colonialism.

In *Postcolonialism*, Pramod Nayar (1981) expounds upon the definition of postcolonialism as critical analysis providing a more thorough understanding of the purpose of postcolonialism: postcolonialism is “the theoretical and intellectual arm of the postcolonial condition” that “refers to a mode of reading, political analysis and cultural resistance that negotiates with the native’s colonial history and neocolonial present” (p. 4). He goes on to state that postcolonial theory is an “analytical-critical approach that treats colonial writing, arts, legal systems, science and other socio-cultural practices as racialized and unequal where the colonial does the representation and the native is represented” (p. 25).

Thus, to distinguish between postcolonialism and anti-colonialism, it is valuable to consider that the purpose of postcolonialism is to reflect on the effects of colonialism but also to engage in self-reflexivity aimed at examining defects in subaltern thought, theories and realities. With regards to HRE pedagogy and curriculum, the following would be examples that are inspired by the above as practices. These practices might include incorporating readings by postcolonialists, such as Edward Said, and mapping the trajectories of colonialism’s impact on bodies, geographies, knowledge, and human rights.

## **Anti-colonialism**

While postcolonialism in a simplistic sense is focused on the mental or a psychological effects of colonialism, anti-colonialism marks a move beyond the theoretical and psychological to active resistance to colonialism. Anti-colonialism offers the methods and means of struggling against colonialism's formal and informal control through expansion and conquest. According to Young (2016), anti-colonialism is often concomitant with regional nationalism but was actually a

diasporic production, a revolutionary mixture of the indigenous and the cosmopolitan, a complex constellation of situated local knowledges combined with radical, universal, political principles, constructed and facilitated through international networks of party cells and organization, and widespread political contacts between different revolutionary organizations that generated common practical information and material support as well as spreading radical political and intellectual ideas. (p. 4).

Thus, anti-colonialism was an intricate effort of not only the subaltern but also dissenting Western intellectuals who engaged in uprisings and political movements. Young argues that anti-colonialism efforts varied due to conditions that were not homogenous and took the forms of participatory government, forceful military takeover, reform movements, and forceful resistance. The effort also used the production and reproduction of knowledge pedagogically and epistemologically to acknowledge and abrogate power imbalances (Kempf, 2006, p. 130). Yet, in any case, the common project of anti-colonialism was the undoing of the current power dynamics (Young, 2016, p. 164). Taking from postcolonialism and anti-colonialism, a decolonial approach to human rights education would need to teach not only about the history of colonialism and the

decolonial struggles it produced, but also ways to engage in active resistance against colonialism and coloniality.

In the following sections, the relationship between decolonial theory and the concepts of Eurocentrism, coloniality, and epistemology are further explored to provide a more complex understanding of decolonial theory. Additionally, the connection between decolonial theory and human rights is developed to establish the basis for this research project.

### **Decolonial Theory**

Decolonial theory differs from anticolonialism and postcolonialism in many ways, but I highlight two specific ways that demonstrate unique aspects of decolonial theory. First, each of these theories/critiques emerged in different socio-historical contexts, and second, decolonial theory emphasizes dialogical approaches to the resistance of coloniality. Whereas anti-colonialism is often traced to North African theorists and postcolonialism to subaltern groups in India, decolonial theory is most often linked to Latin American theorists. Anti-colonialism emerged prior to theories of postcolonialism and decolonialism. In addition, decolonialism emphasizes resistance but to coloniality rather than just colonialism. Furthermore, the resistance that decolonial theory emphasizes pertains to altering epistemologies through dialogic means. These aspects of decolonial theory are explored more extensively in what follows.

Decolonial theory in Latin America emerged in response to the hegemonic influence of Eurocentric conceptualization of modernity that rationalizes coloniality. Coloniality describes the ways in which Western European and U.S. colonial domination continued after formal political colonization ended. This domination continued through a

model of power, coined the “coloniality of power” by Anibal Quijano, which maintained colonial hierarchies of race, class and gender. Quijano (2000) defines the coloniality of power in his article, *Coloniality of Power and Eurocentrism in Latin America*:

That specific basic element of the new pattern of world power that was based on the idea of ‘race’<sup>9</sup> and in the ‘racial’ social classification of world population – expressed in the ‘racial’ distribution of work, in the imposition of new ‘racial’ geocultural identities, in the concentration of the control of productive resources and capital, as social relations, including salary, as a privilege of ‘Whiteness’ – is what basically is referred to in the category of coloniality of power. (p. 218)

Grosfoguel and Escobar offer their own definitions of the coloniality of power.

Grosfoguel defines it as “a structuring process in the modern/coloniality world-system that articulates peripheral locations in the international division of labor with the global racial/ethnic hierarchy and Third World migrants’ inscription in the racial/ethnic hierarchy of metropolitan global cities” (p. 220). Likewise, Escobar (2004) explains coloniality of power as a hegemonic model of power that operates upon capitalistic and white European needs impacting the definition of space, people, labor, and race (p. 218).

The concept of coloniality of power emphasizes how the world has not decolonized completely despite juridico-political decolonization that were the result of anti-colonial self-determination struggles across Asia and Africa, for example, and anti-US imperialism in Latin America. These political movements and cultures, in turn,

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<sup>9</sup> Quijano explains his term ‘race’ in this way: “As American emerged...in the same historical movement...there was produced a new mental category to codify the relations between conquering and conquered populations: the idea of ‘race’, as biologically structural and hierarchical differences between the dominant and dominated. So those relations of domination came to be considered as ‘natural’. And such an ideas was not meant to explain just the external or physiognomic differences between dominants and dominated, but also the mental and cultural differences. And since both terms of such a relationship were considered, by definition, superior and inferior, the associated cultural differences were codified as well, respectively, as superior and inferior by definition” (p. 216).

influenced US activists and intellectuals who were inspired by these anti-imperial third world struggles (Pulido, 2006; Young, 2006; Gómez, 2016). Juridico-political decolonization refers to the formal end of political and judicial rule of colonial powers from Europe and the U.S. - most notably, France, Spain, the United Kingdom, and the U.S. As examples of juridico-political decolonization, Laos gained political and judicial independence from French colonial rule in 1949 and Ghana from the United Kingdom in the 1957.<sup>10</sup> Guyana gained independence from the United Kingdom in 1966 as did Belize in 1981 while Suriname gained independence from the Netherlands in 1975. Despite juridico-political decolonization, these countries were still entrenched in the coloniality of power and many former colonies were not able to end the economic, cultural, or epistemological imposition and influence of the colonizing nations. As a result, there still remains a need for a second decolonization to address the economic, racial, cultural, and epistemic hierarchies that endure (Grosfoguel, 2000, p. 368).

Coloniality of power recognizes that colonial domination is not solely a matter of physical domination and exploitation, but it also involves epistemological domination, such as the privileging of Western knowledge as universal (Taylor, 2012, p. 388), or the centering of the written text, institutional training, pedagogical practices, i.e., the intimate enemy of the mind and imagination (Nandy, 2010). This new form of colonialism - coloniality - is fundamental to modernity and represents the “normalization of the specific concepts and forms of theoretical knowledge which supports relationships of subordination” (Richardson, 2012, p. 540). Coloniality is a means by which the West has

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<sup>10</sup> For additional examples of former colonies see:  
<http://www.un.org/en/decolonization/selfdet.shtml>



expanded its epistemology as a universal truth (Escobar, 2004, p. 217). According to Quijano, Mignolo, and Maldonado-Torres, as an analytical tool, decolonial theory allows us to recognize the Eurocentric construction of modernity as requiring coloniality for its survival (Andreotti, 2010, p. 6) and then construct an oppositional ideology to the coloniality of power. This oppositional ideology and the total destruction of coloniality will only be achieved by means of epistemological decolonization, which will allow for the intercultural communication and exchange of experiences that is needed to produce different conceptions of rationality and universality (Quijano, 2000).

Decolonial theory critiques the Eurocentric view of modernity and aims to remove the Eurocentric lens through which knowledge has been and continues to be constructed. Escobar (2004) explains that decolonial theory employs subalternized non-Eurocentric epistemologies in order to engage Western colonial epistemologies and expose how they are used to subjugate others (p. 219). It antagonizes the Western culture and epistemology that insured the domination of colonial powers into modernity (De Lissovoy, 2010, p. 280). It seeks to transform Western colonial epistemologies and stresses the importance of and the need to make space for cultural, political and social memories and epistemologies from different geopolitical contexts (Richardson, 2012, p. 548-549). Its importance lies in exposing and rejecting the political, economic, cultural, and epistemological exploitation and domination of Eurocentrism<sup>11</sup> (Grosfoguel, 2007; De Lissovoy 2010).

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<sup>11</sup> The perspective and concrete mode of producing knowledge that provides a very narrow understanding of the characteristics of the global model of power which is colonial, capitalist and Eurocentered. It does not refer to the knowledge of all of Europe

Decolonial theory critiques worldviews related to modernity, colonialism, capitalism and patriarchy as well as their interconnectedness, and it examines the ways in which the classification and depictions of gender, class, and race maintain colonial power relations. Decolonial theory also addresses the Eurocentric version of modernity and how modernity is organized within coloniality (Richardson, 2012, p. 541). Decolonial theory views coloniality as a past and present enterprise that is problematic and decolonization as an unfinished task (Maldonado-Torres, 2011, p. 3). This is directly related to understanding how human rights as a contested discourse in international law, and in university departments, and a set of methods, policies, and pedagogies that, as Zembylas argues can be critically transformed precisely because decolonization, like coloniality, is an ongoing process and struggle. Because decolonization, like coloniality, is an ongoing process and struggle, it can critically transform human rights, which is a contested discourse in international law and university departments but also a set of methods, policies, and pedagogies (Zembylas, 2017).

Grosfoguel (2007) contends that colonialism remains but has changed form; we have moved out of a period of “global colonialism” involving political control and are now situated within a period of global coloniality in which Eurocentric social, cultural, and economic hierarchies continue the oppression of colonialism (Richardson, 2012, p. 541). Those not living in the West continue to live under Western exploitation and domination, which are intertwined with Western economic development (p. 219). He writes,

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but to a perspective of knowledge that became hegemonic and replaced other ways of knowing (Quijano, 2000, p. 549).

The mythology about the ‘decolonization of the world’ obscures the continuities between the colonial past and current global colonial/racial hierarchies and contributes to the invisibility of ‘coloniality’ today ... peripheral states... following dominant Eurocentric liberal discourses ... constructed Eurocentric ideologies ... their economic and political systems were shaped by their subordinate position in a capitalist world- system organized around a hierarchical international division of labor. (p. 220-221)

Eurocentric discourses were able to infiltrate “peripheral states”<sup>12</sup> because their economic and political systems were structured around a hierarchical international division of labor, resources, and products (p. 200-221). De Lissovoy (2010) adds that coloniality has reached past “the domain of politics and economics even to the level of language, logic, and spirit, as colonized cultures (and their histories) are constructed as lesser or partial versions of an authoritative [Western] modernity” (p. 282). Coloniality has involved the concealment and exclusion of the ontology, epistemology, and practices of the subaltern, a process and product of Nandy’s “second colonization” that have existed alongside Eurocentric version of modernity for the benefit of the coloniality of power (Richardson, 2012; Escobar, 2011). For example, coloniality has subalternized traditional, folkloric, religious and emotional forms of knowledge (Escobar, 2011, p. 219). By subalternized, I mean that coloniality has deemed specific forms of knowledge as less-than, ‘othering’ this knowledge in an attempt to silence it and deem it insignificant.

Eurocentrism grew out of Western colonialism and has continued through Western imperialism and coloniality. Escobar (2004) has defined Eurocentrism as a globally hegemonic model of knowledge of the European historical experience (p. 218),

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<sup>12</sup> Raúl Prebisch coined the image of Center and Periphery to describe the configuration of global capitalism since the end of World War II (Quijano, 2000, p. 539)

which is assumed to be universalistic, neutral and objective (Grosfoguel, 2007, p. 213).<sup>13</sup> Quijano (2000) clarifies that this model of knowledge does not refer to all of the knowledge of Europe but rather a perspective of knowledge that became hegemonic (p. 549). The global infiltration of this model of knowledge exalted and validated specific Western practices and views (Imani, 2008, p. 276) and resulted in the imposition of law, personal and cultural identities, and epistemologies that were acceptable within a Eurocentric worldview (Samson, 2001; Mignolo, 2011). According to Quijano (2007), the West's need for and to maintain power is articulated through varying forms of discrimination from racial to ethnic and national (p.168). Colonial domination has not only been a matter of subordination but also the colonization of other cultures (p. 169), of the imagination, ways of being and conceptualizing what is considered possible and what is not, who is considered human, and who is not. Social, political, economic, cultural, and psychological life has all been molded to reflect Western worldviews (Imani, 2008, p. 274).

Many non-European populations have been and continue to be alienated by Eurocentric traditions and practices as well as by systems of subjectivity that exploit and dominate (De Lissovoy, 2010) in terms of economic conditions and opportunities, access to political power, and cultural forms of change and continuity that are respected and protected. Eurocentric global structures of power and hierarchy have not disappeared (Grosfoguel, 2006, p. 174), and these structures and hierarchies continue to be used by the West to exclude marginalized peripheral voices in institutions of higher education,

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<sup>13</sup> Within this paper, I will use Escobar's definition of "Eurocentrism" rather than any other common usages of the term. Additionally, the terms "Eurocentric" and "Western" also follow this definition as synonyms in adjective form.

particularly with regards to curriculum and pedagogical practices. These structures and hierarchies determine the parameters of who can speak, how one can speak, what can be spoken about, and who/what is to be excluded from having a voice (Baxi, 2002, p. 13). Globally, many different structural hierarchies exist that privilege Western worldviews. Grosfoguel (2006) identifies these as 1) “an international division of labor where... the periphery” is coerced into labor; 2) “an interstate system of politico-military organizations controlled by European males and institutionalized during” colonialism; 3) “a global racial/ethnic hierarchy that privileged European people”; 4) “a sexual hierarchy that privileges heterosexuals”; 5) a spiritual hierarchy privileging Christianity; 6) “an epistemic hierarchy that privileged Western knowledge”; 7) and a linguistic hierarchy that privileged European languages and language theory (p. 171). De Lissovoy (2010) concurs stating, “The dominative force of colonial logic is multidimensional and opportunistic. Its violent cartographies of center and periphery reach beyond the domain of politics and economics even to the level of language, logic, and spirit as colonized cultures (and their histories) are constructed as lesser or partial versions of an authoritative European modernity (p. 282).” Mignolo (2011) has coined the diverse impacts of colonial power as the “colonial matrix of power” (p. 9).

Decolonial theory attempts to remove the Eurocentric lens through which knowledge has been and continues to be constructed. It also antagonizes the Western culture and epistemology that insured the coloniality of power in the present (De Lissovoy, 2010, p. 280). Decolonial theory is focused on moving away from the emphasis on Western knowledge and ways of understanding the world as it critiques Eurocentrism from silenced and oppressed perspectives. It seeks to transform Western

colonial epistemologies and stresses the importance of and the need to make space for cultural, political and social memories and epistemologies from different geopolitical contexts (Richardson, 2012, p. 548-549).

Moving on to another element of Eurocentric-thought that organizes knowledge and knowledge production, epistemology encompasses what is known and how it is known, and it is always positioned within structures of power that include hierarchies of class, race, sex, gender, spiritualism, linguistics, and geography. With regards to Human Rights Education, epistemologies are always “situated” meaning that they come from specific bodies, spaces, and places (Grosfoguel, 2007, p. 213). Epistemological perspectives can also impact graduate training, methodologies, curriculum, pedagogical approaches, and possibilities for collective knowledge production, for example.

Mignolo (2009) explains that decolonial theory is situated within in geo- and body politics of knowledge.<sup>14</sup> Decolonial theory aims to decolonize knowledge and the creation of knowledge as well as *separate knowledge from its embeddedness in the colonial matrix of power* (p. 178). This is in direct response to an objective of Eurocentrism, which has attempted to delink voice from hierarchy in order to present the myth of universal truth. Grosfoguel explains:

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<sup>14</sup> The concept of the geopolitics of knowledge is a materialist and contextualist epistemology that looks at history and politics in order to understand where knowledge comes from (Barreto, 2013, p. 3) and has helped to reveal the privilege of Eurocentric epistemologies (Mignolo, 2009, p. 166-167). This body-politics of knowledge captures the ontological dimension of coloniality and according to Escobar (2004) “points to the ‘ontological excess’ that occurs when particular beings impose on others and critically addresses the effectiveness of the discourses with which the other responds to the suppression as a result of the encounter (p. 218).

By delinking ethnic/racial/gender/ sexual epistemic location from the subject that speaks, Western philosophy and sciences are able to produce a myth about a Truthful universal knowledge that covers up, that is, conceals who is speaking as well as the geo-political and body-political epistemic location in the structures of colonial power/knowledge from which the subject speaks. (p. 213)

Grosfoguel (2006) has named this geo-political and body-political location of the subject who is speaking the “locus of enunciation”, and he claims that while the geo-political and body-political locations are important within Western philosophy, they are not as important as the “ego politics of knowledge” (p.169).

The ego politics of knowledge, which references Freud, pertains to the myth that Western knowledge is universal and as such it is not situated. Instead, it is disembodied, neutral, and objective while non-Western knowledge is “particularistic” and not capable of achieving the same universality (Grosfoguel, 2006; Walsh, 2007). The ego politics of knowledge have allowed for a hierarchy of superior and inferior knowledge (Grosfoguel, 2007, p. 214). Western knowledge has been considered superior or true and was treated as a commodity to be exported to non-Western parts of the world in order to modernize them by Western standards (Mignolo, 2011; Doxtater, 2004).

According to Alcoff (2011), the normative function of epistemology must include an evaluation of the current status of knowledge but also what *should be*. Thus, we must consider the following questions: How is knowledge produced and how should it be produced? Who is permitted (has access to/accepted into) to produce knowledge and question knowledge? How is knowledge afforded credibility? (p. 69-70). For Evans (2005), this type of critique is necessary to understand why some epistemologies are accepted as valid, but others are delegitimized (p. 36). Grosfoguel (2006) adds that critique is needed in order to respect the various ways in which people confront

patriarchy, capitalism, and coloniality and the diverseness of decolonial epistemic and ethical historical projects (p. 144-145). Through the revelation of indigenous and colonized epistemologies, and recognition of African indigeneity, an obvious disjuncture can be seen between the colonizer experiences and interpretations of history and those of the colonized. This is what Quijano refers to as a “colonial wound” because the disjuncture in epistemologies and the labeling people and places as economically and mentally underdeveloped (Mignolo, 2009, p. 161) has left a “gaping unhealed fissure in the social realm” (Taylor, 2012, p. 389). Or, as the Chicana decolonial scholar Gloria Anzaldúa says referring to the border between the US and Mexico, that "The U.S.-Mexican border es una herida abierta (is an open wound) where the third world grates against the first and bleeds" and as it heals it "hemorrhages again, the lifeblood of two worlds merging to form a third country, a border culture” (Anzaldúa, 1987, p. 25).

Grosfoguel (2007) contends that healing the colonial wound requires the application of decolonial epistemic perspective: First, knowledge as a concept has to be extended beyond the Western canon. Secondly, there needs to be “critical dialogue between diverse critical epistemic, ethical, and political projects” (p. 212), the intention of which is not to create an abstract universal epistemology but a pluriversal epistemology. Finally, decolonial epistemic perspective has to give sincere attention to subaltern and subjugated critical thinkers (p. 212). The application of this decolonial perspective creates the space and conditions the possibility for the liberation that, for Dussel (1977), is political and economic as well as epistemic.

In the following section, the ways in which Eurocentrism has colonized human rights education are examined. A brief history of human rights education is followed by



an examination of critiques of human including a decolonial critique. Finally, the decolonizing criteria used for the qualitative research of this project are explained.

## **Decolonial Theory and Human Rights Education**

### **A Brief History of Human Rights Education**

The mandate for human rights education (HRE) was established in 1948 with the creation of the Universal Declaration of Human Rights (UDHR). The preamble declared that the UDHR was a “common standard of achievement for all peoples and all nations,” that were to “strive by teaching and education to promote respect for these rights and freedoms.” Additionally, Article 30 states that one of the goals of education should be to strengthen the respect for “human rights and fundamental freedoms”. In 1974, UNESCO established the Recommendation Concerning Education and International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms. The purpose of this recommendation was to highlight- through education- the need to respect human rights as well as endorse human rights instruments (Coysh, 2014, p. 93); however, it was of little effect. The reasons for this are complex, and have to do with the Cold War as much as a lack of methodological guidelines. Coysh (2014) offers that during the Cold War “the idea of collective critique could have been a challenge to the capitalist ideological order.” She also explains that the lack of methodological guidelines resulted in a lack of “institutional control or regulation over the political nature of the discourse that could emerge” (p. 92). It was not until almost forty years after the adoption of the UDHR that a significant push occurred within the United Nations to prioritize and expand human rights education. The literature is not clear as to why there

was such a gap between the formal recognition of the need for human rights education and its elevation in importance (Coysh, 2014, p. 92), but the lack of development over such a long period raises concerns as to the sincerity of the UN Charter and UDHR's tenets and feeds the perception that the UDHR was not more than utopian ideas.

Nonetheless, at the World Conference on Human Rights in Vienna in 1993, steps were taken to push for the realization of those goals. The conference reaffirmed the importance of HRE and the need for training and public information about human rights; human rights education was declared "essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace" (UN, 1993).

Starting in 1995, a 10-year period known as the United Nation's Decade for Human Rights Education began with the objectives of assessing the needs to further HRE, building programs from local to international levels, creating human rights materials, strengthening the ways in which mass media can further HRE, and disseminating the UDHR in as many languages as possible (United Nations, 1996, pg. 6). Essentially, the Decade for Human Rights Education changed the emphasis within human rights education from global violations of human rights to the dissemination of the rights contained within the UDHR (Coysh, 2014, p. 93).

Upon the conclusion of the Decade for HRE, the UN General Assembly initiated the World Programme for Human Rights Education (WPHRE) to "promote a common understanding of basic principles and methodologies of human rights education, to provide a concrete framework for action and to strengthen partnerships and cooperation from the international level down to the grass roots." It also reaffirmed the need for HRE

and determined that HRE needs to provide knowledge about human rights and the mechanisms that protect them as well as develop the skills needed to “promote, defend and apply human rights in daily life” (United Nations, 2010, p. 2).

Initially, in the mid 1960s, human rights education was taught from a primarily cognitive perspective to children within formal education settings. Starting in the 1970s, the participants began to expand as did the intention of HRE programs. Rather than mostly focusing on a cognitive understanding of human rights, programs began to see HRE as a means of effecting social change. With the change in focus and intention came a change in participation. Now, HRE is taught in schools and within community programs, but programs are also specifically designed for educators, social workers, scientists, medical personnel, lawyers, police and soldiers (Lenhart, 2002, p. 152-154). Just as the goals and audiences of HRE have changed, so have the pedagogical approaches. Rather than approaching HRE as an endeavor of memorization and regurgitation, pedagogies are now engaged with the goal of transformation and social change. A number of pedagogical approaches are promoted by HRE advocates within the field including: activity-centered, problem-posing, participative, dialectical, analytical, healing, strategic-thinking oriented, and goal and action-oriented (Tibbitts and Kirchsclaeger, 2010, p. 5-6).

Over the course of the past twenty years, purposes and approaches to HRE changed; and HRE has grown in importance globally. Universities and colleges around the world have begun teaching human rights and beginning human rights programs, and many organizations have emerged with the purpose of supporting HRE. Two such organizations that have had a global impact are Human Rights Education Association

(HREA) founded by Felisa Tibbitts, a lecturer at Columbia University's Teachers College, and Equitas, which was founded by Canadian scholars and activists including John Humphrey. Both of these organizations offer training or courses in human rights intended to build the skills and knowledge of human rights educators and activists. Equitas is celebrating 50 years of work in the field of human rights while HREA began just over 20 years ago. Both organizations partner with non-governmental and inter-governmental organizations around the world.

HRE has grown in importance, in large part, as a result of the UN's resources and influence (Tibbitts and Kirchsclaeger, 2010, p.1). This influence highlights that the political authority of the UN has to interact with the political authority of a university, though not directly, but in relation to curricular and pedagogical approaches, to amplify or put into practice a goal of a learning experience that transforms oneself and the social conditions in which one lives. Coysh (2014) argues that the UN's extensive involvement in the creation and dissemination of human rights education discourse has allowed it to "regulate[d] and direct[ed] how human rights [are] understood and adopted in the language and action of individuals and communities" often at the expense of subjugating particular types knowledge (p. 94). Coysh explains that discourse often prioritizes the language of the UN Charter and other declarations and conventions and disregards discourse stemming from forms of knowledge not included in those documents (p. 95). Likewise, most models of HRE derive from goals and principles established through UN directives in a top-down approach by teaching communities about human rights rather than through a bottom-up approach asking communities what human rights are (p.95) from their situated perspectives and experience.

Generally, programs have been categorized based on their intended audience or by their intended outcome. For this project, the relationship between audience and outcomes, specifically with regards to curriculum and pedagogy within higher education has the potential to re-categorize how knowledge is produced and transmitted. Dr. Tibbitts of the Human Rights Education Associates (HREA)<sup>15</sup> has provided a model of HRE that differentiates between three types of programs : “values and awareness”, “accountability”, and “transformational” (Tibbitts, 2002, p. 163). Her work on defining these models in 2002 indicates that a little more than halfway through the UN Decade for HRE, templates for instruction had already been developed. The “values and awareness” model focuses on providing basic information about human rights to the general public and children in school so that they might be integrated into public ethics (p. 163). The “accountability” model is geared toward 1) people whose professions involve monitoring human rights violations and advocating for human rights and 2) those who care for and protect the rights of vulnerable populations. Examples include lawyers, civil servants, medical professionals, and journalists. The focus of this model is ensuring that these groups are knowledgeable about human rights law and protection mechanisms and improve their lobbying and advocacy skills (p. 165). The last model, the “transformational” model, is intended for vulnerable populations, victims of abuse, and post conflict societies. The focus of this model is on healing and transformation at the

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<sup>15</sup> “HREA is an international non-governmental and non-profit organization that supports human rights education; the training of human rights defenders and professional groups; and the development of educational materials and programming. HREA is dedicated to quality education and training to promote understanding, attitudes and actions to protect human rights, and to foster the development of peaceable, free and just communities.” (<http://www.hrea.org/about-us/>)

individual and community level. In other cases, models have been established based upon the relative importance of individual and collective rights (Bajaj, 2011, p. 486). Finally, Flowers (2007) has noted that models often come from the core objective the program is trying to accomplish in a particular area; for example, in some contexts, civil and political rights may be a priority over economic and social rights or vice versa dependent upon the human rights violations most prevalent (p. 30). Despite the variances in the models used to construct human rights programs, there are commonalities as many of the programs aim to uphold similar goals. Importantly, the UDHR often serves as the template for curriculum (Lohrenschiets, 2002, p. 175; Tibbitts, 2002, p. 162). Given the UDHR's accessibility and many translations, it has been thought of an easy instrument to work from to establish awareness of what human rights are.

Additionally, programs generally have four distinct components that stem from the human rights framework of rights, duties, and violations. First, programs provide information regarding pertinent human rights instruments. For example, if the "values and awareness" model is implemented, pertinent human rights instruments may include the UDHR and the Convention on the Rights of the Child. Whereas if the "transformational" model is implemented, the instruments may include the Convention on the Elimination of All Forms of Discrimination Against Women or the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Second, the programs explain the rights and duties, and these include the rights of individuals to their community and the State to its people. Third, they also define and identify human rights violations. Finally, they provide information about how people can

fight for their human rights and utilize international grievance procedures (Lohrenscheit, 2002; Bajaj, 2004).

A third commonality between programs is their categorization into one of three ideologies. HRE for Global Citizenship “presents international standards as the ideal” and “seeks to cultivate vibrant global citizenship” emphasizing “interdependence, global knowledge, and a commitment to counter injustice” (Bajaj, 2011, p. 490). HRE for Coexistence is the second ideology. It is intended for audiences that have been historically oppressed or silenced and focuses on creating space for empathy and understanding between the oppressor and the oppressed for the purposes of peaceful coexistence (p. 492). In practice, this ideology may involve learning about the people whom they have warred with in the past or engaging in inter-group events. Lastly, HRE for Transformative Action takes an analytical approach to human rights through the contrasting of historical and current realities of power relationships. This ideology aims to foster both greater agency in learners as well as solidarity with others in the hope that both individuals and communities experience positive transformation (p. 494).

Although each of the three aforementioned ideological categories has its own purposes and intentions, there are four common goals to each. They seek cognitive, attitudinal, and action-oriented changes in the participants toward human rights (p. 483), and the transformation of “human rights from the expression of abstract of norms to the reality of... social, economic, cultural, and political conditions” (p.483). Lohrenscheit (2002) discusses two means of accomplishing these goals. Human rights education can focus on learning *about* human rights or learning *for* human rights. Learning *about* human rights pertains to understanding what human rights are, where they come from,

the instruments that exist to protect human rights, and how human rights are protected internationally. Learning *for* human rights concerns creating communities of respect for human rights that are empowered by their knowledge of human rights and understanding how to invoke them (p. 177). Learning *about* human rights results in greater awareness of the institution of human rights whereas learning *for* human rights is purposed on transformation. In practical application, HRE claims a need for both goals. The objectives established through these models of HRE, including countering injustice, transformative action, cognitive as well as action-oriented changes to everyday conditions, and learning *for* human rights, are not just curricular possibilities; they also highlight the ways in which learning conditions the possibility of HRE praxis that can emphasize the tensions and the contradictions that decolonial theory points out.

### **Critiques of Human Rights Education**

Critiques of human rights range from being critical of the whole human rights framework to more discriminating critiques. Alasdair MacIntyre represents one end of the spectrum as he claims that, “human rights does not provide any good reasons for the assertions that it makes” as does Zygmunt Bauman who claims that human rights function as a blackmail tactic for groups who wish to exact power from States (Baxi, 2002, p. 138). Less blanketing and more discriminating critiques concern issues such as (1) the overproduction of human rights, (2) the ineffectiveness of international treaties designed to protect human rights, (3) the conceptualization of rights, particularly an emphasis on their relationship to duties, and (4) and the seemingly individual bias of human rights over the importance of group rights in some cultures.



The most prominent critiques of human rights have come from feminist and cultural relativist scholars who find fault with the framing of the language of human rights through a patriarchal and Western lens respectively. Most feminist critiques argue that rights were really a construction of men's rights, and although rights are labeled as universal, they still work to exclude women (Brems, 1997, p. 137; Benedek, 2003, p. 21). Cultural relativist critiques argue that while we are all human, humanity is culturally relative, and discourse surrounding international human rights only considers the definition of humanity through a Western lens (Donnelly, 1984, p. 403; Benedek, 2003, p. 22). Each of these critiques is briefly outlined below and followed by a thorough explanation of the decolonial critique.

### **Feminist critique.**

Feminist arguments relating to the human rights framework regard the male inspiration of rights as well as the public/private sphere. Feminists have long been concerned about the representation that women receive with regard to human rights documents; the experiences of women are not considered equivalent to those of men and women are oppressed in ways that are unique and not shared by men (Higgins, 1996, p. 100). There is deep concern that the character of rights is alien to the experience of women (Binion, 1995, p. 525). While human rights are considered to be universal, many feminists believe that universality does not occur in practice and women are not considered to be human (Reitman, 1997, p. 104), calling into question the way human rights are defined, adjudicated and enforced (Binion, 1995, p. 513). The rights of men have been established as human while the rights of women required the establishment of

another secondary document, the Convention on Eliminating All Forms of Discrimination Against Women (CEDAW). Many feminists believe that a male model was used to construct not only the theories and compilations of human rights but also the prioritization of them (Okin, 1998, p. 34). For example, it is often held that “traditional approaches to human rights privilege male-defined aspects of civil and political rights” (p.34), prioritizing them over economic, social and cultural rights and leading to the belief that both maleness and a western bias are inherent in the human rights framework.

This critique that rights have been defined within a male construct brings into question whether the needs and rights of women can be met using the current human rights framework. Romany (1993) succinctly summarizes the concerns of many feminists:

Women...must create a dialogue, which avoids the one-dimensionality that currently infects the human rights discourse. Patriarchal domination is a state of being, which goes beyond material conditions of subordination; women are also stripped of the ‘psychic, linguistic and textual vehicles of resistance. (p. 125)

A second major argument made by feminists pertains to the dichotomy of the public and private spheres. Human rights and human rights law operate mostly in the realm of the public sphere. State actors are violators of human rights and create a dynamic where the private spheres that women often operate are left unprotected and vulnerable. The state’s absence within the private sphere enables systematic violations of women’s human rights, essentially making them invisible (Johnstone, 2006, p. 152). Further, many feminists argue that this dichotomy of a public and private sphere not only contributes to the violations of women’s rights but is also senseless as all acts can be considered to have a public and private component. They explain that the political sphere has created the

domestic arena thereby intertwining the two spheres. Thus, feminists debunk the belief that human rights violations within the private sphere are not the concern of the state and that the inclusion of the private sphere will somehow dilute human rights (Binion, 1995, p. 518).

Feminists also adhere to the belief that the private sphere has been neglected as a means of maintaining male dominance, in effect perpetuating the oppression and discrimination of women. Distinguishing between public and private spheres has permitted rights violations and abuse. Feminists believe that the state needs to reconsider its intervention policies regarding violations. The need for the right to privacy and family autonomy should be balanced against the state's obligation to protect the rights of women regardless of whether a violation occurs in the private or public sphere. The maintenance of state involvement solely within the public sphere results in the continued abuse of women and violations of their human rights.

#### **Cultural relativist critique.**

Cultural relativist arguments against the human rights framework are based on four pervading concepts: all cultures are valid but are not recognized as such within the framework; the framework is based upon the concept of liberal individualism and is imperialistic; there is a need for greater emphasis on cultural and economic rights rather than civil rights; and finally, there is a need to establish a system of core and periphery rights as compared to universal rights.

The first cultural relativist argument against the human rights framework rests upon two premises that argue against the universalist nature of rights as traditionally expressed within the framework. First, cultural relativists believe that truth and

knowledge are culturally constructed (Higgins, 1996, p. 95; Reitman, 1997, p. 100). Therefore, the idea that rights, as constructed in human rights documents, are able to transcend the cultural truths and knowledge of a specific group of people is not guaranteed. Nor can assumptions be made that the rights and duties of humans can readily be justified by all cultures.

Further, human nature is culturally constructed, and thus, the term 'human' really doesn't encompass a normative meaning across cultures (Donnelly, 1984, p. 403). The concept of human rights references rights that people have because they are human. Because a person is either considered to be human or not human, these human rights are concretized as equal rights. To the cultural relativist, this argument can fall flat in its ability to protect people from the violations that stem from categorizing people as 'Other'. Universality is impossible and human rights can be interpreted differently amongst cultures. A culture's definition of 'human' and 'truth' must be taken very seriously and with much consideration because cultural relativists adhere to the concept that all cultures are valid (Higgins, 1996, p. 96; Kim, 1993-1994, p. 56). An argument often made by cultural relativists is that the human rights framework has been constructed based upon a Western worldview. This worldview not only fails to take into consideration non-Western worldviews but completely negates the concept that all cultures are valid, though different, and can't be boxed in by a set of rights that don't adhere to culturally constructed truths and knowledge.

The second cultural relativist argument stems from a belief that the framework is reflective of liberal individualism, a construct that is prevalent in the Western Hemisphere but is conceptually absent in many cultures where group identity and

membership surpass in importance individual rights (Binder, 1999, p. 213). Such a focus on the individual is foreign to other cultures and fails to recognize that claims to individual rights may necessarily be ignored for the best interest of the community as a whole. In these cases, the framework has not taken up the cause of the non-individualistic society or culture. Further, because the framework is based up this individualistic ideology, attempts to make human rights universal are an imperialistic measure on the part of Western countries (Reitman, 1997, p. 104). The West's particular view of humanity and rights is imposed on non-Western cultures through the political and legal dimensions of human rights as they are declared in human rights documents.

The third argument made by cultural relativists pertains to rights, specifically those that are given greater attention within human rights documents. Civil liberties, considered more pressing in the West, are given priority and greater emphasis than the economic and social liberties that are more pressing in the developing world (Binder, p. 213; Kim, 1993-1994, p. 58). For example, the rights to free speech and election of government leaders are civil rights and of significance to the West, but are not inherent to human nature (Binder, 1999, p. 214). Thus, they can be seen as lacking in priority within non-Western countries. Again, this argument vents the issue of imperialistic fervor over a set of rights that are not universally relevant.

The final argument of cultural relativists derives from the belief that there are core and periphery rights within the human rights framework (Brems, 1997, p. 147). Core rights are those that are deemed to be universally applicable and necessary. Periphery rights are those that ought to allow for the influence of individual cultures in their interpretation and enforcement. Core rights should be determined only when there is no

disagreement by any culture over their existence. Any right that is arguable should be considered as peripheral and given over to context when determining the interpretation of the right, coinciding duties, and ultimately the way a violation is determined to have occurred.

### **Decolonial critique.**

Decolonial theory's critique of human rights is relatively new and is critical of the human rights framework. It shares some of the same critiques informing feminist and cultural relativist critiques such as opposition to colonial-based hierarchies of gender and a rejection of culturally constructed universalism that disavows non-Western knowledge. However, the decolonial critique is distinct from the feminist and cultural relativist critiques as it centralizes colonization and coloniality as the basis for the Eurocentric liberal tradition of human rights. According to Barreto, writing five years after the Decade for Human Rights Education (1995-2005) and just a few short years after Lohrenschieff wrote about the UDHR serving as a template for curriculum, human rights are understood to have been a result of the Eurocentric belief that the West is the fiduciary of all knowledge regarding human rights (p. 1) and that the Eurocentric theory of human rights is objective and universal (p. 4). As a result, non-Eurocentric ways of understanding human rights have been disregarded or excluded (p. 2). In order to construct a non-Eurocentric theory of human rights, Eurocentric theories need to be set aside and the historical and geographical context in which they were created needs to be deconstructed (p. 3). Barreto (2012) explains:

Resisting colonisation in the field of human rights can proceed by dismantling the notion that knowledge and material conditions are discrete. Contextualising theories of human rights means showing the genealogical connection that ties the

Eurocentric theory of rights to the historical setting in which it was elaborated. Unveiling the linkage to the site of emergence of knowledge weakens or destroys the legitimacy of claims to universality.

For this project I want to emphasize that the historical setting in this case refers to: anti-colonial political struggles; the cultural and intellectual production of anti-colonial scholars and artists that are forerunners a genealogy to decolonial theorists; the history of HR at an international level, and the relationship between human rights law and education on the one hand and nation-states on the other; and how all these come to bear on how human rights education is conceptualized and actualized in graduate training, and curricular and pedagogical options for students, as well as access to pedagogical training post Ph.D. education. Contextualizing human rights also implies demonstrating that “the dominant theory is no longer ‘the’ theory of human rights; it is just ‘a’ theory born in the background of the history of Europe and, as a consequence, has no claim to be universally valid. The re-contextualisation and contextualisation of the hegemonic theory of human rights in the material conditions of modern/colonial geography and history paves the way for re-drawing and re-writing the geography and history of human rights” (p. 6).

Barreto (2012) argues that the Eurocentric history of human rights does not need to be discarded or prohibited within human rights discourse and education, but that decolonial theory requires that it dialogue with other conceptions of rights in order to remove itself from its monologue. He also contends that the only way to heal the colonial wound that Anzaldúa and Quijano write of is through the epistemological

decolonization of knowledge by way of dialogue and a political effort, which will allow for a new theory and strategies of human rights to emerge.

Baxi argues that “human rights colonialism” has resulted in rights-wariness that comes from a variety of colonial approaches to human rights: First, human rights discourse fails to afford equal dignity to all traditions and is hegemonically Western. It does not account for “divergent religious, cultural and inter-faith traditions.” Second, the liberal tradition of rights and justice perpetuates colonialist/imperialist conceptualizations of them. Third, the human rights agenda conceals the true Western agendas of achieving greater power and domination. Finally, capitalist ideologies and priorities have overwritten community responsibilities (Baxi, 1994, pg. 17-18).

Al-Daraweesh and Snauwaert (2013) have also written of the Eurocentric liberal tradition of human rights, which they concur has informed human rights education and created obstacles to its implementation (p. 391). They argue that international treaties and conventions are misused as the primary source of pedagogy and curriculum. While they are valuable for accomplishing and assessing human rights, as a primary source for pedagogy, they are “perceived as an obligation to realize an idealized, unassailable conception of the good life...a set of final truths that all countries and cultures are to uphold” (p. 391-392). This leaves little room for contributions outside of the western liberal tradition, including those from local cultural traditions; as a result, many people feel a lack of ownership of the principles of human rights and cannot understand how human rights are relevant to their lived experience (p. 392). Al-Daraweesh and Snauwaert argue that the current paradigm of human rights will not result in widespread legitimacy –



particularly in the Third World - without a dialogical approach, which will allow for an “authentic cosmopolitan consensus” on human rights (p. 392).

Critiques of human rights are similarly made of human rights education. Coysh (2014) has critiqued human rights education through the use of critical discourse analysis. While not analogous with a decolonial perspective, she makes several points that echo decolonial scholars. Coysh confronts the idea that human rights are inherent and universal and argues for the inclusion of subjugated knowledges in human rights education (p. 94). She asserts that human rights education as a field has been overtaken by UN- originated discourse, and the dissemination operationalized by the UN (p. 92). Historical and subjugated knowledge has been buried as it is considered simplistic or substandard to Eurocentric knowledge (p. 95). She also argues that the practice of framing human rights to make them relevant to various populations has “obscure[d] how power relationships shape the dominant discourse, affect action and the use of speech” (p. 106). Non-Eurocentric epistemologies have been dismissed as invalid, but later used to contextualize institutional discourse to make it more palatable. Coysh contends that these issues have resulted in a global model of human rights education that is “ahistorical, apolitical, and decontextual” therefore limiting the possibility for social transformation (p. 108).

Decolonial theory’s application to human rights and human rights education focuses on the Eurocentric origins of human rights and also the ways in which the West has sought to exclude and suppress divergent voices as well as the ways that the West has used human rights as a means of maintaining colonial dominance and power in modernity. Human rights education has lacked non-Eurocentric epistemologies of human

rights and been dominated by UN-centric discourse impacting its legitimacy and its potency to be transformational. Below, I provide a synthesis of key criteria for decolonization, which is used to determine whether decolonial approaches to human rights are being implemented by university professors in their courses.

### **Decolonial Criteria**

In my research, I established the key criteria for the development of a decolonial approach by analyzing numerous authors' writings on decolonial theory (Tejeda and Espinoza, 2002; Grosfoguel, 2007; Grosfoguel, 2012; Richardson, 2012; Escobar, 2011, Escobar, 2004; Baxi, 2002; De Lissovoy, 2010; Sykes, 2006; Doxtater, 2004; Al-Daraweesh and Snauwaert, 2013; Grosfoguel, 2006; Alcoff, 2011; Andreotte, n.d.). These key criteria can be used as measures to critique human rights. Relevant to this research project, these criteria can be used to critique human rights pedagogy, which can be defined as the methods and practices that inform how human rights are taught. In the context of this research, applying these key criteria can help determine whether a decolonial pedagogy has been used by current professors of human rights, and if so how and why; however, they are also very much key aspect of decolonial theory. There inclusion here provides additional context to understanding how theory led to measurements used in the research. In the following section, the writings that provide these criteria are further explored. Many decolonial theorists have provided criteria for decolonization by clearly articulating the tenets of decolonial theory.

Grosfoguel (2012), Richardson (2012), and Escobar (2004, 2011) have written of the need to recognize the absence of non-Eurocentric epistemologies. They have also

emphasized a need to engage these non-Eurocentric epistemologies. They argue that colonization has resulted in the dismissal of non-Eurocentric epistemologies that need to be considered and compared to Eurocentric epistemologies and that failure to engage these epistemologies allows for the continuance of an epistemicidal logic. They argue that discourses are often accepted without recognition that they have been privileged due to their origination in Eurocentric thought. According to Escobar (2004), Grosfoguel, (2006, 2007), Alcoff (2011), and Andreotte (n.d.), these hegemonic discourses require tempering through the inclusion of discourses and knowledge that emerge from subaltern positions. Baxi (2002), De Lissovoy (2010), and Sykes (2006) emphasize the need for discussion regarding which social identities are given a voice and authority. They encourage critical reflection on the geo-and body-politics of those in authority and also those who are excluded from having authority. Doxtater (2004), Al-Daraweesh and Snauwaert (2013), and Coysh (2014) stress the avoidance of solely emphasizing hegemonic discourses.

Similar criteria have also been articulated, specifically within writings on how to engage a decolonizing pedagogy. Tejada and Espinoza (2002) have developed criteria for defining a decolonizing pedagogy for social justice, which can be applied to human rights. They begin by asking two important decolonial questions of social justice education: “(1) Where do our beliefs about what social justice is come from? (2) Who benefits and who is harmed from the current conceptualization of social justice and the instantiation of that conceptualization?” (Tejada and Espinoza, 2002, p. 1) In other words, they are concerned with where our beliefs originate – or the geo- and body-politics – and who benefits and suffers the most from the way social justice is framed and

represented. They worked from the decolonial belief that ideas of social justice that fail to take into account the epistemicide that has occurred over many years will never accurately embody the interests of working-class indigenous and non-white people (p. 2).

They also argue that it is necessary to analyze and understand the ways colonialism has been concretized and its effects (p. 2). For example, the racial classification of people is a tangible effect of colonialism (see Quijano). Within the context of education, they have established criteria for decolonial pedagogy. Curricular content, design, and instructional practices must develop a critical decolonizing consciousness and provide students with a “rich theoretical, analytical, and pragmatic toolkit for individual and social transformation” (p. 8). This toolkit is accomplished through the development of the learner’s critical consciousness and instruction in the history and current manifestations of colonialism. It is also developed through instruction in the theory and conceptual framework of decolonization in order to critically analyze the past and present. Further, it is developed through the examination of neocolonial conditions that impact all types of curricular subject matter (p. 8). Regardless of the subject matter, the content of the pedagogy “highlights, examines, and discusses transforming the mutually reinforcing systems of neocolonial and capitalist domination and exploitation...” (p. 8). Lastly, the toolkit is developed through critiquing and problematizing a curriculum’s “complicity with neocolonial domination and exploitation” (p. 8).

Finally, Grosfoguel (2007) provides requirements for the development of a decolonial epistemic perspective. He contends that a decolonial epistemic perspective requires that knowledge as a concept be extended beyond the Western canon to include

subaltern knowledge. Additionally, the diversity in epistemologies and ethics requires critical dialogue to take place. The purpose of this dialogue is not the creation of an abstract universal epistemology but one that is pluriversal. Finally, significant and genuine consideration needs to be given to subaltern and subjugated perspectives (p. 212).

This synthesis of the criteria provided by decolonial theorists, can be used to provide measures for determining whether decolonial approaches are being applied by human rights professors within their classrooms. In the next chapter, the methods I used to conduct the research are explained including how the measures were operationalized for this research project.

CHAPTER 4  
METHODOLOGY

**Introduction**

This chapter is focused on explaining the design strategies the research is based upon and presents the qualitative approach taken, the philosophical assumptions of the study and the philosophical paradigm as well as how it influenced the research design. Furthermore, this chapter describes the researcher's background, beliefs, and biases and explicates the research methodologies, design, and instruments used in the research in addition to the methods of data collection and analysis.

**Researcher's Background, Beliefs, and Biases**

Creswell (2013) argues that since all research is interpretive, it is important for researchers to be self-reflective and make transparent their background and their beliefs and biases as they relate to the research. In the following paragraphs, I discuss each in detail.

This project stems from three levels of inquiry: first, it stems from my own experiences as a student within a Master's and PhD program that addressed human rights; second, it comes from questions I have as a researcher interested in understanding how human rights education can undergo decolonization; and third, it has emerged from my own experiences as a professor who teaches human rights to English as a Second Language (ESL) students. Throughout this paper, I move between these positions of student, researcher, and teacher, and this can be recognized not only in shifts of voice but also in moments of reflexivity.

Prior to engaging in this research, my own engagement with decolonial pedagogical approaches when teaching was limited. Within discussions and exercises I do explore the lack of universality of human rights, the impact of power relations on human rights discourse, law, implementation and enforcement, and the hierarchical categorization of human rights; however, I have found that I rely quite often on UN declarations and conventions to help students understand the human rights system. This is not problematic in itself as students need to understand what the system consists of, but it is problematic because I have been unable to incorporate subaltern epistemologies to the extent that I would like. This is in large part due to access to decolonial readings and/or materials that would be understandable to my ESL students. Much of what has been written is complex and uses complex language. In order to be able to use a lot of the readings that I have included in this research, I would have to modify them significantly. Doing so is a possibility, but the amount of time it would take to do so would be significant.

After engaging in this research, my perspectives as student, teacher, and researcher have transformed. As a student, I have thought much more about the pedagogy that professors have used in the courses I have taken, specifically what content was included and what was excluded but also the pedagogical practices that were used and how they impacted my understanding of the content presented. As a teacher, I have reflected on my own syllabi but also the choices I make on a day-to-day basis in terms of what I am presenting to students and how I am doing so. Additionally, I've become more thoughtful about the curriculum we are using in my ESL department and ways that we could move toward decolonization, particularly with regards to classes based on thematic

instruction. Finally, as a researcher, this project has made me aware of the challenges of altering or adopting a new pedagogy is. Not only are there institutional and disciplinary challenges to overcome, there are also challenges that relate to an individual's epistemology, fears, time constraints, and energy (as discussed previously), for example. I did not anticipate the changes that would take place within myself when I decided to embark on this PhD journey.

As I entered my PhD program at Arizona State University, my goal was to focus my studies on human rights education, but I was not clear in terms of the specifics of the research I might engage in. I took a bit of a winding road to emerge at this institution and in the Justice Studies program. Having completed a B.A. in Interdisciplinary Studies in 2001 and an M.A. in Teaching English as a Foreign Language in 2002, I taught for several years as an English as a Second Language (ESL) teacher in the U.S. as well as abroad. I enjoyed my work and my students and yet didn't feel fulfilled. I thought perhaps my true calling per say lay in the field of law, and in 2008, I began law school in the Los Angeles area. It didn't take too long to determine that law was not actually my passion but that something related tangentially was: social justice and human rights. In my last term at law school, I took a course that engaged with human rights law and felt that working to protect human rights and engage in social justice was my passion. As a result, I transferred into the Social Justice and Human Rights Master's program at Arizona State University. There, I found my fit and also found a means of connecting my love for teaching ESL students with my love for human rights work. For my final project, I created modules for a human rights organization that focused on providing detailed lesson plans for educators on human rights topics.



After completing this degree, I went back to teaching ESL and attempted to incorporate some human rights education into my courses; however, there was some push back from both administration and other faculty who felt that the topics were just too controversial for the program. While I could expound to them the reasons why human rights were relevant to the ESL classroom, I determined that I wanted to expand my own understanding of what social justice was and obtain a degree that might allow me to teach human rights in an environment with less push back. Hence, my application to and subsequent enrollment in the Justice Studies program at Arizona State University.

Taking courses in this program was as much eye opening as it was uncomfortable. I considered myself to be pretty liberal politically and socially, understanding, and educated in the area of social justice, yet my first year in the Justice Studies program demonstrated just how much knowledge and understanding I lacked. I had to really begin looking at my privilege, my whiteness, and my conceptualization of how the world really works. It was in this first year that I felt truly exposed to the idea that even the concepts, like human rights, that I thought were sound and just were actually problematic. Cultural relativistic and feminist critiques of human rights were familiar to me, but critiques that examined the Eurocentrism of human rights were not. In studying these critiques further, I began to consider what their existence meant for human rights as a system of providing individuals a form of justice in their lives. While I was frustrated with what I deemed a lack of concern for these critiques within the field, I was not ready to throw the baby out with the bath water. I wanted to find a way to support the idea that each human has inalienable rights because they are human but also challenge current conceptualizations of human rights.

I began my dissertation work thinking that I would investigate how human rights were being taught across the U.S. to students like me. In particular, I wanted to know if their professors were exposing them to critiques of human rights but more so whether the professors were actually engaging these critiques in their classrooms and through their pedagogy. I determined to focus on the decolonial critique specifically and created the research questions that have guided this project.

The question of whether human rights education can be decolonized is complex, with professional, institutional, pragmatic, personal, and political implications. While it is feasible to use a decolonial approach to guide both pedagogy and practice, the larger issue of decolonization stems from whether human rights discourse can ever be decolonized – and more to the point, what does it mean to decolonize human rights? The genealogy of human rights is contested, and as such, the interrogation of their origins brings into question whether human rights, as established within the international body of the United Nations, can be reclaimed/decolonized. Is it possible for human rights to be something other than colonizing? In examining the research of decolonial theorists in conjunction with theorists of other critiques, I find it inescapable that human rights evolved out of a very Eurocentric and colonizing worldview. Human rights education, being constitutive of human rights, has evolved in some locations in the same way. They have been integral to each other, informing each other, creating, reproducing, and re/inventing Eurocentric epistemology.

In conducting this research, I aim to make the case that while human rights may not be the ‘Trojan Horse of Recolonization’ (Prakesh and Esteva, 2008), careful consideration must be given to whether human rights can ever embrace a de-colonizing

discourse. Prakesh and Esteva (2008) believe that the right to education is really an attempt to impose particular knowledge and ways of knowing on three groups: the “miseducated”, the “noneducated”, and the “undereducated”. They evocatively explain that

these groups are learning to resist any and all universal formulae of salvation; to recognize the cultural roots of each promoted globalism or universalism; to realize that all of them— including the different brands or breeds of education—are nothing but arrogant particularisms. What for some people is the proverbial dream come true, for other people is a waking nightmare: a plague, a disease destructive of their traditions, their cultural and natural spaces. (p. 4)

Human rights education is a component of the imposed education of which Prakesh and Esteva write. The imposition of human rights (law, training and education) that presents a Eurocentric epistemology of human rights becomes an issue of recolonization and questions any potential of decolonizing human rights. Furthermore, if human rights can be separated from its colonizing discourse, human rights education must then push to ensure and create the continued possibility of decolonized human rights through education as reinforcing processes.

While engaging in this research, I operated from two assumptions of what the research would reveal. One of my assumptions was that some of the decolonial criteria for a decolonial pedagogy would be met by the professors but that it would be unlikely that a majority of the professors’ pedagogy would meet all of the criteria. In part, this assumption was made based on my own experiences as a law student some time ago, my experiences in human rights courses, and my experiences in my Justice Studies program. It was also based in part on my perception that decolonial critique is lesser known than other critiques of human rights. Lastly, it was also based in part in an overall lack of

emphasis on pedagogy in graduate programs. Another assumption I held while engaging with the research was that based upon the discipline the professor was trained in or worked within, the professor may be less likely to utilize a decolonial pedagogy. For example, I assumed that law professors would be less likely because, based on my own experience taking two law courses, the nature of the international human rights law courses is to focus on the human rights instruments, their implementation, and their enforcement.

In addition to my biases and making some assumptions regarding the research, I also recognized prior to, during, and after the research some of my own epistemological barriers. One of my barriers was not recognizing from the beginning that I was operating from the three perspectives of student, researcher, and teacher while engaging this research. Another barrier is the extent to which I have training in conducting qualitative research, in particular, the analytics involved. A final barrier relates to my own positionality as a white woman trained within a Eurocentric and neoliberal system of higher education. Despite my own attempts to reach beyond that barrier, it is still limiting.

I offer this brief introduction to my position and experiences as student, researcher, and professor because I cannot separate myself from the research questions below or of the implication, for example, of what type of labor it would take to train graduate students in decolonial pedagogies, and not just theory. I am a graduate student taking topical classes in social justice, human rights, and methodology, but I am also a teacher that incorporates HRE into my courses. In conducting this research, I had to respond to the questions that I asked, to the findings that resulted, and to the challenges to

implement the changes I suggest in the final conclusion. I needed to reflect upon how I learned what I learned and how that knowledge was created and transmitted. Furthermore, I needed to think through what it means for my own students that I was not trained in the *how* of human rights pedagogy even if I am aware of the *what*. This research has made me aware of how my own experiences as a student but also a teacher and a researcher can contribute to furthering the goals and understanding the implications of a decolonial pedagogy for human rights.

### **Research Questions**

According to Furo (2013), decoloniality is “a pedagogical project oriented against the Eurocentrism that underlies the politics of content and knowledge in education, and is oriented towards building solidarity based on non-dominative coexistence” (p. 9).

Decoloniality is not just about *thinking* but also about *doing* (Mignolo, 2011). In other words, decoloniality is not just theory; it includes praxis. Thus, in order to decolonize human rights education, it is necessary to change how we *think* about human rights and how we *practice* human rights, and most critically and specifically for HRE pedagogy, the “how” of creating a space of learning that can transform and promote solidarity and non-domination. The praxis of doing also means asking questions about the geopolitical history of human rights as well as hierarchical thinking and the structures of hierarchical learning.

While there is extensive research on the need to decolonize higher education and to a lesser degree on the need to decolonize human rights, very little research exists on the need to decolonize human rights education. Although there has been a focus on decolonial theory within some disciplines of academia, very little attention has been

given to the need for decolonization of human rights programs despite the extensive literature linking human rights – historically and presently - to Eurocentrism and Western colonialism (Coysh, 2014; De Lissovoy, 2010; Barreto, 2012; Baxi, 2002; Imani, 2008; Onazi, 2009; Koshy, 1999). What little research has been done calling for the decolonization of human rights education has only focused on the absence of contributions from outside the western liberal tradition and the lack of inclusion and acceptance of non-Eurocentric epistemologies (Barreto, 2012; Al-Daraweesh and Snauwaert, 2013; Coysh, 2014; Zembylas, 2017).

Likewise, there is a dearth of research that examines the pedagogy of U.S. human rights professors and the extent to which professors are implementing decolonial praxis. Yet, investigation into the colonization of human rights and human rights instruments has been quite prevalent (Coysh, 2014; De Lissovoy, 2010; Barreto, 2012; Baxi, 2002; Imani, 2008; Onazi, 2009; Koshy, 1999). Decolonial theorists have claimed that from the initial attempts to create international consensus and instruments defining human rights until now, colonization has plagued both the process and the resulting instrumentation and implementation (Mignolo, 2013; Baxi, 2002; Grosfoguel, 2012; Richardson, 2012; Escobar, 2011).

To take seriously the critique of decolonial theorists' is to make space in human rights education for not only the introduction of their criticism but also for decolonial analysis. Furthermore, the exploration of the ties of decolonial theory to human rights education in the previous chapters points to a need for professors to engage in decolonial praxis with regard to their human rights courses. By exploring professors' pedagogies

when teaching human rights, we can determine whether and how decolonial praxis is occurring in human right courses.

The research questions this project sought to answer are exploratory and can be categorized as both ontological and epistemological. They are ontological in that they capture: professors' beliefs about the colonial nature of human rights; how the colonial contestation over who was human enough to create knowledge and therefore had rights, continues in the second colonization (Nandy, 2010); how professors' lived realities of human rights impacts their pedagogy; and provides insight into the relationship between graduate training, pedagogical training, and teaching post Ph.D. They are epistemological because they explore the phenomena of human rights and the pedagogical approaches used to teach about them. This research project was designed to answer these questions:

- 1) How do U.S. human rights professors' engage with decolonial pedagogical approaches in their human rights courses?
- 2) How do professors' pedagogical approaches support a decolonial perspective of human rights?
- 3) Why do challenges to approaches supporting a decolonial perspective on human rights exist, and how can pedagogical barriers to implementation of a decolonial approach be overcome?

To answer these questions, professors were asked questions about their disciplinary and teaching background, their courses, and their pedagogy. These questions can be found in Appendix A.

## Research Design

### Qualitative Approach

In order to get at these main questions, this research project utilizes an interpretive and constructivist grounded theory approach that focuses on syllabi, pedagogical practices and structured interviews. More specifically, it develops a theory based on semi-structured interviews and content analysis and explains how U.S. human rights professors develop pedagogical approaches to teaching human rights, how they implement those approaches in their classes, and how these approaches differ. Grounded theory investigates a process with the objective of developing a theory that is set in observations. Grounded theory method, developed by Glaser and Strauss in the 1960s, holds that research should begin with the researchers becoming familiar with the sphere from which their research would be conducted. In doing so, key attributes could be discovered and framework of explanation developed aiding greater theoretical acumen. According to Antony Bryant and Kathy Charmaz (2011), Glaser and Strauss' research utilized the findings from the interviews and observations they conducted to formulate codes and categories that would be used when gathering further data (para. 8). Although tautological, Reichertz (2010) contends this process is also "truth-conveying" because the deductions made in the findings confirm the validity of codes and categories but also their application to the new data. Initially and primarily used in the fields of nursing and sociology, grounded theory increasingly became a popular method of research for many other social scientists.

Although the research method has its critics, whose opposition stems from "inductive logic and lack of quantification", many others have found the method to be



thorough and methodical (Charmaz, 2011, para. 12). Grounded theory has been somewhat remodeled under Kathy Charmaz (2000, 2006) moving grounded theory from objectivist to constructivist. According to Bryant and Charmaz (2011), “Constructivist grounded theory recognizes and retains the strengths of the method itself, while engaging with the philosophical debates and developments of the past 40 years or so; offers clear guidelines for examining how situations and people construct the studied phenomenon; and moves the method further in to the interpretive tradition” (“Constructivist GTM”, para. 6). Charmaz contends that “constructivists study *how* - and sometimes *why* – participants construct meanings and actions in specific situations...A constructivist approach means more than looking at how individuals view their situations. An interpretive approach to grounded theory focuses on “interpretation and abstract understanding more so than explanation” (Charmaz, 2014, p. 230) as well as “understanding meanings and actions and how people construct them” (Charmaz, 2014, p. 231). It not only theorizes the interpretive work that research participants do, but also acknowledges that the resulting theory is an interpretation...The theory depends on the researcher’s view; it does not and cannot stand outside of it” (Charmaz, 2014, p. 239). With regard to data collection, Bryant and Charmaz claim that it is not “found” but “made”. Rather than uncovering the data, it is the result of relationship between the researcher and the context of what is researched. They articulate that, within this approach, theorists “construct situated knowledge reflecting how their respective research relationships arise in specific situations” and focus on “the historical moment, social structures and situations in which their research participants are embedded” (“Constructivist GTM”, para. 6).

The construction of situated knowledge is an important component to this research as this is an acknowledgement of the complexity of what is being studied and that what is considered “knowledge” is a reflection of the conditions in which it is ‘situated’ (Haraway, 1988). Thus, in conducting this research, it is relevant to examine the current political and academic climate in addition to other conditions in which the participants are embedded such as their academic background, their training in human rights, the length of time they have taught human rights, and the extent to which they feel they have autonomy in their courses.

As a qualitative approach, grounded theory investigates a process or action and aims to develop a theory based upon the collected data. When a constructivist approach is taken, such as in this research, Creswell (2013) explains that guidelines are flexible, the theory that develops is dependent upon the views of the researcher, and less emphasis is given to methods than to ascertaining “embedded, hidden networks, situations, and relationships, and making visible hierarchies of power, communication, and opportunity” (p. 87). Creswell also describes constructivist grounded theory as having a procedure in which the research not only determines the categories of coding but also “advances personal values, experiences, and priorities” (p. 88). One last, but important, component of this qualitative approach is its stance that complicated terms or jargon as well as a very systematic scheme are a distraction and unnecessary to the research. As this research stems out of a justice studies field, this element of the approach seems to fit with the field-related concept of accessibility in that the research is not intended for a solely academic audience.

## **Philosophical Paradigm**

Understanding a researcher's philosophical assumptions is important because those assumptions underlie the research and impact the study. Creswell (2013) identifies four philosophical assumptions or paradigms within qualitative research. These paradigms are beliefs about ontology, epistemology, axiology, and methodology. Creswell (2013) argues that understanding these four paradigms is important for three reasons. First, they affect how researchers look at problems and create research questions to investigate them (p. 18). In addition, they impact the ways in which the researcher tries to answer those research questions. Second, they are a reflection of how researchers are trained and how research is typically conducted within their field. Third, those who read the researcher's studies benefit from understanding the researcher's paradigms as they help in making appropriate critiques (p. 19).

Ontology pertains to the nature of reality and the articulation of it. A person's ontology confines what can be known about the nature of reality (TerreBlache and Durrheim, 1999). Creswell (2013) explicates, "Different researchers embrace different realities, as do the individuals being studied and the readers of qualitative study...researchers conduct a study with the intent of reporting these multiple realities. It is worthwhile to note that ontology is a contested term. In "Afro-Pessimism: The Unclear Word", Jared Sexton (2016) provides one delimitation of the term from Robert Nichols: "Ontology...does not refer to an essentialized structure of reality...Instead, ontology refers to a particular form of analysis, one that affirms the idea that knowledge claims about the world are also interpretations of what sorts of entities there are to be known, and, simultaneously, a certain ethical positioning of the subject of knowledge in relation

to the world so interpreted...” (para. 5). This delimitation provides an understanding of ontology from a critical perspective that reality is socially constructed and under constant surveillance to eliminate police out any notion of ontological equality that would accept broad, cross bio-political, concepts of bodies, minds, words, ideas, ways of knowing, ways of defining, and ways of creating meaning.

Research using grounded theory most often takes a constructivist or interpretive approach to ontology arguing that reality cannot be expressed singularly but is created by people within groups and, as such, needs to be interpreted in light of surrounding events and occurrences. For this research, a critical approach to ontology that considers how power relations influence reality is more appropriate given the intent of decolonial theory to problematize coloniality’s dominant power structures. Additionally, when considering ontologies, attention to the question of “*whose reality?*” is needed. In order to have a reality, one must be considered “human” first. Mignolo (2009) writes: “The concept of human used in general conversations, by the media, in university seminars, is a concept that leaves outside of “humanity” a quite large portion of the global population” (p. 7). Thus, if not everyone falls within the category of humanity, what follows is that not all ontologies are acknowledged, permitted, or even seen to exist. Thus, any restriction of ontologies will result in an imposed explanation of what can be encompassed as reality within qualitative research.

Epistemology concerns the nature of value and how something can be known. In conducting studies, researchers try to get to know their participants as much as they can from firsthand experiences. Epistemology encompasses what is known and how it is known, and it is always positioned within structures of power that include hierarchies of

class, race, sex, gender, spiritualism, linguistics, and geography. Epistemologies are always “situated” meaning that they come from specific bodies, spaces, and places (Grosfoguel, 2007, p. 213). Decolonial theory argues that non-Eurocentric epistemologies have been excluded and disregarded from discourse because they come from “othered” bodies, spaces, and places (Escobar, 2004; De Lissovoy, 2010; Richardson, 2012; Grosfoguel, 2007). Therefore, particular attention must be paid within the research project to the incorporation of and intentional emphasis on non-Eurocentric epistemologies in the analysis and discussion of the research.

The final two paradigms are axiological assumptions and methodology. Axiological assumptions pertain to the researcher’s recognition that values and biases are attached to the information gathered for the study. In the section above, in which my own beliefs and biases are explored, I have clarified that this research presumes the necessity of decolonization within education, human rights, and human rights education. In conducting the research – from the interviews with professors to the analysis of those interviews – lack of use of a decolonizing approach to pedagogy is held as a deficient and value is attached to the recognition of a need to decolonize human rights and human rights education. Finally, methodology relates to the procedures used to determine what can be known and to acquire that knowledge. The methodology of this research project, which is described further in the following sections, is focused on process rather than measurement. Western philosophy defines a telos of learning by outcomes whereas the objective of decolonial pedagogy is movement toward decolonization. That said, process is hard to represent in syllabi and content because it is affective and experiential, and

pedagogical practices that have decolonial goals may not be the same as decolonial pedagogy.

This research addresses ontological assumptions (perspectives/analysis) as the different perspectives of professors toward decolonial theory and approaches are reported and utilized in the identification of themes in the findings. In addition, my own perspectives and biases are also addressed in this methodology section. Epistemological assumptions are a primary component of this research as the interview questions directly address the question of what counts as human rights knowledge and who gets to claim which human rights knowledge is justified. In order to answer these questions, the study examines the responses of professors and their syllabi to conclude the answers to these questions. Furthermore, this research seeks to establish the background of the professors to gain an understanding of how and under what circumstances they have developed their human rights knowledge. Within this research, particularly within the section on my biases, the values and the interpretation of them that shape the research are exposed. Moreover, I attempt to expose the biases of the professors interviewed as they are bared in analysis of the interviews. Thus, axiological assumptions are explored. Finally, this section of the paper attempts to provide the methodological assumptions that are carried through the research and highlights the process of the study.

### **Population, Participants, and Sampling Technique**

For this research project, the population I studied were professors who taught human rights courses within colleges and universities in the U.S. This particular population was an appropriate source of data as the research questions were focused on

understanding how and why this particular population engages with decolonial approaches in their human rights courses. In order to recruit participants, I conducted an online search of human rights programs, which I identified as those programs offering an undergraduate major or minor in human rights, graduate programs offering a Master's degree, and law schools offering an LLM in Human Rights.<sup>16</sup> I established these criteria to identify instructors with a specialty in human rights and actively engaged in teaching the subject. Thus, this study used criterion or purposive sampling in which participants are selected according to pre-determined criteria, but also convenience sampling as these professors were easy to contact and willing to be interviewed. Through searches of these schools' human rights programs' websites, I identified and contacted approximately 75 professors who teach human rights courses via e-mail in April 2015, and again in August 2015, November 2016, and January 2017. In each round of e-mails, new professors were contacted as were professors whom had indicated an interest in being interviewed but had not responded to additional e-mails.

The e-mails sent to professors described the research, requested their participation in a 45 to 60 minute interview, and contained a consent form detailing the benefits, risks, and compensation of participation. I asked professors to consent to be interviewed by e-mailing their consent back to me. All interviews were conducted with the agreement that interviews would remain confidential and that the interviewees' names and schools would not be revealed in relation to their responses. E-mail recruitment resulted in interviews with twenty-two professors. These twenty-two professors represent sixteen different programs out of a total of forty-seven based on research from 2015. Typically,

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<sup>16</sup> A spreadsheet of all human rights programs in the U.S. is available in Appendix B

in a qualitative study, twenty to thirty interviews are typical (Creswell, 2013) and considered an appropriate sample size. In addition, given the small but growing field of human rights education as well as the number of attempts to recruit professors, the final sample size of twenty-two professors was deemed sufficient.

In terms of the analysis of demographic information on these professors, I recorded their sex, instructional rank, degree background, and the number of years each has taught human rights courses. Six professors were women and sixteen were men; of which, at the time of interview, eight were full Professors, five are Associate Professors, four Assistant Professors, three were full Directors, one was a Clinical Professor of Law and another a Professor of Law. Interviewees included professors with graduate degrees in Political Science, History, Law, International Human Rights Law, Cultural Studies, Anthropology, Sociology, Social Work, International Studies, Social Science, Education, International Relations and Political Theory. Five of the professors have under ten years of teaching experience in human rights, twelve have between ten and twenty years of experience, and five have more than twenty years of experience. Professors came from sixteen different colleges and universities, of which one is a private liberal arts college and fifteen are universities.

### **Procedure and Data Processing**

I conducted twenty-two semi-structured interviews via phone and Skype from 2015 to 2017. Interview lengths varied from forty-five minutes to one hour dependent upon the amount of information the interviewees had to share and the amount of time available. I designed interview questions to collect data on three issues: (1) the methodology and pedagogy used in their human rights courses, (2) their intellectual



history and how they perceived its influence on course and program development, and (3) a detailed description of their use of decolonial pedagogy in their courses. Each interview took place by telephone or Skype and was audio-recorded with the permission of interviewees. Each interview consisted of three sets of questions pertaining to the educational and professional background of the interviewee, the content of the human rights courses taught, and the pedagogy utilized in the classroom. Interview questions can be found in the Appendix A. After the interviews, I asked participants to share sample syllabi via e-mail for later analysis for the purpose of triangulation and incorporated information from the syllabi within the findings. The syllabi were artifacts that underwent content analysis along with the interviews. During the interview process and after, I wrote memos including questions and ideas that emerged from the conversations with professors. These memos were helpful to the coding process and they brought depth to the transcribed interviews.

The interview questions were divided into three categories: background questions, course questions, and pedagogical questions. There were six background questions that centered on length of time teaching human rights courses, the human rights courses taught, the motivation behind teaching human rights, the educational training professors received to teach human rights, how teaching human rights is different than teaching courses in other social science fields, and how the professor's background, training and teaching influence the presentation of human rights in the classroom. The second category contained five questions pertaining to professor's human rights courses. Included were questions on how the professor chooses course materials for the syllabus, how UN treaties, conventions, and case law are integrated into the courses, and whether

and why the professor structures courses to engage with critiques of human rights. Professors were also asked if any of their course materials demonstrate contributions to human rights outside of the Western or liberal tradition, and finally, the reasoning professors attribute to the lack of textbooks that contain non-Western ways of understanding human rights.

The last category of interview questions engaged professors in the topic of their pedagogy. The topics of the interview questions included pedagogical approaches, epistemology of human rights, production of human rights, credibility of human rights knowledge, power relations, and hierarchies of human rights knowledge. Each category of questions provided the opportunity to elicit rich responses from the professors and follow-up with additional questions based upon those responses.

Each interview was transcribed verbatim. Using open coding, I used a directed approach to conduct content analysis on the responses provided to each interview question. Hsieh and Shannon (2005) explain that a directed approach uses existing theory to identify key concepts as coding categories (p. 1281). The research questions for this study are focused on understanding professors' use of and support for a decolonial approach to human rights. By analyzing numerous decolonial theorists' writings, I established the key criteria for the development of a decolonial approach (Tejeda and Espinoza, 2002; Grosfoguel, 2007; Grosfoguel, 2012; Richardson, 2012; Escobar, 2011, Escobar, 2004; Baxi, 2002; De Lissovoy, 2010; Sykes, 2006; Doxtater, 2004; Al-Daraweesh and Snauwaert, 2013; Grosfoguel, 2006; Alcoff, 2011; Andreotte, n.d.).

These key criteria<sup>17</sup> can be used to critique human rights pedagogy, which can be defined as the methods and practices that inform how human rights are taught. In the context of this research, these key criteria provide a means of determining whether decolonial pedagogy has been used by current professors of human rights, and if so how and why.

Many decolonial theorists have provided criteria for decolonization by clearly articulating the tenets of decolonial theory. Grosfoguel (2012), Richardson (2012), and Escobar (2004, 2011) have written of the need to recognize the absence of non-Eurocentric epistemologies. They have also emphasized a need to engage these non-Eurocentric epistemologies. They argue that colonization has resulted in the dismissal of non-Eurocentric epistemologies that need to be considered and compared to Eurocentric epistemologies. Failure to engage these epistemologies allows for the continuance of an epistemicidal logic to continue. Baxi (2002), De Lissovoy (2010), and Sykes (2006) emphasize the need for discussion regarding which social identities are given a voice and authority. They encourage critical reflection on the geo-and body-politics of those in authority and also those who are excluded from having authority. Doxtater (2004), Al-Daraweesh and Snauwaert (2013), and Coysh (2014) stress the avoidance of solely emphasizing hegemonic discourses. They argue that discourses are often accepted without recognition that they have been privileged due to their origination in Eurocentric thought. According to Escobar (2004), Grosfoguel, (2006, 2007), Alcoff (2011), and Andreotte (n.d.), these hegemonic discourses require tempering through the inclusion of discourses and knowledge that emerge from subaltern positions.

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<sup>17</sup> My use of the term “criteria” rather than “measure” or “measurement” is purposeful in this research as decolonization is a process in which measurement is difficult.

Similar criteria have also been articulated specifically within writings on how to engage a decolonizing pedagogy. Tejeda and Espinoza (2002) have developed criteria for defining a decolonizing pedagogy for social justice, which can be applied to human rights. They begin by asking two important decolonial questions of social justice education. The first pertains to intent: “(1) Where do our beliefs about what social justice come from? The second pertains to consequence: (2) Who benefits and who is harmed from the current conceptualization of social justice and the instantiation of that conceptualization” (Tejeda and Espinoza, 2002, p. 1)? In other words, they are concerned with where our beliefs originate – or the geo- and body-politics – and who benefits and suffers the most from the way social justice is framed and represented. They worked from the decolonial belief that ideas of social justice that fail to take into account the epistemicide that has occurred over many years will never accurately embody the interests of working-class indigenous and non-white people (p. 2). Though questions, such as those posed by Tejeda and Espinoza, can lead us to recognizing absences, we must also concern ourselves with praxis. To a certain extent, a decolonial pedagogy is about action as Ruth Wilson Gilmore (2007) explains: “In scholarly research, answers are only as good as the further questions they provoke, while for activists, answers are as good as the tactics they make possible” (p. 27). In addition to posing these questions, Tejeda and Espinoza also argue that it is necessary to analyze and understand the ways colonialism has been concretized and its effects (p. 2). For example, the racial classification of people is a tangible effect of colonialism. Within the context of education, they have established criteria for decolonial pedagogy.

Curricular content, design, and instructional practices must develop a critical decolonizing consciousness and provide students with a “rich theoretical, analytical, and pragmatic toolkit for individual and social transformation” (p. 8). This toolkit is accomplished through the development of the learner’s critical consciousness and instruction in the history and current manifestations of colonialism, as well as the process by which professors and teachers learn and define what a critical consciousness is and is not. It is also developed through instruction in the theory and conceptual framework of decolonization in order to critically analyze the past and present. Further, it is developed through the examination of neocolonial conditions that impact all types of curricular subject matter (p. 8). Regardless of the subject matter, the content of the pedagogy “highlights, examines, and discusses transforming the mutually reinforcing systems of neocolonial and capitalist domination and exploitation...” (p. 8). Lastly, the toolkit is developed through critiquing and problematizing a curriculum’s “complicity with neocolonial domination and exploitation” (p. 8).

Finally, Grosfoguel (2007) provides requirements for the development of a decolonial epistemic perspective. He contends that a decolonial epistemic perspective requires that knowledge as a concept be extended beyond the Western canon to include subaltern knowledge. Additionally, the diversity in epistemologies and ethics requires critical dialogue to take place. The purpose of this dialogue is not the creation of an abstract universal epistemology but one that is pluriversal. Finally, significant and genuine consideration needs to be given to subaltern and subjugated perspectives (p. 212).

Thus, a synthesis of the criteria provided by decolonial theorists, can be used to analyze whether decolonial approaches are being applied by human rights professors within their classrooms. These criteria for a decolonial pedagogy were operationalized and used as coding categories for the analysis of the interviews:

1) Recognition of the absence of and need for engagement with non-Eurocentric epistemologies thus avoiding approaches that enact an epistemicidal logic

*Operationalization:*

- Discussion topics include the pluriversal epistemology of human rights, the absence of non-Eurocentric epistemologies in human rights discourse, and the hierarchical categorization of human rights knowledge

2) Consideration of which social identities are deemed authoritative and why

*Operationalization:*

- Course topics include power relations and their impact on human rights

3) Avoidance of the sole emphasis on hegemonic Eurocentric discourse

*Operationalization:*

- Professor does not center the majority of course materials on documents created by the UN and includes critiques of the human rights framework

4) Inclusion of subaltern knowledge

*Operationalization:*

- Course materials by subaltern authors and theorists are included

I color-coded each of the coding categories. I then highlighted and extracted sections of the interview that pertained to each of the color-coded categories. I put each of those sections into an Excel spreadsheet and highlighted only the parts of the interview that demonstrated implementation of the decolonial measures. After the first coding, I further coded each section of the interviews according to the operationalized

subcategories each section met. Following the coding, I analyzed and interpreted the data to identify which and to what extent human rights professors implemented decolonial measures in their courses.

As part of the research process, I conducted content analysis on the syllabi that were provided to me by the interviewees. Not all interviewees provided their syllabi, and in those cases, I attempted to acquire the syllabi by looking into the university websites of each professor. I was able to obtain at least one syllabus from thirteen of the twenty-two professors interviewed. When engaging in content analysis, two aspects to the content must be considered: the themes and main ideas of the text and context information (Becker and Lissman, 1973). Mayring (2000) describes content analysis as “an approach of empirical, methodological controlled analysis of texts within their context of communication” (para. 5). Using a deductive category application, the same categories used to analyze the interviews were used to analyze the professors’ syllabi.

Syllabi from the professors’ human rights courses were collected between 2015 and 2017. Of the twenty-two professors interviewed, thirteen provided at least one syllabus. Four professors provided one syllabus while the other seven provided between two and five syllabi, each for a different class that they teach. Each syllabus was analyzed according to the coding categories and used as its own data set as well as in combination with the professors’ interviews.

Again, a direct approach to content analysis was utilized to examine each of the thirteen syllabi provided by professors. The operationalized decolonial measures were used to categorize the content of the syllabi. Specifically, four components of each syllabus were analyzed when present: the course description, the course objectives, the

required texts, and the course schedule – in particular which course materials would be required and which topics would be covered. These four components contained a short description of the course, the aims and goals of the course, course materials that students would need to purchase or obtain, and a plan detailing the topics to be covered, including readings, and any required projects and assignments.

Analysis of these components of their courses were helpful in determining the extent and use of decolonial approaches to pedagogy by professors within their university human rights courses. In addition, the data provided a useful means of comparison for the self-reported description of course content and pedagogy by professors. The operationalized decolonial criteria used to analyze the syllabi are as follows:

1) Recognition of the absence of and need for engagement with non-Eurocentric epistemologies thus avoiding approaches that enact an epistemicidal logic

*Operationalization:*

- Discussion topics include the pluriversal epistemology of human rights, the absence of non-Eurocentric epistemologies in human rights discourse, and the hierarchical categorization of human rights knowledge

2) Consideration of which social identities are deemed authoritative and why

*Operationalization:*

- Course topics include power relations and their impact on human rights

3) Avoidance of the sole emphasis on hegemonic Eurocentric discourse

*Operationalization:*

- Professor does not center the majority of course materials on documents created by the UN and includes critiques of the human rights framework

4) Inclusion of subaltern knowledge

*Operationalization:*



- Course materials by subaltern authors and theorists are included

As key concepts within decolonial theory, these operationalized decolonial criteria served as a priori codes to help establish themes. However, following advice provided by Creswell (2013), I remained open to the development of additional codes through the analysis. From the codes, I classified the data into themes and provided an interpretation of those themes, both of which are explored in the following chapter.

### **Process Statement**

In an effort to validate this research project, I have provided a section within this chapter in which I explore my background, beliefs, and biases as well as the philosophical paradigm that informed the research in an effort to reveal their impact on the project (Creswell, 2013; Merriam, 1988). In addition, this project claims validity through the process of triangulation in which the data collected, analyzed, and interpreted derived from a significant number of interviews with professors as well as the utilization of two types of data: interviews and the content analysis of syllabi. In doing so, I intended to ensure that the analysis and interpretation of the data was both accurate and credible. With each additional interview and syllabus wherein a code was applicable, the data was triangulated providing greater validity (Creswell, 2013; Creswell 2008). Although some qualitative researchers argue that reliability is not relevant to qualitative research (Stenbacka, 2001; Wolcott, 1990), I also aimed to confirm the reliability of the research by recording and carefully transcribing each interview. I also revisited the coded data to determine if the code remained applicable. Lastly, this same process of revisiting the coded data was applied to the themes to ensure consistency (Creswell, 2013).

In the following chapter, I present my findings as they relate to the decolonial criteria and specifically the *what* of professors' pedagogy, focusing on the topics and content they include in their courses.

## CHAPTER 5

### DECOLONIAL APPROACHES IN HUMAN RIGHTS COURSES

#### **Introduction**

This chapter explores how human rights professors are *engaging* with decolonial pedagogical approaches as well as how professors are *incorporating* a decolonial perspective of human rights. In addition, it addresses the challenges that exist to supporting a decolonial perspective and how barriers to implementation can be overcome. First, I re-introduce the participants and provide additional information regarding their backgrounds. Then I discuss the findings from the interviews with the human rights professors in the section on engaging and supporting decolonial approaches. Finally, I address the implications of the findings for the decolonization of human rights courses.

#### **Re-introducing the Participants**

As outlined in Chapter 3, the professors interviewed for this research had diverse backgrounds. Fifteen of the interviewees were male and seven were female. Six of the professors were full professors; three were Professors of Law, one was an Associate Professor of Law; three were associate professors; six were assistant professors; one was a Director; one was an Associate Director; and one was a Clinical Director. The professors came from educational backgrounds of social work, law, political science, cultural studies, education in language and literacy, southern US history, international human rights law, anthropology, international relations, sociology, law, and social science. The professors' experience teaching human rights also varied extensively from

two years of experience to 40 years.<sup>18</sup> For most of the professors, their motivation for teaching human rights courses stemmed from their own interest and graduate work or programs, activism in the field prior to teaching, the influence of faculty members in their graduate programs, or experience practicing human rights law. During the course of the interview, I asked the professors questions about their training, preparation and motivation for teaching human rights, and influences on their pedagogy and courses taught. Their responses are included below to provide a more thorough understanding of the professors' relationships to human rights and human rights education.

Although many of these professors feel that their educational training prepared them to teach human rights courses, almost a third explicitly stated that they did not. Some cited the relative newness of human rights as an educational field while others explained that their programs did not offer courses in human rights or that human rights were not taught directly. Even so, these professors do not see their lack of educational training as a limitation to their teaching; however, the majority does feel that teaching human rights is different than teaching courses in other academic fields. Many indicated using an interdisciplinary approach within their human rights courses, emphasizing a desire to disrupt students' expectations about human rights and social existence, the ability to use a different pedagogy and to teach outside a set canon.

For many, their educational training directly correlates to how they design curriculum and pedagogy with regards to human rights-focused courses. Professors whose backgrounds are in fields such as political science, law or anthropology felt that their approach to human rights reflected their educational background and influenced the

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<sup>18</sup> This demographic information is available in Appendix C

types of course materials they included. For others, their pedagogy is reflective of those with which they worked or took classes. Additionally, for those who have experience practicing human rights law or have been involved in human rights commissions and courts, bringing in treaties, conventions, and case law was important.

The courses in human rights that these professors have taught or currently teach include many introductory courses to human rights and human rights clinics as well as courses covering specific aspects of human rights. The majority of the professors were satisfied with the content of these courses but wished that they had more time or that they could bring in more perspectives of human rights.

The backgrounds of the professors as established above are important considerations to the research questions this study sought to address. In the following section, I detail the extent to which professors engage with and support a decolonial approach to pedagogy in their courses based on the analysis of their syllabi and interviews conducted with them.

### **Engaging and Incorporating Decolonial Pedagogical Approaches**

The human rights professors interviewed for this research reflected a diverse understanding of human rights epistemology and the need for decolonial approaches to human rights discourse. Analysis of the data revealed substantial complexity to professors' engagement with decolonial approaches. Engagement with all of the four criteria of a decolonial approach was ultimately low overall as each was addressed by half or fewer of the professors. In addition, the extent to which the operationalization of each criterion was met proved inconsistent, as some professors may have met one aspect of the operationalization of the criterion, another aspect was not. Though not unexpected,

this analysis points to the need for further engagement with decolonial theory in human rights courses. With regard to the first criterion, the majority of the professors recognized the existence of hierarchies within human rights knowledge, discussed the impact of power relations on human rights discourse, and included some critiques of human rights in their courses. Significantly fewer presented human rights epistemology from a pluriversal perspective in their courses. Similarly, few decentered hegemonic Eurocentric discourse by limiting UN human rights documents, such as treaties, conventions, and case law, or incorporating a significant number of works by subaltern authors or theorists in their courses. Thus, overall, the research shows that a minority of the professors are engaging in a decolonial approach to their pedagogy; however, there is some inclusion of each of the criteria, and a small number of these professors have adopted a decolonial approach. In what follows, I provide a detailed analysis of professors' engagement with each of the decolonial criteria and of how their pedagogical approaches support a decolonial perspective of human rights.

### **Analysis of Decolonial Criteria**

#### **Engaging with non-Eurocentric epistemologies.**

The first criterion is the recognition of the absence of and the need for engagement with non-Eurocentric epistemologies, thus avoiding approaches that enact an epistemicidal logic, by which I mean the process by which non-Eurocentric epistemologies have been dismissed resulting in their absence within human rights discourse. In operationalizing this criterion, I considered whether a pluriversal epistemology of human rights was presented; if the absence of non-Eurocentric epistemologies in human rights discourse is addressed; and whether the hierarchical

categorization of human rights is discussed. As a reminder to the reader, by pluriversal epistemology, I mean an epistemology that recognizes the co-existence and diversity of epistemologies and rejects attempts to universalize an abstract universal epistemology. Grosfoguel (2007) contends that decolonization requires critical dialogue between epistemologies, and that intention of this dialogue is the creation of a pluriversal epistemology rather than an abstract universal epistemology.

The research revealed that only four of the professors present a pluriversal epistemology of human rights in their courses, and the rest either do not subscribe to this epistemology themselves or only present a universal epistemology in their courses. The four professors who explicitly stated that they present a pluriversal epistemology of human rights in their courses and provided explanations that centered on a disbelief in any universals, the way in which the conceptualization of rights have been overtaken by some states, and a lack of global consensus. Professor M, an anthropologist, insisted that a universal epistemology was not possible: “Universals? No. I don’t believe there is such a thing. No, human complexity is so widely divergent that we can’t possibly have a single perspective about that.” She contended anthropologists don’t believe in universals. Rather than an overarching rejection of the idea of universals, Professor K reasoned that human rights have not been achieved by consensus, explaining: “I engage students with literature that challenges that it is not universal...it has been co-opted skillfully by states, and therefore, has been de-radicalized and is not as critical of power as it could be.” Professor D concurred explaining that the lack of consensus on human rights requires a pluriversal epistemology:

I have them look at the result of the Vienna meeting in 1995 where you get the canonical statement that human rights are universal...this is the canonical western view of human rights, but it is not the view that in fact elites around the world share. There is not a consensus on this... in practice it is not so...”

Though these four professors readily and explicitly confirmed their belief in pluriversal epistemology the majority of professors did not. Rather they fell into one of three positions: they chose not to label their epistemology, they presented both epistemologies in their courses or emphasized neither, or they presented a solely universal epistemology of human rights.

There were five professors that were not inclined to label their epistemological presentation of human rights as universal or pluriversal. In these cases, the professors seemed to fall somewhere along a continuum of epistemology. Professor U explained that she rejects any epistemology of human rights that does not acknowledge the importance of cultural context. She maintained that human rights norms should be understood as universal due to their wide ratification, but at the same time, contended that there is and should be space for “implementation of these norms in ways that are culturally specific.” She felt that human rights is able to accommodate a wide range of approaches to norms. Other professors choose not to present either epistemology; instead they focus their students’ attention on understanding the claims of universalism but also critiquing them. For example, Professor P doesn’t present a universal or pluriversal epistemology of human rights but problematizes the concept of universality. She explained that she has her students examine the concept of universality through a lens of critique. She stated, “First of all, we look at when the Universal Declaration of Human Rights was adopted, and who was at the table, who was not at the table.” She goes on to explain that she also



has always “had a debate on is the concept of universal liberating or oppressive.”

Professor N, likewise, addresses universality in his course but talks about it “as one of the challenges of an international human rights system”. He described how he engages with this challenge in the classroom:

We discuss the manner in which the Charter was concluded, how the initial documents, like the UDHR for example, were drafted and adopted...and talk through what does it mean to be universal at the at that point in time and how universal can [human rights] be.

Professor L offered his assessment of human rights as “contextual”, “interpretable”, “segmented”, “chopped up”, and “prioritized” to explain to students that while human dignity can be a universal concept, rights as established in documents like the UDHR are too specific to be considered universal. Lastly, Professor G explained that he does not believe that human rights have a single epistemology and believes that human rights can “fit in with other worldviews and ideologies, and frameworks” and “leaves the door open to multiple sources of authority”, but does not indicate that he specifically labels the epistemology he presents as universal or pluriversal. Thus, while each of these professors addresses the epistemology of human rights, there seems to be some hesitancy to embrace labeling their presentation as universal or pluriversal. This begs the question as to whether universalism versus pluralism is a false dichotomy and whether speaking of it as such reifies what is actually a colonial binary. The presentation of binary epistemologies may be useful, particularly in introductory human rights courses; however, as suggested by Nakata, Nakata, Keech, & Bolt (2012) “teaching the practice of...suspension of pre-suppositions and suspension of foregone conclusions while engaging the implications of the knowledge interface” may be a better way of engaging “students in the politics of

knowledge production and ultimately the politics of their location and social reproduction” (p. 135).

Eight of the professors presented both a universal and pluriversal conceptualization of human rights epistemology in their courses, or they did not emphasize either. These professors provided varied reasons for doing so. Five of these professors explained that they present both epistemologies of human rights noting the importance of allowing students to make their own determinations. Professor S reasoned, “one right answer is kind of ...a heroic way of looking at philosophy.” He went on to explain, “Sometimes a universal view of human rights is really helpful. Sometimes a pluriversal perspective on human rights is very helpful... students should be exposed to both perspectives and should be able to deconstruct both perspectives.” He believes that just as he has, his students “will go from being pluriversal...to universal and vice versa,” suggesting that epistemologies need not be fixed. Six additional professors affirmed that they present both epistemologies as well. According to Professor F, many of his students “go away with a commitment to think through [questions of universality versus pluriversality] in a serious way” and that the students wrestle with this issue. Several of the professors explained their reasoning for presenting both epistemologies. Professor Q explained: “My approach to human rights emphasizes the fact that they’re a contested signifier, and that...human rights change and evolve over time, that their meaning is never settled.” Professor B’s decision to present both is centered on the importance she places on engaging with students about the potential effects of making universalist judgments and the multiplicity of human rights even though she adheres to a universal epistemology of human rights. Similarly, Professor E also believes in a universal

epistemology, but considers hers a “light” version in that she believes human rights knowledge and interpretation is very cultural and recognizes that it is only the Global South that is asked to make compromises. It is these premises that she presents in her courses. In each of these cases, perhaps Grosfoguel’s requirement that dialogue regarding the differing epistemologies is, in a sense, being met; however, whether or not students arrive at a conceptualization of human rights epistemology as pluriversal seems uncertain.

The final four professors presented only a universal epistemology of human rights in their courses. Some were very firm in their belief in universalism while others were willing to introduce critiques of universalism. Two of the professors, Professors T and O, asserted that human rights documents like the UDHR and Covenants defined human rights and can only be understood within those parameters. Professor T explained her adherence to a universal epistemology in this way:

I’m a lawyer, made to look at primary documents and court decisions. Remember my major training was as a lawyer, not as a human rights or international law person. So my training tells me to look at documents and to look at the definitive interpretations of those documents given by the tribunals who have the authority to do that. That’s where the content comes from. That’s the way in which I approach it in my law classes. I don’t know if there’s another place where it would come from or not.

Though seven of the professors that I interviewed were also lawyers, none of them firmly believed in a universal epistemology of human rights or were beholden to human rights documents. Thus, her response seems idiosyncratic and such responses are a barrier to the adoption of decolonial approaches throughout the field. Finally, two other professors adhere to the concept of a universal epistemology but believe that this conceptualization is challenging due to some need for cultural interpretation and changes

to human rights that have taken place over time. For example, Professor C believes that there are universal norms and standards but that “application of the specific norms is flexible”. The absence of exposure in these courses to the ways in which certain epistemologies are lacking in human rights discourse and international legal documents is prohibitive to decolonization; thus, the barrier that this absence presents must undergo greater examination.

Another aspect of this first criterion of a decolonial approach to human rights is the recognition of the hierarchical categorization of human rights knowledge which includes the absence of non-Eurocentric epistemologies in human rights discourse. The coloniality of power is based upon a racial and ethnic hierarchy and structures of power which privilege Western worldviews and that have remained globally entrenched and have determined who gets to speak, what can be spoken about, and what should be excluded within human rights discourse (Grosfoguel, 2006; Baxi 2002). If we consider the coloniality of power is about the politics of epistemology, then its important to consider the political nature of these hierarchies and whether and how their embeddedness within human rights determines who gets to define human rights, whose rights should be protected, and who gains in supporting human rights institutions.

All but two of the professors believe that hierarchies exist within human rights and confirmed that they address those hierarchies in their courses. They asserted that hierarchies are embedded within human rights include personhood, knowledge production, human rights interpretation, and human rights implementation. Many agreed that the West has been overwhelmingly influential in what is prioritized. Professor V went as far to say that human rights rhetoric is the “façade of capitalism”. In order to

address the question of hierarchies, these professors include the topic in their class discussions or introduced the concept of hierarchies through course readings. Professors explained that the importance of addressing these hierarchies lies in understanding how power dynamics affect human rights, the ways in which normative documents have been influenced by particular states, how hierarchical categorization results in the needs of some people going unheard or ignored, the lack of relevancy human rights will have if hierarchies are not addressed, and finally, the very important questions of whose voices are privileged and whom are human rights for. Professor Q explained the consequences of hierarchies in this way:

I think that the consequences are much like the consequences for all forms of knowledge in that they become...there's a dependency for them to become more instrumentalized toward the interests of those in positions of power. They tend to become utilized in ways that exclude certain perspectives and voices and privilege others. They tend to become mechanisms for accumulating and justifying unequal distributions of resources, and they are susceptible, therefore, to all the abuses and perversions that we've seen over the past two decades in particular.

Professor E concurred explaining that she believes it takes “vast amount of privilege to think that hierarchies don't exist” and that these hierarchies “reflect the values of society” and create “vast amounts of human suffering and create division”. Professor F added another consequence explaining:

A variety of concerns that relate to people's fundamental needs and desires for happiness and justice and relations in their communities don't get heard, get ignored, or if heard, they are shoehorned into conceptual constructs that are alien to them.

Despite so many of the professors addressing the hierarchical categorization of human rights knowledge, there were two professors who did not address this topic in their courses even though they believed questions of hierarchy were important and that a

de facto hierarchy exists. Professor A did not explain why he does not present a hierarchy but was quickly able to provide an example pointing to the right to development which developing countries tried to assert but whose declaration “never made it off the paper it was written on”. As a consequence, he admitted that only certain groups and nations get to decide what gets to be human rights. Professor B said she did not address the hierarchical categorization explicitly. She said it is only addressed via some of the framing of the readings she assigns. However, she did speak of the consequence of this hierarchy affecting the development of human rights norm creation, resolutions, and soft law. For these two professors, and the others who do not address hierarchies of knowledge, a key piece to decolonization is missing from their pedagogy. They seem to recognize the great impact of these hierarchies, but have left them out of purposeful discussion. Grosfoguel (2007) warns that hierarchies of superior and inferior knowledge are perpetuated when the ego politics of knowledge is concealed. In other words, it might be that students come away with assumptions about where human rights knowledge comes from and, therefore, could conclude that there is no hierarchy resulting in the exclusion of subaltern voices, needs, concerns.

**Considering which identities are authoritative.**

The second criterion of a decolonial approach is the consideration of which social identities are deemed authoritative. In operationalizing this criterion, I consider whether power relations and their impact on human rights is a course topic within human rights courses. This criterion differs from the first in that professors focused on power relations as related to not only personhood but also political systems, economic systems, and law.

A major tenet of decolonial theory is that power imbalances and patterns of world power have maintained colonial hierarchies of race, class and gender (Quijano, 2000). Coloniality of power involves the epistemological domination of Western and Eurocentric knowledge, and in particular, knowledge that comes from geopolitical spaces dominated by white, upper class men. Classifications and depictions of gender, class, and race maintain colonial power relations, and this has meant that human rights epistemology has excluded specific bodies, spaces and places (Grosfoguel, 2007). Therefore, in decolonial human rights courses, it is vital to decolonization that power relations are acknowledged, especially those social identities that are deemed authoritative.

All of the professors interviewed assigned readings that engaged issues of power relations to some extent in their courses but varied considerably in terms of the types of power relations they addressed. I specifically asked how patriarchy, racism, sexism, and capitalism shape human rights discourse. Some professors address all of these aspects of power relations while others only address one or two. Overwhelmingly, professors introduce power relations within the frameworks of sexism, patriarchy, and racism most often. Some professors cited ageism, classism, capitalism, neoliberalism, and colonialism as topics that are also addressed but much less frequently than the aforementioned. Twelve of the professors provided syllabi that reflected the inclusion of at least one reading that addressed power relations. Following is a sampling of some of the readings included and the number of syllabi in which they were found:

- Makau Mutua: “Savages, Victims, and Saviors” (6)
- Balakrishnan Rajagopal: *International Law from Below: Development, Social Movements and Third World* (2)

- Amartya Sen: *Development as Freedom* (2)
- Martha Nussbaum: “Human Capabilities, Female Human Beings” (2)
- Boaventura de Sousa Santos: *If God were a Human Rights Activist* (2)
- John Gerard Ruggie: *Just Business: Multinational corporations and Human Rights* (1)
- Deborah Spar: “Spotlight on the Bottom Line: How Corporations Export Human Rights” (1)
- Mahmood Monshipouri: “Islamism, Secularism, and Human Rights in the Middle East” (1)
- Kimberle Crenshaw: “From Private Violence to Mass Incarceration: Thinking Intersectionally about Women, Race, and Social Control (1)
- Terrance Loomis: “Indigenous Populations and Sustainable Development: Building on Indigenous Approaches to Holistic, Self-Determined Development” (1)

Though thirteen of the professors did include at least one reading pertaining to power relations, only six of the syllabi provided reflected a heavier emphasis on power relations by including three or more readings. Although the number of readings incorporated does not seem to demonstrate prioritization of readings on power relations, all of the professors asserted that power relations is a topic addressed in class. The interviews indicated that though students are not reading about it, discussion of power relations and their impact on human rights is taking place. This is important because discussion of power relations can be a critique of human rights because discussion of it recognizes its (intended) absence.

Also noteworthy is that although decolonial theory emphasizes the ways in which hierarchies of race, class, and gender have been maintained through the coloniality of power (Quijano, 2000), even in modern liberal societies, neoliberalism and colonialism are each addressed by just one professor. The absence of the inclusion of these topics perhaps reveals a disconnect between why the hierarchies of race, class, and gender exist, the extent to which they are embedded in other ideologies, like neoliberalism,



colonialism, and coloniality, and how they are perpetuated. Their absence also implies that even within discussion of power relations, there is a de facto hierarchy. It is worth considering what it means that these other types of power relations are much less frequently addressed in relation to human rights.

In explaining their presentation of the impact of power relations on human rights, professors offered examples of how they introduce power relations. One way is to highlight the ways in which dominant countries benefit from power relations. For example, Professor R explained that he discusses with his students how “the United States [has] used human rights as part of their international strategy to have more influence and have more power in the world.” Another way is to discuss the ways in which powerful countries have also monopolized the issues undertaken by the international community. Professor K cites the “belated interest of the international community to address and acknowledge that issues of sexual violence, domestic violence, and rape are human rights issues.” In other cases, students are asked to continually keep in mind issues surrounding race, gender, and power as they work through topics involving human rights instruments and issues. For example, Professor N asks his students to keep the question of power relations in mind as they discuss the different categories of rights as well as how “the system and manners in which human rights are both prescribed and enforced.” Additionally, some professors use particular course topics to bring up issues related to power relations. For example, Professor U introduces capitalism when covering international economic law and introduces racism when discussing the topic of truth and reconciliation. Professor M examines power relations

with his classes through discussion relating to the work and influence of Western NGOs, which he believes is questionable:

Their good purposes actually add up to... very little, because they're not actually going up to the people themselves to ask them what they think they need. Instead, we're running in with this 'Let's rescue people who need our help,' which is a very, very Western thing to be doing and that is deeply, deeply problematic.

Finally, some professors try to keep the topic of power relations at the forefront of their classes. Professor O explained that he tells his students from the first day of class that “the majority of this world is not white, and it's not rich, and its' not free, and the struggle for human rights has to be seen from beyond the lens of white Westerners.” Likewise, Professor V explained that he addresses power relations all the time by talking about UN human rights conventions, which he believes easily lend themselves to discussion of patriarchy, ageism, sexism, racism, and classism. Besides Professor V, none of the professors in the course of their interviews referred to particular readings or other course materials they use to introduce the topic of power relations. Instead, the main method these professors seem to use to address power relations is class discussion. Though class discussion is not a decolonial pedagogical leap, it offers a starting place from which professors could present epistemologies outside the Western/Eurocentric canon (Grosfoguel, 2007). It is not clear from the interviews, however, whether that is the case.

Also of significance were the explanations that some professors gave for why they do not thoroughly discuss power relations in their courses. Both the lack of time and the survey theme of their human rights course played a factor, as did the knowledge that power relations are more thoroughly taken up in other courses required in their human

rights program. Professor U explained that the incorporation of power relations “is somewhat limited by the fact that it’s a survey course”. She explained: “My ability to drill down on any one of these issues is limited because we only do a day on whatever issue...but I do try to bring it out where I can.” Professor P highlighted the importance of including the topic of power relations in her department but explained that she relies on other courses to address particular power relation frameworks. She explained:

A number of the students who take human rights education are taking critical race theory and praxis, and then we have a class called gender and globalization that’s part of the human rights concentration, so in other classes, gender and patriarchy are particularly addressed in that class. That’s not an underlying framework of the class I teach because we try to make sure we’re not being repetitive.

Time constraints and a desire to avoid repetitiveness are common challenges in any course. However, it speaks to a pedagogy in which a process of “add and mix” has been adopted. In the case of decolonial pedagogy, an “add and mix” approach is not ideal. In order to achieve a truly decolonial pedagogical approach, decolonization needs to be the underlying theme that influences all other pedagogical choices rather than an afterthought that may not fit into an already set schedule or a topic that can be introduced but does not require repetition.

The effort by all of the professors to touch on the ways that power relations impact human rights, albeit to different degrees, is constructive toward achieving a decolonial approach; however, given the significance of this issue to decolonial theory, there is certainly much room for growth in this criterion. Power relations are important to decolonization because the hierarchies established based on them result in “situated” epistemologies that are Eurocentric but positioned as uncontested and universal (Grosfoguel, 2007; Mignolo, 2009). Thorough discussion of the impact of power

relations on human rights is necessary because without it we cannot begin to understand the extent to which voices have been silenced, or construct a non-Eurocentric theory of human rights (Barreto, 2012).

**Avoiding solely emphasizing Eurocentric discourse.**

The third criterion of a decolonial approach is the avoidance of the sole emphasis on hegemonic Eurocentric discourses. Though similar to the criterion of consideration of which identities are authoritative, this criterion focuses on the types of materials and the critiques that are included rather than whether power relations is a topical component of the course. Both criteria are important to a decolonial pedagogical approach. Therefore, I consider whether the majority of course materials are centered on documents created by the United Nations and whether critiques of the human rights framework are included as course topics and materials.

Doxtater (2004), Al-Daraweesh and Snauwaert (2013), and Coysh (2014) stress the importance of avoiding the sole emphasis of hegemonic discourses in human rights, which are often accepted without recognition that they have been privileged due to their origination in Eurocentric thought. Mitigation of these discourses is necessary and can be accomplished through the inclusion of discourses and knowledge that emerge from subaltern positions (Escobar, 2004; Grosfoguel, 2006; Alcoff, 2011). Al-Daraweesh and Snauwaert (2013) and Coysh (2014), in particular, have contended that human rights education suffers from an over-reliance on international treaties and conventions as well as UN-originated discourse. Human rights discourse as well as UN documents are genealogically tied to a Eurocentric theory of rights (Barreto, 2012). As a result, within

human rights education, the decentralization of UN documents along with the inclusion of critiques from subaltern spaces is needed for decolonization.

Analysis of syllabi and interviews demonstrates that many of their courses are focused on UN documents or that they are incorporated extensively. Of the professors, thirteen attested that these documents are a significant component of their course material. Professors cited the importance of these documents as the foundation of and fundamental to the international human rights system and the necessity of embedding them in their courses. Professor J articulated exactly why he emphasizes UN documents, particularly treaties, in his courses: “International treaties are the bedrock of the international human rights system. No international human rights regime exists without these treaties. Students are made to understand this.” For Professor U, the inclusion of these documents stems from a desire to help students think critically about international law topics:

I cover the fundamentals. I want them to know some basic things like the fact that the UDHR isn't a treaty. I want them in some way to be intelligent consumers of news about international law. To be that they do need to know some of those fundamentals.

Several professors connected their inclusion of these documents to their objective of encouraging students to critically consider these documents. For example, Professor P explained that although she includes human rights treaties and instruments in her classes, she has her students examine them critically:

We look at the limits of the human rights instruments, what they can accomplish, and what they can't do. So, I think we don't have this perspective that it's all about the treaties, that it's all magical, at all. So, we critique the framework and practice.

Professor A explained that he brings in UN conventions because he wants his students to “consider how people think about and use these documents” and also to think about what “different social movements [are] doing with human rights”. Professor D described his process for introducing UN documents like treaties, covenants and declarations explaining, “Students read and they discuss them practically article-by-article and the discussion centers on issues, ambiguities, internal conflicts, and problems of implementation and execution that revolve around those articles.” Others explained that they used treaties, conventions, and declarations in combination with case law to demonstrate their use, as well as address analytical questions that arise from their creation and implementation. Professor P described her use of treaties and case studies in this way:

This year I have three case studies, and we spent two class sessions on each case study. The first class would be looking a lot at the human rights instruments and treaties and so on as connected to the issue. And then the second class, more or less, is more focused on the pedagogy. So then in their final project they have to identify a human rights issue which is meaningful to them, and then they have to also do research including making the connections to the international treaties.

Professor K takes on the analytical aspect of the creation and implementation of these documents with his students:

I spend quite a bit of time in my courses discussing how, in addition to structural problems let’s say within human rights discourse, how in implementing it while you are starting with the best of intentions, you can end up doing more harm than good. Kind of the road to hell is paved with good intentions. And I discuss cases and situations in which this happened so that the students don’t leave my course in a kind of starry-eyed mode. That we have found the tool that will help us empower people, to educate people, to help them move forward because even sometimes with the best of intentions, a lot of damage is being done.

In analyzing the syllabi, it was very common for professors to assign at least one UN document per class that students would need to read or analyze. There were two

professors would explicitly stated that they don't specifically teach or use UN documents in their courses much, if at all. Professor M explained that he works "more from an anthropological perspective" of human rights, and as a result, does not teach students about treaties. He explained further:

the articles of anthropologists writing on indigenous people's human rights, for example, do include reference to [UN documents], but the students will get those in the basic human rights courses... I don't specifically teach them those things.

Professor F, a law and political science professor, also refrains from incorporating many UN documents but provided very different reasoning explaining, "I don't use them much anymore because I reached the conclusion that ... with the treaties there is not a lot of ground for the serious analytical work I do." Though I will address this in greater detail in the next chapter, it bares mentioning here that arguably, each of the professors' disciplinary training had some impact on their presentation of human rights as well as their inclusion and use of critiques of human rights. However, in particular, Professor M whose educational training is in anthropology, Professor V, whose educational training is in social work, and Professors U and I, whose training are in law and sociology respectively, spoke specifically about how their disciplinary training has impacted the way they teach their human rights courses. The analysis of each of the professors' disciplinary training does not reveal any particular themes about their pedagogical choices; however, for some professors their educational discipline and for others the experiences they have gained through their years in the field of human rights have clearly influenced their pedagogical approach to teaching human rights.

With regard to types of course materials professors are incorporating, it is important to note that decolonial theorists do not advocate for the elimination of UN

documents in course materials. Rather, they argue that they should not be central to human rights education, and that when presented they should be met with course materials that come from non-Eurocentric and subaltern epistemologies. Grosfoguel (2007) emphasizes that “diverse critical epistemic projects” need to be in dialogue with each other (p. 212) and asserts that “epistemic diversity” needs to be “incorporated into necessary inter-epistemic dialogues in order to produce decolonial, pluriversal” fields of study (2012, p. 84). In order for epistemic projects to speak to each other, there needs to be discussion regarding what each project represents and how the course materials fit into these projects. For this reason, the inclusion of critiques of the human rights framework, particularly that of the need for decolonization, is a necessary component to decolonizing human rights education. Thus, this criterion does not solely analyze human rights courses by their reliance on UN documents but also the extent to which they critique the human rights framework in order for the dialogue to begin.

The majority of professors did bring critiques in to their courses. The critiques varied in number and type, but cultural relativism and feminism were cited most often (by eight and seven professors respectively). In order to give some perspective as to how these critiques are addressed, some examples from professors’ syllabi are included below.

One of the professors, Professor R, teaches a course on cultural relativism and focuses the course on critiques from Asian cultures. Within this course, he incorporates several readings on cultural relativism from:

- Bilahari Kausikan; “Asia’s Different Standard” and “An East Asian Approach to Human Rights”
- Partha Chatterjee; *Nationalist Through and the Colonial World: A Derivative Discourse?*
- Joanne Bauer and Daniel Bell; *The East Asian Challenge for Human Rights*



- Daniel Bell, Andrew Nathan and Ilan Peleg; *Cultural Differences and Values: Human Rights and the Challenge of Relativism*
- Neil Englehart; “Rights and Culture in the Asian Values Argument: The Rise and Fall of Confucian Ethics in Singapore”
- Mahmood Monshipouri; *Islam, Secularism, and Human Rights in the Middle East*
- Martha Nussbaum; “Human Capabilities, Female Human Beings”

In a course on indigenous people and culture, Professor M includes readings from:

- John Barker; *Ancestral Lines: The Miasin of Papua New Guinea and the Fate of the Rainforest*
- Karen Engle; *The Elusive Promise of Indigenous Development: Rights, Culture, and Strategy*
- Dorothy Hodgson; *Being Maasai, Becoming Indigenous: Postcolonial Politics in a Neoliberal World*
- Elvira Pulitano; *Indigenous Rights in the Age of the UN Declaration*

In an introductory human rights course, Professor K includes a reading from Abdullabi Ahmed An-Naim - *Human Rights in Cross-Cultural Perspectives*.

Feminist critiques are included in Professor E’s introductory human rights course through the inclusion of work by Martha Nussbaum - “A Woman Seeking Justice”.

Professor Q incorporates a reading by Anne Griffiths in his contemporary debates course:

“Gendering Culture: Toward a Plural Perspective on Kwena Women’s Rights”. Professor

P incorporates Kimberle Crenshaw’s work, “From Private Violence to Mass

Incarceration: Thinking Intersectionally about Women, Race, and Social Control” in her

human rights education course. Professor A includes the work of Muna Ndulo- African

Customary Law, Customs, and Women’s Rights; and Professor B incorporates two

feminist readings. The first is by Hope Lewis, “Embracing Complexity: Human Rights in

Critical Race Feminist Perspective”, and the second by Johanna Bond, “Intersecting

Identities and Human Rights: The Example of Romani Women’s Reproductive Rights”,

in her feminism and human rights course.

Other critiques cited by more than one professor in their interviews included post-colonial, liberal imperial, and religious (Islamic) critiques. Professors A, G, H, and S all present post-colonial critiques in their courses.<sup>19</sup> Professors B, F, and G incorporate an Islamic critique of human rights.<sup>20</sup> Professors D and L present a liberal imperialist critique. Critiques cited by just one professor included the mythology of international law, judicial romanticism, the immutability of human rights, colonialism, and decolonialism.

Professors who do incorporate critiques provided reasons such as the desire to help student improve their *critical thinking skills*; to encourage students to view issues from *critical perspectives*; to engage students in *norm-contestation*; to *problematize* human rights ideologies; to help students *understand the oppression and exploitation* that occurs based on people's race, class, or gender; to *acknowledge the short-comings* of human rights instruments; to *introduce debates* as to what human rights should be; to *address structural problems* within human rights discourse; and to help students understand that the regime of human rights is a *work in progress*. Professor F was particularly articulate regarding his purpose including critiques. He explained that when critiques are not addressed there are dangerous consequences:

Students will go off in the world of human rights and will frequently end up simply adopting relatively passively a variety of attitudes and conclusions about what human rights does and doesn't include, or how much pluralism can be tolerated in the system without ever really thinking through the problem. They

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<sup>19</sup> David Hollinsworth; "Decolonizing Indigenous Disability in Australia"

<sup>20</sup> Azizah Yahia al-Hibri; *Muslim Women's Rights in the Global Village: Challenges and Opportunities*

Madhavi Sunder; "A Culture of One's Own"

Khaled Abou El Fadl; "The Human Rights Commitment in Modern Islam"

Abolfazi Ezzati; "An Islamic Analysis of the Concept of Human rights and UNUDHR"

take for granted certain answers that are not obvious. And I think that the second problem, which derives from the first, is that you often end up seeing what are from the perspective from other parts of the world could be described loosely as imperialistic attitudes about human rights on the part of relatively wealthy privileged western elites without even an awareness that what they're asserting, in fact, may be sort of quite contentious and particular and not as universal as they assume it is.

Of these practices, engaging students in norm contestation and helping students understand the oppression and exploitation of people based on hierarchies are representative of a decolonial human rights approach. However, the other practices do represent a critical human rights approach, which we might see as foundational to any critique including that of a decolonial critique. Critical thinking allows for the interrogation of assumptions and the recognition of absences pertaining to knowledge and voices. Critical approaches, however, should not be understood as identical to utilizing critical pedagogy. Whereas critical pedagogy stemming from critical theory does not account for violence that stems from imperialism and is humanist in its approach to liberation (Zembylas, 2017), critical approaches offer a critical examination of and a critical relationship to a Eurocentric epistemology of human rights.

Of the professors who do not incorporate critiques, two gave very specific reasons for not incorporating them. Professor T spoke mostly of her reasoning for not including cultural relativist or feminist critiques. She explained she believes rights are “those things that are necessary elements to be a human being and to be a person. That doesn't change from society to society. So this whole cultural relativism issue, I think in terms of the real issues of human rights- it's not about culture... what makes that human being inviolable doesn't change from culture to culture.” She later referred to this critique as “bogus”. She also explained that she does not address feminist critiques in her courses

because she thinks it is “stupid”. She qualified this response by highlighting how the UDHR contains a provision about non-discrimination that specifically mentions women as do other treaties and that a treaty such as the Convention on the Elimination of All Forms of Discrimination Against Women is unnecessary. Another professor, Professor O, had very different reasoning for the lack of inclusion of critiques citing more opportunity to cover such topics at the graduate level as most of the students in his program had plans to attend graduate programs:

The undergraduate, it’s an introduction. My graduate students, they are closer to taking their interest in this into their careers. My undergraduates, most of them are headed off to grad school, law school. They’ll have more opportunity to get it at the graduate level than at the undergraduate level. The course is so packed...it’s just a struggle to it all.

This overview of critiques highlights four important points. First, the professors interviewed represent sixteen different colleges and universities across the United States that offer human rights training. Sixteen professors provided at least one syllabus from a human rights course that they teach. Out of all the professors interviewed, sixteen incorporate at least one critique into their courses. Eleven of them incorporate more than one, and six of them incorporate at least four critiques. All four of the professors with a disciplinary background in political science incorporated critiques, and each incorporated two or more critiques. Of the nine professors with a background in law, eight of them incorporated critiques. Five of these professors, however, only included one critique, which was a cultural relativist critique.<sup>21</sup> This analysis points to an under-representation of critiques, and thus, the need to incorporate more critiques that represent subaltern and

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<sup>21</sup> A table containing the professors’ disciplinary training and the critiques they incorporate can be found in Appendix D

non-Eurocentric epistemologies of human rights, in particular the inclusion of decolonial critiques. Along with the inclusion of critiques of power relations, the inclusion of critiques is the other main vehicle for introducing students to non-Eurocentric epistemologies.

The second point is that six of the professors do not incorporate any critiques into their courses and another five only incorporate one critique. However, twelve of the professors attested to presenting a pluriversal epistemology in their courses. While it might be possible to present a pluriversal epistemology without presenting specific critiques, it seems at odds to the conceptualization of a pluriversal epistemology that so few included more than two identifiable critiques.

Third, as stated in a previous chapter, cultural relativism and feminist critiques are widely known and referred to within human rights discourse; however, there are many other critiques of the human rights framework, some of which are being used by the professors such as post-colonial, liberal imperialism, colonial, neocolonial, Asian, and Islamic critiques. The very limited inclusion of critiques does not allow for the kind of dialogue needed for a recognition of the impact and possibilities that could arise from a decolonial perspective on human rights and from a perspective that recognizes human rights as a discourse of coloniality. The presentation of one critique against the dominant Eurocentric discourse of human rights limits the degree to which students understand the extent or variety of subaltern epistemologies of human rights that exist.

The fourth important point that emerges is the scarcity of critiques of colonialism. Only four professors listed the inclusion of a post-colonial critique and there were no professors who mentioned including a decolonial critique. Although the inclusion of

other critiques from subaltern spaces is important to decolonization, the absence of a critique that specifically underscores the impact of coloniality and the subsequent marginalization of non-Eurocentric voices reveals a place where new approaches can be developed and implemented for curricular and pedagogical creativity; where discussion can arise within departments among faculty about the relationship between coloniality and human rights; and where graduate student training can be developed. Identifying the reason for the lack of this critique is important and should be addressed by decolonial theorists concerned with human rights epistemology. As a question for the long future: Is it possible to do the work of decolonization without understanding its complexity from a decolonial point of view, without considering coloniality as the context in which questions about the efficacy, function, and limitations, among other questions, are asked? Tejada and Espinoza (2002) contend that it is not and that decolonization must involve problematizing a curriculum's "complicity with neocolonial domination and exploitation" (p. 8).

But what does problematizing even mean? In this dissertation I have introduced some initial means of problematizing curriculum, and to a lesser extent, pedagogy, as a process characterized by practices, specific perspectives and thematic discussions, including the relationship between theory and practice within human rights law and teaching, as well as considerations for unpacking what complicity with exploitation and domination mean on a localized level of higher education. In addition, because considering what decolonization means for the ideas and processes that reproduce the structures of an institution, and what the possibilities of asking questions about coloniality and power are in an institution like the university, there is a direct relationship

between the training of professors-as-grad-students *and* the (possible) continued learning. Such that, the process of considering meanings of decolonization and coloniality in relation to HR teaching/curriculum is not severed from the experiences of people considering the impact of coloniality/decolonization on both how they teach/research, approaches to justice and redress, etc.; and most significantly, perhaps, situating knowledge production, representation, and circulation (the main job of the professoriate) within a context that asks these epistemic questions.

**Including subaltern knowledge.**

The final criterion of a decolonial approach is the inclusion of subaltern knowledge. Subaltern knowledge does not assume a critique; however, it is unclear how knowledge is subaltern without the inclusion of a critique. Yet, subaltern knowledge is not simply critical knowledge or non-European knowledge. The inclusion of subaltern knowledge as a category of criteria refers to that knowledge which emerges from a subaltern epistemic location geopolitically. In operationalizing this criterion, I consider whether course materials by subaltern authors and theorists are included in the course materials. In order to expose how Eurocentric epistemologies subjugate marginalized voices, decolonial theory proposes that subalternized, non-Eurocentric epistemologies from different geopolitical contexts be included in human rights education (Escobar, 2004). This inclusion allows the subaltern epistemic project to emerge and to dialogue with that of the Eurocentric project revealing the hierarchy of knowledge that has excluded many voices. Knowledge about human rights must extend beyond the Western and Eurocentric canon in order to heal the colonial wound, which “refers to racism and sexism and the social classifications that ensue from them” (Mignolo, 2017, para. 23)

making certain epistemologies and lives disposable (Grosfoguel, 2007; Vazquez & Mignolo, 2013). The lack of contribution from subaltern epistemologies has multiple effects on human rights. For example, one of the effects is that people feel a lack of ownership of the principles of human rights and do not believe that the principles are relevant to their lived experiences (Al-Daraweesh and Snauwaert, 2013). Another effect is that human rights loses its legitimacy and ability to be transformational (Barreto, 2012). A third effect is that there is a proliferation of human rights abuses and violations and the concerns of the subaltern are ignored and issues are reframed to fit a Eurocentric epistemology.

Here the interviews were somewhat helpful, but the syllabi were also helpful in identifying additional course materials that professors were unable to recall or forgot. Overall, of the 22 professors, 19 were able to cite, or their syllabi incorporated, at least one course material representative of a subaltern perspective on human rights. Similar to the data regarding the incorporation of issues related to power relations and critiques to their courses, twelve professors did include three or more of these course materials while eight included more than five that represented a subaltern perspective. The course materials were wide ranging, and there was no overlap in the course materials with the exception of Makau wa Mutua's "Savages, Victims, and Saviors: The Metaphor of Human Rights", which was incorporated into courses by six of the professors. Mutua's article was written in 2001 and has seemingly become, based on its inclusion in so many of these professors' courses, a very popular text as representative of a critique of human rights. In brief, Mutua argues that a subtext of human rights discourse is the racialized categorization of people into three groups: savages, victims, and saviors. This categorical



construction stems from a Eurocentric epistemology that has deemed human rights universal and neutral. Only Professor Q contextualized his use of Mutua explaining that he uses Mutua's work to "problematize the kind of distinction between the West and non-West in discussing human rights...and it's a different discussion as to whether he's liberal or not. So, what are the boundaries of liberalism, what are the boundaries of the West?" I would propose its inclusion may also stem from the accessibility of his argument due to his clear examples that demonstrate his categorization of savages, victims, and saviors. I also believe his argument resonates within the context of the United States and our own racial, colonial, and Eurocentric history. Furthermore, the inclusion of his article/critique may be reflective of an effort to present a critique that does not require an extensive build-up to be understandable. Many of the professors also commented on the lack of time and how difficult it is to fit in everything that they'd like. For example, Professor F explained that some critiques, particularly those from the Global South are "a step too difficult for an introductory course."

In addition to these articles and books, a few of the professors indicated that they incorporated documents and case studies from the African Court of Justice and Human Rights and the African Commission on Human and Peoples' Rights as well as the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights. Furthermore, some professors did indicate that they showed videos and had guest speakers come to their courses that presented a subaltern epistemology.

Below, I've provided the journal articles and books that professors indicated they believed demonstrate a non-Western or a subaltern perspective. Many of these same titles were cited early as examples of texts used to present critiques. They fit into other

typologies beyond that of subaltern and non-western, but very few would fit into a typology of decolonial. There is an absence of the decolonial reflected in this list, and it is this absence that is revelatory. There are consequences to the lack of subaltern epistemologies, but there are additional consequences to the inclusion of texts whose theoretical genealogy is not introduced, possibly not even known, to students. The contextualization of decolonial theory within both colonialism and modernity/coloniality is a vital component to comprehensibility. It is this perceived lack of need for contextualization that I believe leads many professors to choose Mutua's work as a critical exemplar of universality. Consider the impact of Mutua's argument if it were situated within a more robust historical context that, for example, first considered the work of Fanon, Césaire, Freire, and Spivak.

This list of books is connected in the sense that many are thematic examples of critical perspectives/critiques of human rights (feminist, cultural relativist, Islamic, indigenous, decolonial, etc). Each selection is illustrative of content that the professor believes is important to the discourse/teaching/learning of human rights. Each is also representative of the epistemology of human rights that the professors adhere to and present in their courses.

Al-Hibri, "Muslim Women's Rights in the Global Village: Challenges and Opportunities."

An-Naim, *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*.

Anghie, *Imperialism, Sovereignty and the Making of International Law*.

Barker, "Ancestral Lines: The Maisin of Papua New Guinea and the Fate of the Rainforest."

Bolten, "Being "For Others": Human Rights, Personhood, and Dignity in Sierra Leone."

Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse?*

Chinkin, & Charlesworth, "The Boundaries of International Law: A Feminist Analysis."

de Sousa Santos, *If God Were a Human Rights Activist*.

Dos Santos, "The Structure of Dependence."

Eggers, *The Voice of Witness Reader: Ten Years of Amplifying Unheard Voices*.

Engle, "On Fragile Architecture: The UN Declaration on the Rights of Indigenous Peoples in the Context of Human Rights"

Engle, "The Elusive Promise of Indigenous Development: Rights, Culture and Strategy."

Enloe, *Bananas, Beaches and Bases: Making Feminist Sense of International Politics*.

Enloe, *The Curious Feminist: Searching for Women in a New Age of Empire*.

Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed With Our Families*.

Griffiths, "Gendering Culture: Toward a Plural Perspective on Kwena Women's Rights".

Heleta, "Decolonisation of Higher Education: Dismantling Epistemic Violence and Eurocentrism in South Africa".

Hopgood, *Endtime of Human Rights*.

Kapur, "Human Rights in the Twenty-First Century: Take a Walk on the Dark Side".

Kausikan, "An East Asian Approach to Human Rights".

Lee, "Liberal Rights or/and Confucian Virtues?"

Lewis, "Embracing Complexity: Human Rights in Critical Race Feminist Perspective."

Loomis, "Indigenous Populations and Sustainable Development: Building on Indigenous Approaches to Holistic, Self-Determined Development."

Magendzo, *Pedagogy of human rights education: A Latin American perspective*.

Mahmud, "Geography and International Law: Towards a Postcolonial Mapping".

Malek & Hoke, *Palestine speaks: Narratives of lives under occupation*.

Masaki, "Recognition or Misrecognition? Pitfalls of Indigenous Peoples' Free, Prior, and Informed Consent."

Meekosha & Soldatic, "Human Rights & the Global South: The case of disability."

Meekosha, "Contextualizing Disability: Developing Southern/Global Theory".

Mohanty, *Feminism Without Borders: Decolonizing Theory, Practicing Solidarity*.

Monshipouri, *Islamism, Secularism, and Human Rights in the Middle East*.

Mutua, "Human Rights International NGOs: A Critical Evaluation".

Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights".

Mutua, "The Ideology of Human Rights,"

Ndulo, "African Customary Law, Customs, and Women's Rights".

Pahuja, "Decolonizing International Law: Development, Economic Growth and the Politics of Universality".

Pulitano, "Indigenous Rights in the Age of the UN Declaration"

Quijano, "Coloniality and Modernity/Rationality"

Rajagopal, "Counter-hegemonic International Law: Rethinking Human Rights and Development as a Third World Strategy."

Rajagopal, *International Law from Below: Development, Social Movements and Third World*.

Rieff, *A Bed for the Night: Humanitarianism in Crisis*.

Rosenblum, "Teaching Human Rights: Ambivalent Activism, Multiple Discourses, and Lingering Dilemmas."

Sachedina, "The Clash of Universalisms".

Schweder, "Moral Realism without the Ethnocentrism: Is It Just a List of Empty Truisms".

Stamatopoulou, "Taking Cultural Rights Seriously: The Vision of the UN Declaration on the Rights of Indigenous Peoples".

Weston, "Universalism Versus Cultural Relativism: An Appeal for Respectful Decision-Making".

Yang, "Afterword: Will human rights education be decolonizing?"

Even though all these materials demonstrate contributions to human rights from outside the Western or liberal tradition, not all of the authors represent a subaltern voice. Rather, some of the authors above are writing about subaltern experiences or epistemology even though it is not their personal experience. Decolonization does not require that subaltern epistemology is only presented by subaltern voices, but as notes Heleta (2016), these non-subaltern voices "cannot be seen as the all-knowing and all-important canon upon which the human knowledge rests and through which white and Western domination is maintained"(para. 23). Subaltern voices need to be given authority in sharing their own epistemologies. In addition, consideration of the locus of enunciation is relevant (Grosfoguel, 2006) as people "always speak from a particular location within power structures" (Grosfoguel, 2008, para. 4). One's epistemic location is situated by their ethnicity, race, gender, and sexual orientation but also "the structures of colonial power/knowledge from which the subject speaks" (para. 4). We must consider that the knowledge that emerges from a person not situated within a subaltern epistemic location is different than the knowledge that emerges from a person who is situated within such a location. Furthermore, and of great import, is to what extent voices that are not subaltern should be advanced when so many subaltern voices are able to speak and have written

extensively of their epistemologies regarding human rights. Is there not a need to listen to what the subaltern is saying?

This is not to say, however - and this point is significant for both what is included in a syllabus and the pedagogical approach to engaging material - that anyone situated within a subaltern epistemic location will reflect *a priori* that location within their thinking, and the representation of that thinking, much less thinking from a subaltern epistemic location. Grosfoguel (2008) explains why in his article “Transmodernity, Border Thinking and Global Coloniality”:

The fact that one is socially located in the oppressed side of power relations does not automatically mean that he/she is epistemically thinking from a subaltern epistemic location. The success of the modern/colonial world-system consists precisely in making subjects that are socially located on the oppressed side of the colonial difference think epistemically like the ones in dominant positions. Subaltern epistemic perspectives are knowledge coming from below that produces a critical perspective of hegemonic knowledge in the power relations involved. I am not claiming an epistemic populism where knowledge produced from below is automatically an epistemic subaltern knowledge. What I am claiming is that all knowledges are epistemically located in the dominant or the subaltern side of the power relations and that this is related to the geo- and body-politics of knowledge. The disembodied and unlocated neutrality and objectivity of the ego-politics of knowledge is a western myth. (para. 4)

Likewise, it is not necessary that knowledge that is epistemically located in subaltern power relations must also be socially geopolitically located. Mignolo and Grosfoguel, who are cited often in this paper, epistemically think from a subaltern position but are geopolitically located at Duke University and the University of California-Berkeley respectively.

Human rights educators must be very cautious when choosing course materials to represent the subaltern perspective and that whenever possible, the subaltern voice should speak for itself. I state “whenever possible” because there can be a real challenge to

finding international human rights textbooks that present non-Western ways of understanding human rights. For professors who opt to use textbooks rather than books or articles in their courses, there are few textbooks that take a decolonial approach (Aldawood, 2015). When asked, many professors agreed that finding textbooks that present critiques or non-Western epistemologies was difficult and provided several reasons. Professor A explained that the “canons reflect academia as a whole...other voices aren’t being recognized in academia as a whole.”

Professor C offered a related reason. He believes that non-Western epistemologies are absent because “most of these books are written by Westerners. The authors have a Western education and value system and are writing their books for Western students.” Another reason provided by Professor F was that “writers are not competent to [include other epistemologies] and they have no training in it.” He went on to suggest that most texts are

dominated by the frame of reference of public international law, which has a strong orientation toward uniformity which means there is an underlining attitude that in order to be credible as a system of international law, it has to be presented that way.

Professor I contended that non-Eurocentric epistemologies are absent out of a desire to present the

mainstream view of where the origins of human rights are. The mainstream view is grounded in the Western, liberal tradition. This is part of why it is hard to find other works – the market confines it – non-western views are also the ‘bonus’ add on at this point rather than a main point.

Finally, Professor J offered that

there is an assumption that non-Western societies have no concepts of human rights, and there is therefore no need to examine their ideas. The notion of

universality also precludes specific understanding of other ideas of human rights since there is a singular notion of universalism at play. Sometimes, it is also due to ignorance and the unwillingness to understand what other societies offer.

Thus, human rights professors who value a decolonial approach do face difficulties and must carefully examine and evaluate the materials they choose for their courses.

Readings that are decolonial, even if only incorporated through class discussion, are still able to move beyond the 'Othering' narrative as their incorporation separates knowledge from its embeddness in the colonial matrix of power (Mignolo, 2009).

Analysis of the interviews and syllabi demonstrates that although the vast majority of the professors have not fully undertaken a decolonial approach to their pedagogy, or the what/method and how/practice of teaching, many have subscribed to, and presented in their courses, a need to engage with some of the tenets of decolonial thought, albeit perhaps not labeling them as such. Many of the professors' remarks reflect an understanding of and effects of the hierarchical categorization of human rights knowledge. They also believe that discussion of the ways in which power relations shape human rights discourse is needed and worth discussion. Others have been very purposeful in incorporating subaltern voices and epistemologies into their courses through their course materials. In these ways, the professors are actively doing some of the work of introducing ideas that include: (1) consideration of what decolonization means, and (2) the role of the university in that process of meaning and bringing about the transformations that might arise from a context where these ideas are engaged with in regard to curricular, pedagogical and graduate training (not mutually exclusive).

Yet, engaging in some of this work is not decolonization; rather, this work encapsulates a part of the processes of decolonization and decoloniality, which are

complex. They are complex because they involve critiquing and addressing how human rights are taught in the context of coloniality and then implementing curriculum and pedagogy that decolonizes; but even more so, the process is complex because the very critique that decoloniality puts forth is a paradigmatic critique. It provides an analysis of the entire episteme and paradigm including relationships, structures, institutions, expectations, affect ideas, imaginary, and historical re-configuring. Thus, this dissertation engages the (almost) impossible question of: What does it mean to include a critique of the paradigm within the paradigm?

In order to progress in this process of decoloniality and decolonization and implement decolonial pedagogy, a multi-dimensional approach is needed. Professors need to carefully examine their syllabi and consider whether their syllabus is reflective of an “add and mix” approach to their inclusion of non-Eurocentric epistemologies or if their approach reflects a view of non-Eurocentric epistemologies as foundational to their presentation of human rights (Grosfoguel, 2012; Richardson, 2012; Escobar 2004, 2011). This means that professors need to critically analyze whether their course materials and content reflects hegemonic discourse of human rights or a discourse that sees decoloniality and decolonization as the starting point rather than just a critique. In addition, the processes and practices that could lead to decolonization require “critical dialogue between diverse critical epistemic, ethical, and political projects” (Grosfoguel, 2007, p. 212). Professors must also analyze whether the *how* of their pedagogy allows for dialogue between the subaltern and subjugated epistemic project and the Eurocentric hegemonic project. This is a necessary component to fighting against epistemic coloniality of human rights. Part of this dimension of the approach may also involve



changes at the administrative, departmental, and institutional level in order to provide a supportive teaching/learning environment. While this work will not address all the changes needed at these levels, in the following section, I address various barriers to the implementation of a decolonial pedagogical approach and touch on the roles of these levels in overcoming the barriers.

Another dimension of the approach pertains to how professors address power relations. When professors incorporate power relations in their courses, their inclusion needs to extend beyond incorporating readings or other materials to a critical analysis of how power relations limit whose voice has been and is heard within human rights discourse and in the classroom. Power relations are often taught from a perspective that problematizes implementation and enforcement but leaves out the absence of specific social identities/voices from sharing their own ways of understanding human rights and being considered an authoritative voice (Baxi, 2002; De Lissovoy, 2010; Sykes, 2006). Professors must also reflect on the authority of voices and sources and the assumptions that are made about *who* is capable of producing knowledge. It is not enough just to have people read about it, or consider the idea if an objective of decolonization is the collective production of knowledge. Professors may consider collective research projects as a tactic toward recognizing and naming what should be considered when imagining what decolonizing even means.

Finally, and critically, professors should consider the importance of accepting a pluriversal epistemology of human rights in order to move non-Eurocentric epistemologies beyond critiques to an equally authoritative way of understanding and knowing that is capable of universality (Grosfoguel, 2006; Walsh, 2007). Until professors

condition the possibility of non-Eurocentric epistemologies as Truth, engaging in the kind of critical dialogue between epistemic projects that allows for a pluriversal epistemology to emerge is improbable. Mbembe (2016) explains that

knowledge can only be understood as universal if it is pluriversal (p. 36). By pluriversity, many understand a process of knowledge production that is open to epistemic diversity. It is a process that does not necessarily abandon the notion of universal knowledge for humanity, but which embraces it via a horizontal strategy of openness to dialogue among different epistemic traditions. (p. 37)

Thus, the universality of human rights is re-conceptualized (Quijano, 2000).

### **Conclusion**

The adoption of a decolonial pedagogical approach is part of the complex process of decoloniality and the decolonization of human rights. This process involves first thinking about what conditions are necessary to move toward asking questions about what it means to decolonize human rights education. The findings of this research demonstrate that the majority of human rights professors interviewed are not implementing a decolonial pedagogical approach in their classes. Although 17 professors have implemented to varying degrees at least two criteria, a comprehensively decolonial approach is not yet present. The continued implementation of pedagogical approaches that reify Eurocentric epistemologies of human rights limits the possibility of the creation of conditions in which a pluriversal epistemology, the aim of many decolonial theorists, can emerge.

In the next chapter, the discussion of pedagogy shifts from professors curricular choices to the pedagogical practices they are employing in their courses. The chapter begins with reflection on professors' motivations for teaching human rights and transitions to professors' insights on how well they were trained to teach human rights as

well as the extent to which they believe their disciplinary training influences their presentation of human rights. This is followed by a summarization of some of the pedagogical practices that professors are utilizing and how they use them in their courses. Finally, the chapter concludes by examining pedagogical barriers and possibilities for overcoming them.

## CHAPTER 6

### PEDAGOGICAL REFLECTIONS

In the previous chapter, the curricular choices of professors were analyzed utilizing the key decolonial criteria established in Chapter 2 and operationalized for measurement in Chapter 3. The analysis revealed that while many of the professors leaned toward a critical pedagogy of human rights, the application of a decolonial pedagogy was only just emerging and was limited with regards to engagement with non-Eurocentric epistemologies, consideration of authoritative identities within human rights, avoidance of sole emphasis on Eurocentric discourses of human rights, and the inclusion of subaltern knowledge. In this chapter, I aim to move beyond the curricular choices of professors, the *what* of pedagogy, to the practices and philosophies guiding the *how* of their pedagogies. In doing so, I recognize my own assumptions of what pedagogy should be based on my experiences as a student. I am also reflective of the challenges faced by professors, including myself, that are traced to timelines of disciplinary training, and the lack of any graduate pedagogical training in how to teach others, and challenges relating to the implementation of a new pedagogical approach. I point to absences within pedagogy not as a critique but in an effort to understand how we can better engage with pedagogical practices that will incorporate excluded voices, experiences, and dialogues. This chapter addresses questions of professors' motivations for engaging in human rights education, professors' disciplinary and human rights training and the influence of that training on their presentation of human rights, and the pedagogical processes and practices they are using to achieve those objectives. The chapter concludes by focusing

on how the pedagogical barriers professors may face in implementing a decolonial pedagogy might be overcome.

### **Motivation for Teaching Human Rights**

Understanding the motivating factors in professors' decisions to teach human rights within higher education provides the starting point of the development of professors' teaching histories and pedagogical strategies. In response to the question of what their motivating factors were in deciding to teach courses in human rights, the professors gave four reasons: their undergraduate and graduate work, their work as a practicing lawyer, their work as an activist or practitioners for human rights, or the appeal/interest of teaching human rights.

Ten of the professors explained that their motivation to teach human rights was linked to the undergraduate and graduate work they engaged in. Professors V, Q, A, G, and H all linked their interest in teaching human rights to the Ph.D. work they did on human rights in their programs. In the case of Professors U and E, a fellowship to work in a human rights clinic and the appointment of a graduate teaching position in human rights respectively were motivating factors for teaching human rights. Professor E's original plan upon finishing her doctoral degree was to work for a human rights organization as a researcher, but she changed her mind after her experience teaching as a graduate student. Professors N, L and F also referred to their academic backgrounds as a motivating factor having either studied human rights at the undergraduate or graduate level or engaging in human rights research. Each of the professors' motivational timeline began in higher education leading me to wonder about the impetus to engage with degrees that would include human rights work, but that is beyond the scope of the research data.

Four of the professors cited their work as practicing lawyers as their reason for becoming involved in teaching human rights. For Professor C, his work as a practicing lawyer doing civil rights and civil liberties work was a motivating factor, but he also became interested in human rights law “when observing what the US was doing in Central America during the Reagan administration and what the U.S. was doing in Palestine.” Professor I worked as a human rights lawyer beginning in 1989 and took on some pro bono cases, which led to her interest in teaching human rights. Professor B and Professor D also cited their practice as lawyers as motivating factors for teaching human rights.

An additional three professors referred to their activist or practitioner work in human rights as the impetus to teach human rights. Professor T came to teach human rights within academia after a career as a consultant and teacher on law overseas. Her transition pertained mostly to an interest in economic rights. Human rights work in Asia was the starting point for Professor R who also explained that “as the field of human rights emerged as an academic field in the last ten years or twenty years,” his field of political science began to merge with human rights leading to courses on human rights within his discipline. Professor K traces his motivation to teaching human rights to not only his activism but also to his upbringing. He explained, “If I had to single out one [reason] for my interest in human rights, my involvement in human rights activism, I would rank as number one the experience of growing up in my home country under a military dictatorship. This is the main – let’s put it this way - if this doesn't wake you up, I don't know what would.”

The final motivating factor cited by five of the professors was the appeal or interest that human rights had in their own lives. Professor P explained that prior to teaching human rights, she was a social justice teacher, and then in 2005, she participated in a weeklong seminar in human rights across the disciplines which sparked her interest and her decision to sit in on a human rights law class at a law school. Following completion of that course, she began to design a course on human rights education. Professor S, similarly, attended a workshop on human rights law. He said, “I was so excited by the topics. I wanted to pass those onto my students; I wanted to explore that material with students. It wasn’t my field of training, originally, but it was kind of a revelation for me, and also, it allowed me to combine my activism with my teaching.” In the case of Professor O, he said that he traced his interest in doing human rights work back to childhood but did not expound more. Professor J expressed his belief in the equality of people as a motivating factor to teach human rights while Professor M reflected on the linkages between men’s violence, which is his area of interest, to human rights issues as the reason he began teaching human rights courses.

In most cases, professors’ motivations stemmed from their work either as graduate students or practitioners working in the fields of law or human rights. In a small number of cases, professors’ motivation to teach human rights seemed to emerge from a defined or undefined instructive moment in time. Though in some of the latter cases an assumption regarding lack of disciplinary human rights training can be made, the same may hold true for those whose disciplines or disciplinary training pertained to human rights. The following section examines professors’ reflections on whether their educational training prepared them to teach human rights as well as how their training has

impacted or influenced their presentation of human rights. It concludes with discussion of how training, or the lack thereof, may have on the implementation of a decolonial pedagogical approach to teaching human rights.

### **The Impact of Educational/Disciplinary Training**

Some of my background questions were intended to elicit their perceptions of professors' own readiness and preparedness to teach human rights and how they believed that their training or lack of training to teach human rights impacted their presentation of it, the *how* of their pedagogy. The professors were almost evenly split between those who believe that their disciplinary training prepared them to teach human rights and those that feel it did not, with a small number falling into a category of "somewhat". The seven professors who do believe that their educational training prepared them to teach human rights also believe that their training has had an influence on their presentation of human rights; however, for the eight professors who do not believe that their training prepared them to teach, half contended that their disciplinary training has influenced their presentation of human rights. Those professors who believe their disciplinary training only somewhat trained them did; however, all assert that their training has influenced their presentation. Thus, it is clear that the disciplinary training these professors received has had a significant impact on how they teach human rights.

The seven professors who felt that their academic/disciplinary training prepared them to teach human rights came from the disciplines of law (2), cultural studies, political science (2), sociology, and social science. The length of time each of these professors has been teaching human rights spans between two and fourteen years, which provides some perspective in terms of the timeframe in which they were trained in their disciplines.



Professor U and B both have disciplinary training in law and twelve and five years of teaching respectively. Professor U believes that the law training she received at an Ivy League school and, in particular, the international law courses and human rights clinic she attended as well as her time as a fellow provided her with the foundation that she needed to teach human rights. She explains,

I went to law school...and took the human rights clinic there. That's where I learned human rights. I took it all of the semesters that I could, starting in my second semester my first year and continued throughout. I also took the asylum clinic and through those courses I learned a lot of the basics of human rights law. I also took international law, two semesters worth that provided me with the international law foundation that I needed...But, certainly, between the clinic and international law, I got the foundation that I needed. While I was a fellow, I sort of had on the job training.

Professor U utilizes her disciplinary training in law in her human rights courses but also believes that she teaches human rights differently than she teaches other types of courses. She explained that when teaching human rights, she consciously emphasizes strategic-thinking, the indeterminacy of norms, and cultural relativism issues more than she would in non-human rights courses.

Professor B has solely been teaching human rights courses for the past fourteen years and also feels that the human rights law courses she took as well as her work with a human rights law firm in Africa as a student were instrumental in preparing her to teach human rights. However, she contends that she is an anomaly in that she does not believe most lawyers are well trained on international human rights law. In the case of both of these professors trained in law, it seems as though their coursework and their involvement in practical training via a clinic or work in a law firm during their time in law or graduate school were very helpful to their teaching. I would also contend that the

relative recency of the completion of those programs was likely a factor in feeling prepared, especially considering the other professors who have a background in law have taught between eleven and forty years and do not believe that their educational training prepared them to teach human rights.

Professors L and H come from the disciplinary field of political science. Professor L has five years of teaching experience in human rights while Professor H has eleven. Professor L attended a university that had a human rights institute with “excellent faculty and faculty mentors.” For him, his coursework, in particular one course on the theories of human rights and another on international law and human rights, were helpful. He described them as “ideal for teaching an introductory course in human rights.” In addition, much of his research was on international law and positive violations of law, so between his coursework and research he asserted that his training did prepare him to teach those human rights courses. He also explained that his methods are different when teaching human rights than political science. He emphasized the differences between the types of students he gets in each type of class:

I would definitely say that with Human Rights...the students that I get are different than the students I get in straight Political Science courses. In human rights, the students that I get tend to be interdisciplinary. So, I tend to use lots of interdisciplinary tactics to teach the course.

He also emphasized that because of the different backgrounds of students in his human rights courses, he avoids teaching extensively on methods:

I try to make sure because, again, I have a lot of different types of students in there, I try to make sure that my, the pieces that I find are not too methodologically challenging. I’ll usually spend like one or two days on methods in the study of Human Rights and the rest of time I try to avoid getting too much into data and models and even like the base about like philosophy of science when it comes to understanding these things.

Professor H, who minored in human rights as an undergraduate and did her doctoral research in women's rights, also contended that her training prepared her for teaching human rights. She explained that all the courses she teaches are informed by human rights "at some minimal level", and that although she teaches through a political science lens, she, like Professor L, tries to take an interdisciplinary approach in the courses that she teaches. Although both of these professors do feel their educational training prepared them for teaching human rights, the other two professors trained in political science either opined that their training only somewhat trained them or didn't train them at all. It also seems relevant that despite receiving their PhDs in political science, both chose doctoral work in the field of human rights, which provided a foundation in human rights.

The last three professors who believe that their training equipped them to teach human rights come from the disciplinary fields of sociology, social science, and cultural studies. Each described how human rights became incorporated into their graduate programs. Professor A, a sociologist by training has been teaching human rights for two years. Though his PhD work was in sociology, Professor A highlighted that he had prior training as an ethicist and has also had significant training around human rights through previous studies in political theory and human rights. He teaches human rights through a social constructivist approach and focuses on the sociology of human rights in his courses. Although he teaches across four disciplines, Professor A uses similar methods in each of his courses.

Professor E comes from an interdisciplinary social science background and has been teaching human rights for the past eight years. For Professor E, interdisciplinary

training was a conscious decision. She explained, “I had gotten into a poli-sci PhD program, and I decided that because I wanted to focus on human rights, I didn’t want to stick solely to one discipline.” This decision led her to attend a different program, which allowed her to take courses in ethics, global politics, international law, and social movements. She believes taking these courses prepared her for teaching human rights. In addition, in her last year of her PhD program, she was selected to teach a human rights course and that also helped prepare her for additional teaching assignments in human rights. Although she has also taught courses in international studies, she believes that she always teaches and “look[s] at things through the lens of human rights.”

Finally, Professor Q also believes that his training in cultural studies was good preparation for teaching human rights, which he has been doing for the past eleven years. As a cultural studies student, Professor Q chose to do his doctoral work on the historical and cultural origins of the UDHR. As his research methods were mostly historical, he presents human rights as “a constructed, historically situated set of institutions, discourses, and practices”, and as he has continued to work in different areas of his human rights program, he has “brought in a practical skills-based emphasis to...the curriculum [he] present[s].” Professor Q differs from Professors A and E in that he believes he teaches his human rights courses differently than other courses:

Well, I think that human rights courses, the human rights courses I have taught, have been much more connected with contemporary issues and debates even when I’m teaching the history of human rights, but there’s always an element of both.

Finally, Professor Q commented on a theme that has emerged in these interviews, which is the taking on of an interdisciplinary approach to human rights in their courses. He

commented, “I think for a large number of college instructors, that interdisciplinary focus would also be a kind of major difference from other forms of teaching that they’ve done.” Seemingly, for many of these professors who do believe that their training prepared them to teach human rights, extending beyond the disciplines in which they received their graduate degrees is an important aspect to their presentation of human rights.

In addition to the seven professors who do believe that their educational training prepared them to teach human rights, there were some who stated that their training had only partially or somewhat trained them to teach human rights. These professors have educational backgrounds in political science; international relations; sociology and law; and law. Their teaching experiences are more extensive than the previous group of teachers as two have eleven years of experience, one has twenty, and another has more than forty years of experience. For each of these professors, their hesitancy to firmly agree that their educational training prepared them to teach human rights is primarily grounded in a lack of a formal foundation in human rights and/or a periphery inclusion of human rights knowledge in their disciplinary training.

Professor J, who was trained in law, has been teaching human rights for the past eleven years. Although he has a legal background in constitutional law and other aspects of law, he contends, as in his case, “legal training does not always translate to an interdisciplinary understanding of human rights”. Even so, his legal training does influence his presentation of human rights as his legal training “means that [his] bias is towards an understanding of the international legal regime of human rights.” Although he believes that the philosophy of human rights is contested, as is the concept of human rights, he feels it is important that human rights students understand that a “legal regime”

is in place. Additionally, and similar to many of the other professors previously discussed, Professor J also believes that “teaching human rights requires an openness of mind to other disciplines rather than the disciplinary imperialism found in many aspects of social sciences.” Thus, for him, teaching human rights requires a willingness to engage with other disciplines in order to present a full understanding of human rights. Professor I also has a background in law but went on to receive further training in the field of sociology. Having begun teaching human rights twenty years ago, she explained that she was “sort of trained to do human rights work”, but that it was her practice background as a lawyer that led her to teaching human rights and her practice is what really informs her teaching. Even so, she says that her training in sociology has slowly grown to impact her presentation of human rights:

I like that [sociological] lens in my classes, and I think in human rights especially that it’s a complicated sort of attraction to human rights issues because of the violence, the marginality of people, and the exotic kind of other is definitely something that I’m mindful of in my human rights classes. But that’s like grown over time and I’ve learned that over time.

While both of these professors feel their legal background has given them some needed training in human rights, neither seems to have deemed it sufficient. Likewise, Professor R, whose Ph.D. is in political science also received training that he felt was connected “to some extent” to human rights as his training was in comparative politics and political theory. However, he doesn’t believe any deficiency in training during his time in graduate school has been a problem because

when you teach, you’re always evolving. For example, I wasn’t trained in international relations, but because of teaching needs, I ended up teaching Chinese foreign policy. Then somebody else came to the University who was going to teach domestic politics, so I switched. So you learn new things, and in

the same way, and in fact, it's more fun to teach if you're learning new things. So that's the case with human rights — as I taught it, I learned more about it.

His background in political science does inform his classes though. He stated, “there's a certain sense in which the course is all about that. And the sense in which it's all about that, as I mentioned before, is I'm interested in these norms and who made them.”

Professor R feels that all of his courses are informed in the same way as his human rights courses. However, he did describe two different personalities he takes on as someone involved in the human rights field at multiple levels. His “uptown” personality is undertaken when he is on campus as he tries “to adopt an academic attitude and look critically, look at cultural relativism, look at the argument that human rights is a form of power politics, look at all these arguments”. His “downtown” personality is undertaken when he is “participating in some of the groups that [he] works with that do human rights that [he] see[s] [himself] as an advocate and a political tactician.” It is unclear if the adoption of these two different personalities is something he adopts with regard to his other courses.

The last professor who considered himself to be somewhat trained to teach human rights comes from the discipline of international relations and has been teaching for more than forty years. Professor K, much like the Professor J, sees his educational training as related to human rights, but he also spoke of lack of exposure to human rights in graduate school:

When I was in graduate school we did not have much exposure to human rights. Very little. So I had to do a lot of reading on my own and we did not have the type of in-depth scholarly analysis that now are routine in the field. Most of your sources when I was in graduate school I mean academic sources I'm saying this of course at the risk of some overgeneralization were law review articles and reports and activities from non-governmental organizations and of course cases before the

regional courts - human rights courts - human rights reports - but we did not have the range and depth of programs.

In discussing his courses, Professor K explained that he does not teach human rights courses differently than other courses but emphasized the importance of rigor and analytical work within human rights courses, which he credits to his legal training and social science training. He describes the influence his training has in this way:

One way ... is expecting very strong analytical reasoning and encouraging, hopefully demonstrating, this in the classroom by the way I analyze and assess data, documents, actions and so on and so forth. But also by expecting the students, that whatever statements they will make, they make an effort to make sure that there is an empirical basis and to emphasize to them that just wishful thinking is not enough to have a convincing argument. You must have some evidence to back it up, and this of course comes from my legal but also from my social science training.

In the cases of these four professors, each feels that some aspect of their disciplinary training is applicable to their human rights pedagogy and their presentation of human rights. At the same time, they have all commented that an important factor in how well prepared they felt to teach human rights was the periphery nature of human rights to their disciplinary training. The lack of training in human rights has seemingly led to a tactical choice of leaning on their disciplinary training to inform their presentation and engaging in additional studies and research to feel prepared. With regard to Professor R's response that he learns through the process of teaching, this is a point that brings some pause. While professors who attend to their courses with some vigor are likely to also assert that they are learning even as they are teaching, the scenario presented here is different and worth questioning. First, it brings to the forefront concerns of expertise, but it also highlights a concern of pedagogical tactics and their forethought.



This is not to assume that Professor R was not effective in his teaching, but rather when professors teach a subject they are not trained in, nor are they pedagogically trained, what are the repercussions in terms of the objectives of HRE but specifically decolonial objectives of HRE? I'll return to this question later, but it bears consideration as this discussion moves to the final group of professors who did not feel their educational training prepared them to teach human rights.

The final grouping of professors consists of those who do not feel they were prepared to teach human rights based on their disciplinary training. Four of these professors have law backgrounds and have been teaching between thirteen and forty years. The other professors come from the fields of political science, education, anthropology, and international studies and have been teaching between seven and eighteen years. For each of these professors, their journey to teaching human rights is unique and has impacted their presentation of human rights.

The four professors with law backgrounds had been teaching for thirteen, seventeen, twenty-eight, and forty years. Again, the genealogy of human rights law and education as an aspect of higher education training is important, particularly for Professors D and C who have been teaching for 40 and 28 years respectively. Both of these professors have worked extensively with international organizations and courts. These appointments have given them both the practical training over the years to teach human rights, but both agree that their time in law school did not prepare them as no classes were offered in international human rights law. As Professor C explains, human rights “was just not something that was on the curricular horizon.” Both professors,

however, attested to their own personal interest in human rights despite its absence in their training as the impetus to careers in human rights law.

In the case of Professor F, who did take human rights law courses in his law program, the courses alone were not sufficient. He explained that although he had exposure to others teaching human rights through his classes, those courses “[don’t] train you to teach.” Despite his legal training not preparing him to teach, his background in the field of law as well as political theory and philosophy “profoundly” influence his presentation of human rights. He shared that he brings in “a lot of philosophy and political theory into his classes” and that he is “always framing human rights in comparative terms- across cultures and traditions.”

Professor T shares a similar story of her law school experience having attended law school forty years ago. Her law school only offered one international law course, and she did not take it. As she only began teaching human rights law thirteen years ago, much of what she learned of human rights, she learned on her own. Within her human rights classes, her training influences her in that her focus is on substantive content of international human rights law. She explained,

You read the documents, the primary sources. You read the decisions of the commissions, tribunals, courts and the international systems that deal with those principles. You know, interpret them. I think the substantive kinds of ways you convey that information, it tends to be same. You use the same types of sources.

Even though she approaches her human rights courses with similar content as other law courses, she distinguished one main difference which she said “stems from her jaundiced view of international law”:

...the big difference between a regular law class is that you can talk about enforcement. You can actually enforce regular law, like domestic law. You can

take people to court. You can throw them in jail. You can do stuff. International law, forget it. It's this pie in the sky, aspirational. Very rarely can any of this be enforced. It's committees shaking their fingers at governments, saying oh, you didn't do this. You know, other than the International Criminal Court, look at who they target, politically. George Bush should be in there, of course we haven't signed on.

Thus, for Professor T, her presentation of human rights is informed by her training but also the lack thereof, and includes a strong critique of the lack of enforcement of human rights law. Prior to beginning her academic career in law, Professor T worked as a consultant on international labor law, which is her passion. Her practical experience in the field of law led to her move to the academy, but also bears on both her views of international human rights law and her presentation in the classroom. Similarly, Professors M, S, and P were also influenced and led to human rights courses by practical experience, but in their cases, it was their activism.

Professor M took a winding road to teaching human rights. Although his PhD is in anthropology, he also holds degrees other fields. Though none of his programs talked about human rights directly, he does believe human rights were addressed very peripherally, much like Professors R, K, I, and J. However, he explained that as a “child of the sixties” he has been interested in questions of human rights for a long time. He was involved in an activist organization in the 1970s calling for an end to global violence but especially in Asia. That “[laid] the foundation for [his] interest” in human rights. In terms of his presentation of human rights, Professor M's multi-disciplinary background has influenced his interdisciplinary presentation, but his training as an anthropologist has also greatly influenced his presentation of human rights, particularly with regard to avoiding any conception of universal norms of human rights.

Professor S, who has been teaching human rights courses for seventeen years, was also guided, in part, to human rights through his activism though his educational training in political science did not prepare him to teach. After attending a workshop on human rights law, he became interested in the subject and found it allowed him to combine the activism he was already engaged in with teaching. Though his disciplinary training did not include human rights, like Professor R, he does not view it as a limitation but rather a benefit explaining,

I've taught a lot of things that weren't in my field of training. Overall, it's been a huge benefit, especially in human rights. There weren't many people being trained in human rights in the 90's, especially outside of law school and especially in the US and political science, which is my discipline. So, when I first started getting really excited about human rights and the field of study and the field of teaching, I was not limited by the paradigms of the field... I could have many choices on what to cover in class. I could cover the latest issues and issues that resonated with my students. I didn't feel like it if it wasn't taught to me in a graduate seminar that meant it wasn't part of a discipline. I didn't see it as a discipline, so that allowed me to explore a lot of things and give my own take on human rights.

Even as he presents his own take on human rights, Professor S is “drawn to more critical fields of political theory.” While he doesn't teach political theory in his courses, he does incorporate some of the themes of the theory. In addition, he believes that his presentation of human rights is also informed by the training that he received in quantitative and qualitative methods in addition to legal research. Professor S has always taught in interdisciplinary departments which has allowed him to teach as he wants, “blurring the lines between [his] human rights courses and other courses.”

Professor P is the last professor that also attributed activism to her preparation for teaching human rights more so than her academic training in education. Though she has been teaching human rights courses for the past eleven years, she said that she “always

feel kind of apologetic because in [her] own graduate work, [she] didn't study human rights at all." Part of her educational training did focus on social justice, particularly with regards to language and literacy and linguistic rights, but she feels that much of her knowledge of and training in human rights was done on her own. Even so, she does contend that the human rights education course she teaches is very different than other courses she has taught. The main difference, for her, stems around the pedagogy of the course. She explains her pedagogy this way:

I think that very strongly we have a mantra that comes from the Declaration of Human Rights education training, although we've heard this before, which is 'teaching about human rights through human rights for human rights,' so I always try to make sure the pedagogy is one that is in tune and armed with the human rights principles, so that we can ensure that everybody has its democratically run classroom. We base a lot of it on critical pedagogy.

For Professor P, as well as Professors M and S, adapting to their lack of human rights training has meant utilizing their activism as well as some of their disciplinary training as influences to their presentation of human rights. Also brought to the fore again for consideration is a question of how professors' lack of formal training in human rights influences their pedagogical methods. In the case of Professor P, she readily defined her theory of pedagogy as critical, but many of the other professors did not link their presentation of human rights to a pedagogical theory.

Professor G is the final professor who addressed the impact of his disciplinary training on his preparation to teach human rights as well as his presentation of human rights. Having obtained his disciplinary training in international studies but with a strong emphasis on human rights, he has been teaching for the past seven years. Regardless of the type of course he teaches, Professor G "tries to give [students] tools to think critically

about making things better and push more to be critical and challenge their worldviews.” He also aims to provide a historical and philosophical foundation to the course content at the beginning of the course. Despite having established some parameters of instruction in his human rights courses, Professor G does not believe that his educational training prepared him to teach. This, despite having taken many classes in human rights, writing his dissertation on human rights, and having an advisor who was the director of a human rights program. As he explains, “Not only was training in the field of teaching not part of our program but teaching in itself wasn’t part of the program.” Professor G makes a very important point here, which is why I have left his response for last. Besides Professor F, Professor G was the only other professor to address a critical issue within academia: the lack of any teacher training or pedagogical training in many of the PhD disciplines.

Absent from many of the interviews was discussion of any pedagogical training professors received in their graduate programs that helped prepare them to teach human rights. Reflection on this absence is not a critique of the professors but rather an attempt to understand 1) why pedagogical training is not common; 2) what it means to change one’s pedagogy in the absence of training in how to teach; and 3) what, if any, ramifications exist to for achieving the decolonization of HRE.

A recent article in the *Chronicle of Higher Education*, “Who’s Teaching the Teachers?” highlights the lack of pedagogical training within higher education. Elizabeth Alsop (2018), the assistant director in the Teaching and Learning Center at City University, argues that “the absence of [teacher] training for Ph.D.s will come as no surprise to many in higher education” (para. 4) despite the fact that “over 70 percent of all faculty positions are non-tenure-track” (para. 5), which are teaching rather than

research appointments. She notes that one of the reasons that pedagogy is not addressed in graduate education

may be practical, as well as philosophical: Teaching someone to teach is hard. Like writing, teaching is a craft, learned not just in a single class, practicum, or workshop. Rather, it's a recursive process, developed through trial and error — and yes, by "fire" — but also through conversation with others: a mentor, a cohort, your peers. (para. 8)

Another explanation for the lack of pedagogical training may also lie in the devaluation of teaching, especially within Research 1 institutions (para. 7), which can be traced to the neo-liberalization of the university. Furthermore, the un-interrogated assumption that teaching “is more vocation than profession” (para. 7) may also explain the resistance to training.

Stowell et al. (2015) explain the consequence of the lack of pedagogical training within graduate programs as the frequent report that graduate students and new faculty are “unprepared for the responsibilities of teaching in tenure-track positions” even as “teaching experience is rapidly becoming a decisive factor in faculty job searches of all levels” (p. 318; citing the work of Nyquist et al., 1999; Golde and Dore, 2001; Austin, 2002). Although some graduate programs have begun to include teacher-training programs, they are often not a requirement and are only attended by few students. Thus, many students use their professors as models for their own pedagogical approaches (Brownell and Tanner, 2012).

Considering the lack of pedagogical training throughout graduate programs and the likelihood of students replicating the pedagogical approach of their own professors, it is quite easy to visualize the challenges that exist for the decolonization of the university, but also for the field of HRE. Without explicit pedagogical instruction, graduate students

may rely on assumptions about teaching as well as learning that are not true (Brownell and Tanner, 2012). Thus, it is possible that HRE professors who have not received any pedagogical training may not only teach from a Eurocentric pedagogy but a pedagogy steeped in misconceptions about what it means to engage pedagogy in their courses. Changing one's pedagogy in the absence of training and these misconceptions that fill those absences is a challenge that requires a strategic response for decolonial theory. It is beyond the scope of this dissertation to ascertain what that exact response should be; however, I do provide some suggestions later in this chapter on how such barriers can be addressed. It is important to the decolonization of HRE in higher education to confront and alter the Eurocentric pedagogical practices that exclude subaltern voices, experiences, and knowledge.

The professors that participated in this research represent a wide range of disciplinary training and experiences with human rights. Their responses are reflective of very different attitudes toward their preparedness to teach human rights within the university system, but the timeline of when professors were trained in their discipline does seem to correlate to whether they feel they were well-prepared to teach. The Decade of Human Rights Education did not emerge as a priority for the UN until 1995, yet many of these professors received their disciplinary training before or just as HRE was becoming a global priority. Thus, the disciplines they were trained in, prior jobs and activism, lack of teacher training, and the timeframe in which they attended their graduate programs were all factors in how well prepared professor felt they were to teach human rights courses. Lack of training in the discipline of human rights may be seen as one problem for human rights education, but lack of pedagogical training, regardless of



discipline, also has consequences. In the following section, the pedagogical practices of the professors are surveyed with special attention given to pedagogical practices professors might employ in their process to adopt a decolonial pedagogy.

### **Pedagogical Practices**

Chapter 4 examined professors' pedagogical approaches with regards to what is taught, focusing specifically on the topics and materials professors incorporate within their human rights courses. The decolonial measures established for this research through a synthesis of decolonial discourse provided a tool for analyzing the extent to which professors integrated four key criteria of a decolonial pedagogical approach. In analyzing the curricular choices of professors, or the *what* of pedagogy, the analysis reflects a lack of full implementation of that approach. However, pedagogy pertains not only to their curricular choices but also the practices, or instructional techniques, used to implement the curriculum. In this section, the focus of the pedagogical discussion is on the instructional techniques or pedagogical practices that the professors employ to achieve their objectives whether explicit or implicit. Decolonization is a process, and the pedagogical practices professors use is part of that process. This section seeks to identify and demonstrate the particular practices that professors are using to connect to their curricular content, and concludes with some questions professors may consider as they reflection on their own practices and make future pedagogical decisions.

### **Categories of Pedagogical Practices**

Tibbets and Kirchsclaeger (2010) maintain the audiences and goals of HRE have changed overtime as have the pedagogies of HRE. Rather than solely utilizing pedagogical practices that focus on cognitive understandings of human rights,

transformation (cognitive and attitudinal), solidarity and social change have all emerged as goals or anticipated outcomes of HRE (Bajaj, 2011; Tibbitts, 2002). These three goals are reflected in three common models of HRE: “values and awareness”/solidarity, “accountability”/social change, and “transformational”/transformation (Tibbitts, 2002). In order to meet those goals, advocates in the field of HRE have promoted the use of specific pedagogical practices to help foster environments that promote these three new objectives. For example, practices include activity centered, problem-posing, dialectical, strategic-thinking oriented, and goal and action-oriented (Tibbetts and Kirchsclaeger, 2010). The goals of transformation, solidarity, and social change are not goals specific just to HRE but are also important aspect of decolonial pedagogy.

When I asked professors about their pedagogy, their interpretation of what I meant by “pedagogy” differed. Some asked specifically if I wanted to know about what they include in their courses or how they teach. Some asked for an explanation of what I meant while others talked about their classes but didn’t give many details about their pedagogy. Given the lack of pedagogical training in graduate schools, confusion over the meaning of pedagogy is not unexpected and may reflect discipline specific understandings of the term. Thus, the practices that I’ve included are limited to those specifically mentioned by the professors in response to the interview question. I sorted the practices into ten categories by type. While not all of the same categories as noted above are used, many of the same pedagogical practices for achieving the HRE goals of solidarity, transformation, and social change are being used by the professors interviewed. In addition to their practices, I have also included some of the context

provided by the professors as to how these practices are incorporated in their courses. The practices are ordered according to the number of professors that use them.

The first category is *writing activities*. Nine professors reported incorporating this category, which includes essays, reports, lesson plans and journals. Professor N and A have their students do weekly short writing exercises based on the readings. Professor R has his students write two short papers on topics that students select while Professor H has her students complete in-class writing assignment. Professor E asks her students to write review of human rights books. Professor L engages his students in selecting a critique of human rights that they believe is either “compelling” or “problematic” in its current form and explain why. Professor O has his students keep a human rights journal. He explained that he “want[s] them to train their eyes to see this [human rights] material, everywhere.” Professor T has her students write a chapter of a textbook. She described the requirements of the assignment:

Each student has to pick a country, and it can't be their home country. It has to be another country. They have to write basically what I call a chapter of the textbook, because I use my own textbook. All the materials are mine. So I say, okay, you're going to write the last half of the text book and each of you write a chapter and it's on your country and you have to do a thirty-page sort of discussion and analysis of the legal system, the labor issues, using primary and secondary sources, case law. And then at the end of that I want you to talk about how does this fit in?

Professor L has her students develop sample lesson plans that address indigenous rights issues.

The second category of practices is *class discussions*. Seven of the professors reported engaging in this practice with their students and some provided examples of what the class discussion might entail. For example, Professor T and Q generally end

their classes with discussion questions related to the lecture they gave. Professor B provides students with discussion questions, which she circulates in advance. She also uses a circle process, which she described:

I use what they call the circle process where you have a talking piece and you pass it around and the only one who can speak is the one who has the talking piece. It's a way of encouraging deep listening and tends to engage students who otherwise would be intimidated about speaking in class. It also encourages much deeper reflection so I use that often for sensitive topics.

Professor D has students read the articles from Covenants. Then he assigns students to different articles and has them discuss problems related to those articles. Professor T also has students engage in discussion, but in her courses, the students are responsible for leading the discussion by talking about a human rights issue that they identified by watching or reading the news.

The third category is the inclusion of *guest speakers*. Five of the professors mentioned inviting people from the human rights community, local organizations, or human rights defenders into their courses. For example, Professor K said,

When we're studying particular issues, I always try to invite local organizations that are doing something to address that issue. We brought Black Lives Matter this semester into this semester as speakers, and so I think that the fact that there are human rights violations going on right in front of us in our own communities in the United States. I think that's becoming more and more clear.

Professor R explained that his university brings in human rights advocates every year from all around the world and that he invites them to his class to talk about their experiences. He has also brought in members from UN committees such as the Committee Against Torture. Professors S, I, and B also bring in guest speakers that are human rights practitioners, defenders, advocates, or victims.

The fourth category is *lecture*. Five of the professors mentioned that this is an aspect of their pedagogy. Professors T, R, Q, H, and D regularly incorporate lecture into their courses.

The fifth category of practices is *social action activities*. Three of the professors reported that they use activities in which students engage with their community to see human rights in action. For example, Professor V's students have sponsored state bills and lobbied legislators and organized a community meeting on the Convention on the Elimination of Discrimination Against Women (CEDAW). Professor O requires his students to engage in community service with people working in the field of human rights or with survivors of human rights abuses and violations. He explained, "We have people working through homelessness to Holocaust survivors to violence against women, poverty issues, literacy issues; we have a center for survivors of torture here." Professor S has his students get involved with a local or global issue. As examples he said, "Last semester when the students worked with the Lost Boys, they were actually helping to design something in South Sudan" and "undergraduate students work[ed] on a pretty high profile death penalty case, where the students were full legal partners with the public defenders office."

The sixth category is *case studies*, which might be real or hypothetical. Three professors reported using case studies. Professor N has students learn about the rights contained in the UDHR and then look at case studies and apply the rights to those cases. Professor L said that he uses real or hypothetical cases to see if students "can predict how the case was decided by an international court or how it was, if it was domestic law, if it was ratified by a particular country or something like that." Professor K provides students

with case studies and has them “prepare briefs or position papers and give them an opportunity to do background research and see how they construct an argument in defense of a particular position as opposed to a different position.”

The seventh category is *exams*. Only three professors spoke of exams as part of their pedagogy. Professor L said that he gives exams but did not provide any additional details. Professor N has students take two exams; one comes one-third of the way through the course and the other two-thirds of the way. Professor H also uses exams but said she has been experimenting with having students take the exams in groups.

The eighth category is *project-based activities or assessments*. Three of the professors reported that they have students engage in an individual or group research project or creative project. Professor Q said that his students either complete a research project individually or a collaborative group project. Professor K described his research project as involving the identification of a human rights issue that is important to them, research of the issue, and connection of international treaties to the issue. Professor O has his students complete a creative project:

all have to do something artistic at the end of the course. Whatever it is, they have to draw, paint, sculpt, write poetry. Whatever their creativity is, they have to create something in relation to a scene, or several scenes, whatever they're interest is. It can be a collage. They've got to do something and talk about what they did, why they did it, what does it detect, why what they choose to do resonates in the first place.

The ninth category is *simulations*. Two of the professors reported their incorporation of simulations into their courses. While Professor H did not give any details, Professor B explained that she uses the simulations to help students “exercise and

learn practical skills like interviewing” and she also uses simulations for human rights scenarios.

The final category of practices is *debate*. Two of the professors reported that they regularly use this practice in their courses. Professor L explained that he has the students debate how international judges might interpret a situation in which a human rights violation is said to have occurred. Professor K said that he frequently uses the Socratic method in class and always includes a debate on the concept of “universal” and whether it is liberating or oppressive.

Inclusion of these pedagogical practices is intended to help identify and demonstrate the ways in which professors are presenting the content that they are providing to students. Though the content is important to a decolonial pedagogical approach, the instructional techniques professors use to convey and make meaning of the content also hold some importance. While there is no theoretical framework for assessing which techniques might be most beneficial for decolonization, there are some practices that HRE educators have determined to be more effective for achieving the goals of transformation, solidarity and social change – problem-posing, social action-oriented, and dialectical, for example. More so than depending on a particular pedagogical practice for effectiveness, there are some aspects of decolonialism that human rights professors might consider as they make decisions regarding the practices they incorporate. Some questions professors might ask of their practices are:

- How do they promote solidarity among my students? Within the community?
- How do they work toward transformation as a goal of decolonization but also of HRE?

- How do they help create an environment in which students might be able to inhabit other spaces and different perspectives?
- How do they promote epistemic disobedience?
- How do they encourage students to contribute as co-collaborators whose knowledge is important?
- How do they decenter their own knowledge and positionality?

These questions may prove useful to professors as they move along in the process of decolonizing their courses. The implementation of a decolonial pedagogy is not an easy task as the time and energy demands are significant. As an educator who teaches human rights to ESL students, I struggle to implement a decolonial pedagogical approach in my own classes, and I question whether my content and the practices I use in the classroom are effective as they could be. To implement a decolonial approach requires recalibration and much reflection; in addition, beyond the barriers of time and energy, there are other challenges to implementation. In the following section, I revisit those barriers but also offer ways that they might be confronted and overcome.

### **Challenges to Decolonial Perspectives and Barriers to Implementation**

Linda Smith, a Maori scholar, argues, “decolonization is a process which engages imperialism and colonialism at multiple levels” (p. 21). As such, there are also practical barriers that exist at multiple levels to the engagement and implementation of a decolonial pedagogical approach. Analysis of the interviews and syllabi has demonstrated that while many professors address some of the key criteria of a decolonial approach to pedagogy, most are not incorporating all the tenets emphasized to represent a possible decolonizing approach to teaching human rights. Understanding the challenges to approaches supporting a decolonial perspective of human rights is paramount. In what



follows, I highlight the pedagogical and institutional challenges, explaining their persistence and addressing how these challenges might be addressed.

Pedagogical barriers to a decolonial perspective on human rights are situated within the epistemological and ontological questions of how one knows what constitutes valid knowledge about human rights and who is doing the knowing. I propose that we can think of pedagogical training as possibly addressing questions of ontology and epistemology to make the point that who is doing the knowing is at the heart of the barriers that exist because the “who” impacts what we know, and what we accept as valid knowledge of human rights. Decolonial theorists have argued that reality has been determined by Western imperial philosophers for centuries (Mignolo, 2009) who have categorized the world according to their own epistemologies, including what constitutes a “human”, and what is a “right”, bringing to the fore the question of who is the “human” in human rights. Mignolo (2009) directly confronted this question in his article “Who Speaks for the “Human” in Human Rights”? Mignolo refers to the work of Sylvia Wynter who articulates how the categories of “human” and “humanity” came to exclude specific populations of people (Wynter, 2003). People were categorized into “human” and “man” between the 15<sup>th</sup> and 18<sup>th</sup> centuries when humanists sought to separate themselves from the Christian Church. “Humans” were close to the Christian God and considered worthy while “Man” was a subject of the state and his rights were dependent upon following the rules of the state. Beginning in the 18<sup>th</sup> century, categorization changed and “Man” was determined according to biological sciences and racializing discourses” (Gordon, 2006, p. 11). Man was a privileged classification whose distinction from Human spread along

with colonial expansion. Mignolo explains that the result of this classification system was that

From the sixteenth century to the Universal Declaration of Human Rights, He who speaks for the human is an actor embodying the Western ideal of being Christian, being man and being human. In other words, “human” in human rights is an invention of Western imperial knowledge rather than the name of an existing entity to which everyone will have access too. Being an invention of Western knowledge means that the idea of man and human is controlled by certain categories of thoughts entrenched in particular, regional history and experience... Western imperial knowledge controls the concept of “human”. (p. 10)

Mignolo goes on to argue that decolonization requires the separation of Western imperial knowledge from the conceptualization of “human” and that we work toward justice and equality for the subaltern – the “barbarians, abnormal, and uncivilized” (p. 10). He continues by explaining that the development of the concept of “rights” emerged along with colonialism and was a necessity of it. He highlights how history demonstrates that human rights “continues to be a colonial tool at the same time that it became a sight to fight injustices qualified as violations of human rights” (p. 11). Both the ontology of “human” and “right” reflect Western imperial thinking, which has been reinforced through coloniality. Both concepts are devoid of subaltern realities. Mignolo contends that in order to use human rights, specification of the kind of human and the kind of rights is required. He insists that the decolonial project does not need to decide upon a new definition of human but that decolonization must involve facing the ways in which imperial discourses have constructed an epistemic and ontological racism that has excluded populations from humanity. The rejection of ontologies that include the marginalized and subaltern as part of humanity is problematic for the decolonial project.

The controversy that surrounds human rights as a form of re-colonization centers on who is human enough to have a reality or a reality that is different from that which stems from imperial discourse. Esteva and Prakash (2014), in *Grassroots Post-modernism*, reflect on human rights as the Trojan horse of re-colonization due to the ways in which documents like the Universal Declaration of Human Rights “continues the cultural imperialism of colonialism; operationalizing the belief that “underdeveloped” cultures are too poor or primitive to promote the “good” of their people while imposing dominant cultures’ notions of human well-being” (p. 145). Let’s consider then, can human rights rise above its origins as a concept that excluded from “human” the “barbarians, abnormal, and uncivilized”? A decolonial approach to pedagogy requires wrestling with the rejection of ontologies that exclude the marginalized and subaltern meanings of human rights and how it is taught.

If we consider that Western imperial philosophers are the “who” that are doing the knowing about what is human and what are rights, then it follows that what we know has been situated within Western imperial epistemologies. In Chapter 2, as well as this chapter, we have established the argument of decolonial theorists that throughout colonialism and, later, through coloniality, non-Eurocentric epistemologies have been rejected having been defined as lacking neutrality, objectivity, or universality. This dominant Eurocentric epistemology has permeated human rights, regulating the discourse of human rights, and producing a two-fold pedagogical challenge to a decolonial approach. First, a decolonial approach requires not only recognition and acceptance of human rights entrenchment in Eurocentric epistemology but also that one’s own understanding of human rights has been influenced by the same epistemology. However,

recognizing and accepting this is only one step toward a decolonial approach; another step must include critical analysis of and reflection upon *what* and *how* one teaches has been impacted by Eurocentric ontologies and epistemologies. This is no small task because the hierarchies that coloniality perpetuates are hegemonic, and colonial logic is multidimensional and opportunistic (De Lissovoy, 2010). It attempts to saturate our understanding and normalize the silencing and oppression of subaltern voices and knowledge. But, this human rights knowledge is contested as are the notions of human, rights, practice, and pedagogy. Hegemonic ideas are always in need of defense and reproduction, yet they are not static nor are they inevitable.

In particular, *how* one teaches is significant. A change to the form of pedagogy is just as important as a change to the content. Rejecting the imperial model of education, which Freire refers to as a banking model of education, means that professors must avoid simply transferring information to their students. Instead, Freire supports a model of education in which professors consider and engage the knowledge that students already hold and their ways of knowing (Freire, 2000). Helena (2016) encourages professors to create “anti-hierarchical” space within their classes in which everyone is engaged in learning, debating, and analyzing. Second, a decolonial approach requires the implementation of course content that addresses the influence of Western imperialism on human rights and engages and dialogues with other epistemologies. Beginning the work to engage in this step is also tasking and requires diligence and tenacity on the part of the professor.

In order to implement a decolonial pedagogical approach to human rights, professors must undergo a change in epistemic cognition, that is “how people acquire,

understand, justify, change, and use knowledge in formal and informal contexts<sup>22</sup>.”

Brownlee, Ferguson, and Ryan (2017) argue that cognitive conflict, higher order thinking, explicit reflection, and reflexivity may help facilitate such a change. According to Bendixen and Rule (2004), changes in beliefs generally occur when people experience doubt or conflict. This conflict then leads to thoughtful engagement with the new beliefs. For professors, being exposed to decolonial theory may trigger doubt or conflicting thoughts about human rights, but it is through higher order thinking that professors may take steps to engage in positive experiences with a new epistemology. Additionally, explicit reflection on epistemic beliefs may facilitate change. Citing Charalambous, Panaoura, and Phillippou (2009); Valanides and Angeli (2005); and Tsai (2006), Brownlee et al. (2017), explain that metacognitive reflection, in particular, has been shown to promote changes to epistemology. Finally, epistemic reflexivity has been shown to facilitate epistemic change. Defining reflexivity as “internal dialogue and deliberative action following reflective thought”, Brownlee et al. (2017) argue that reflexivity culminates in the evaluation of several perspectives based upon the dialogue and either maintaining or changing prior beliefs. These new beliefs are then reflected not only in the *what* of teaching but also the *how*. Ryan and Bourke (2013), contend that professors should contemplate their own principles and motivations as well as the social and political impact of their and other epistemologies. While each of these activities may help lead to epistemic changes, willingness and desire to engage with different beliefs is what conditions the possibility of change, and this cannot be forced. It is through repeated

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<sup>22</sup> Brownlee, Ferguson, and Ryan (2017) define epistemic cognitions as “how people acquire, understand, justify, change, and use knowledge in formal and informal contexts” (para. 1).

exposure to decolonial theory, such as this research and thesis, and contact with the subaltern and marginalized that we can hope to develop that willingness and desire.

Professors who do wish to implement a decolonial pedagogical approach in their human rights classes may face additional challenges. In Chapter 1, barriers to implementing pedagogical change were explored. Those barriers included personal obstacles such as the assessment of risk and benefits to the professor and cognitive bias, but they also included institutional barriers including deficiency in training, time, and enticements. In order to overcome those barriers, researchers have pointed to the need for institutions to cultivate an environment in which change is welcome (Tagg, 2012; Le Fevre, 2014). In addition, institutions need to encourage and support changes to pedagogy (Henderson, n.d.) providing the tools needed (Osborn, 2014), and monetarily rewarding professors who implement required pedagogical change (Tagg, 2012).

Another challenge to implementation that was addressed in Chapter 1, and to which there is little recourse, is the increasing ways that the university is characterized by corporate values, where corporate culture and power have been prioritized and become enmeshed within the institution of HE, as knowledge producing enterprises. As a result, changes perceived as a threat to profit-making, economic efficiency, and subordination to the directives of the market are not permissible. In addition, Preston and Aslett (2014) explain how neoliberalization has also resulted in the failure of HE to engage in critique that would threaten the aims of neoliberalism, including the Eurocentric colonization of HE through the universalism of knowledge.

The need to overcome the stronghold of neoliberalism and colonialism/coloniality within HE is a significant barrier to decolonial pedagogy as it is the antithesis to the

success of both. Recently, efforts to decolonize education have taken place in South Africa. For two years, students have been protesting at public university campuses and calling for the decolonization of the curriculum. Athabile Nonxuba, a student from the University of Cape Town, explained in an interview with a South African news organization how students define a decolonized education: development of the interests of Africans rather than Eurocentric interests, the introduction of new ideas and theories by Africans, the inclusion of African epistemologies, freedom to complete classwork in African languages, and a new educational system defined by the people it is meant to serve (Evans, 2016). The students have also demanded reduction in the cost of tuition, which has burdened many (Cherry, 2017; London, 2017). According to Cherry, the “Rhodes Must Fall”, calling for the removal of symbols of colonialism, and “Fees Must Fall” movements have experienced limited success. She explains that fee increases have halted and the National Student Financial Aid Scheme, which had barely covered students’ necessities, has been revised. However, efforts to decolonize universities’ written curriculum have yet to be seen despite many universities committing to transforming the curriculum in 2016 (Cherry, 2017).

In his article “Decolonizing the University: New Directions”, Mbembe (2016) questions whether South African or any university is truly reformable or if it is no longer possible. In Mauritius, a new university, the African Leadership University, has foregone attempts to decolonize an already established curriculum and has instead opted to create their own centralized decolonizing curriculum. The university has adopted seven

commitments to “build a canon, knowledge, and way of knowing” that is decolonized.<sup>23</sup> These seven commitments include only using Open Educational Resources (OERs), assigning non-English texts every week, keeping student exchange ratios at 1:1, incorporating non-textual sources of information each week, including students in producing academic work, ensuring that students are producers of knowledge rather than just consumers, and operating with high ethical standards (Auerbach, 2017). Though starting new decolonial universities across the world would be wonderful as would decolonizing existing universities, both are unlikely. Helena (2016) contends that in order for decolonization to occur, large numbers of people from within universities and outside must demand change, and that the demand will need to include activism, advocacy, dissent, disruption, and protest. Social movements of this kind take time, and in the meantime, professors need to focus on decolonizing their own curriculum and the spaces in which they work.

### **Conclusion**

The professors who participated in this research demonstrate heterogeneous backgrounds that have had an impact on their feelings of preparedness to teach human rights and the pedagogical approaches they utilize in their courses. Timelines pertaining to disciplinary training, the emergence of HRE as a global priority, and decolonial theorists’ work being translated into English are all factors that have had an impact on their pedagogical approaches. In addition, lack of human rights training and pedagogical training are also impacting factors that for some are also challenges to overcome.

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<sup>23</sup> I did not use these measurements in my own research as no methodological underpinning was provided to explain how these commitments were determined.



Although there are many barriers to engaging with and implementing of a decolonial pedagogical approach, it is possible. The conditions of possibility for a decolonizing human rights course can be created if professors ask questions of themselves such as: Am I willing to closely examine my own beliefs and praxis? Am I willing to expend the time and energy a decolonial pedagogy will require;? Am I willing to take the risk involved in altering the epistemology of human rights I present in my courses? Can I overcome any fears I have of challenging neoliberal ideology in the university? In answering these questions, professors become more aware of some of the difficulties they may face as they move into asking questions about how to decolonize their own pedagogy.

In the next and final chapter, I'll provide a conclusion of this research including the implications and limitations of the research, and will conclude by offering possible next steps for further research.

## CHAPTER 7

### CONCLUSION

#### **Introduction**

This research project stemmed from the knowledge that although decolonial theory addresses the colonization of human rights in modernity, the literature on decolonizing human rights education has lacked research on whether and how decolonial pedagogy has been adopted within post-secondary human rights courses in the U.S. A central supposition underpinning this research has been the importance of and need for a decolonial pedagogical approach to human rights education, particularly within higher education. This project has demonstrated that decolonial pedagogical approaches are still emerging within the human rights courses of the professors interviewed. The interviews and the syllabi offered significant insight into the professors' academic backgrounds, curricular choices, and pedagogical practices. In the following sections, I wish to share my own interpretation of the research and reflect upon what I have learned from engaging in this research from the position of student, teacher, and researcher. I will also provide some possibilities for future research into the decolonization of human rights education.

#### **An Emerging Theory**

In concluding this research project, I offer my emerging theory, which is an interpretation of the meaning of the research (Charmaz, 2014). This project does not and cannot make claims of representation of all human rights professors, but does offer some emerging ideas from those interviewed. The interpretation of the meaning of the research takes into consideration the historicity and timelines of human rights education, and the emergence of anti-/post/de- colonialism theories and movements within which

both the research and the professors' experiences are situated. It also considers the timeframe in which professors received their graduate school training in relation to the prior two timelines, as well as their inspirations for teaching HR that were grounded in law, activism and experiences in and with human rights. This theory emerges out of a relationship between the researchers' experiences before graduate school, their professional training, and the context of what is being researched, which for me is at the nexus of my political (pedagogy) and professional life – my life as a student but also a researcher and a teacher.

The results of this research indicate that the pedagogical approaches these particular professors are using in their courses are not yet fully reflective of a decolonial pedagogical approach, which I believe can be understood, at least in part, by examining several intersecting timelines. First, we need to consider the timeframes in which these professors received their disciplinary training. Nine of the professors began teaching more than fifteen years ago, and five of them more than twenty years ago. This means that close to half of the professors likely attended their graduate programs in the late 1990s to as far back as the mid- 1970s. These timelines<sup>24</sup> must be considered in light of the emergence of anti-/post/de/colonial theories. Within the timeline of the 1970s to 1990s, many theorists were just emerging. For example, in the 1980s, the work of Ashis Nandy, Gloria Anzaldua, Gayatri Spivak, and Ranajit Guha was just being published. While the work of Mignolo and Grosfoguel was published beginning in the early 1990s and early 2000s, respectively. Thus, their writings and theories, especially as applicable

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<sup>24</sup> Please see timeline in Appendix E

to human rights, were relatively new for many of these professors when they were in graduate school.

This timeline must also be considered in light of when the push began for global human rights education. In 1974, the UN put forth the Recommendation Concerning Education and International Understanding Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, but the World Conference on Human Rights took place almost twenty years later and the Decade for Human Rights Education did not begin until 1995. A little more than half way through the Decade of Human Rights is when the first models for human rights education begin to appear (Tibbitts, 2002). In examining the intersection of these timelines, a clearer picture emerges that demonstrates that professors' exposure to decolonial theory is likely to have been minimal, and that even if they did receive training in teaching human rights, it is not likely that their training considered the work of decolonial theorists. Most of the professors who began teaching human rights more recently likely received their training in the late 1990s to around 2010. In these cases, decolonial theory and human rights education had begun establishing roots; however, a remaining factor impacting these professors as well as those who began teaching much earlier is the overall lack of any pedagogical training in graduate school, much less pedagogical training that would address the need for decolonization. This issue is only beginning to be addressed in a small number of graduate schools (Alsop, 2018). It is these intersecting timelines that I believe contribute to some extent to the absences this research has revealed; however, there are additional possible contributions to this absence.

Human rights have been contested since their inception. These contestations have resulted in a number of critiques, for example, cultural relativist and feminist critiques, which have been widely recognized, written about, and incorporated within human rights discourse. The critique of decolonial theory, too, has gained recognition in recent years, and contests the conception of a universal human rights framework. We might then reflect on what it means to maintain a belief in the universalism of human rights in light of the accumulated contestations of such an assertion. Though the aforementioned timelines have relevance, the prominence of contestations within human rights discourse means that belief in the universalism of human rights is a choice, as is the political decision to present a universal epistemology of human rights. This choice is not compatible with a decolonial pedagogical approach as a key criterion for decolonization is a pluriversal epistemology of human rights.

However, this is not to say that decisions regarding epistemology are made in isolation; choices of pedagogy are rarely made without the influence of additional factors, including the barriers and challenges discussed in previous chapters. For example, such a decision may be greatly influenced, or determined, by fears that stem from the neoliberalization of the university, the amount of risk involved in presenting an epistemology that does not align with either disciplinary or program norms, or the great amount of time and energy that a change to pedagogy necessitates. Even so, I would be remiss to not acknowledge that personal decisions regarding the epistemology of human rights also contribute to the absence of decolonial pedagogical approaches.

Decolonization is a process, as is the implementation of decolonial pedagogy. Both involve a political struggle to which one can only be a part of if there is recognition

that colonization – whether of place, body, or mind – has occurred. So the question becomes what conditions the possibility of recognition? What are the loose threads that can be pulled to recognize the colonization of human rights and the need for a decolonial pedagogy?

One possible loose thread that emerged from the interviews is the lack of enforcement of human rights laws. Several professors maintained that lack of enforcement is a failure of human rights law but also indicative the ways in which power relations influence the effectiveness of human rights. Thus, we might ask, how can a universal epistemology of human rights hold true in the light of the absence of enforcement? What about the concept of universalism subsidizes the absence of enforcement? Where is justice if there is no enforcement? These questions may condition the possibility of seeing the very real effects of colonization on human rights, as well as reimagine the relationship between pedagogy, HRE and other forms of justice.

Another loose thread that emerged is the recognition by all the professors that power relations, such as patriarchy, racism, sexism, and capitalism, have shaped human rights discourse. This acknowledgment creates a condition in which hierarchies of human rights knowledge may be recognized as a consequence of and instructive to the maintenance of power relations. Within that space, we might then ask, to what do we trace both the maintenance of power relations and hierarchies that shape human rights discourse? Decolonial pedagogy traces the impact of power relations and the hierarchies of knowledge to colonialism but also to coloniality. How have the parameters of *who* creates knowledge already have an epistemology of knowing embedded in the very questions asked? Decolonization was a process of political struggle - an ongoing process

that can be related to the process of learning in that it takes time. There are moments of breakthrough and of watershed insights, but the process is complex, contested, and often contradictory. In other words, the line between the colonial and the de-colonial, the line named 'coloniality', arguably should not reproduce a binary. A decolonial pedagogy does not mean that canonical texts and ideas are ignored, but that the process of canonization is interrogated; it is not about reproducing a binary, but understanding the relationships that are layered and scaled. This understanding has already been demonstrated through the work accomplished by those who have pushed for anti- and de-colonial possibilities in Ethnic Studies, Women and Gender Studies, and Queer Studies. The decolonial reminds us that binaries do not come from below, only from above. While the decolonial represents differences, the willingness to engage those differences, and for difference to be the basis of agreement, the colonial comes from above with the intention of annihilation of differences. The relationship between the colonial and the decolonial produces a space, a third space (Sandoval, 2000), in which dialogue can emerge about pedagogy and curriculum and practices. This research reveals that some professors are already creating those spaces and allowing for the emergence of a decolonial pedagogy.

In pulling these threads and others that emerge, professors may be conditioned to recognize the ways in which Eurocentrism has not only been embedded within human rights but has also attempted to hide, through claims of universalism, the absence of voices and knowledge in an effort to maintain the coloniality of power (Quijano, 2000).

The implementation of decolonial pedagogy may also be aided by helping professors recognize the ways in which the goals of HRE not only align with but can only be fulfilled through decolonial pedagogy. The goals of HRE are no longer linked to only

understanding what human rights are and why people are entitled to them. They have moved to more complex aspirations such as transformation and social change (Lenhart, 2002). Similarly, decolonial pedagogy seeks to achieve solidarity and the transformation of society through the conception of a pluriversal epistemology that decolonizes. In order to obtain the goals that HRE has set forth, decolonization is necessary. Transformation and social change cannot be fully realized without understanding the extent to which voices have been silenced, knowledge has been coopted, hierarchies have been established, and people have been subjugated and victimized. The colonial wound that Anzaldúa and Quijano write of cannot be healed through human rights in its current iteration. Human rights evolved out of a very Eurocentric and colonizing worldview. Human rights education, being constitutive of human rights, also evolved just the same. They have been integral to each other, informing each other, creating, reproducing, and re/inventing Eurocentric epistemology. Human rights must undergo decolonization in order to begin healing the colonial wound thereby allowing for conditions in which transformation and social change are possible.

To progress toward decolonization, we must also address the barriers that exist to implementing a decolonizing pedagogy. Though this paper has addressed several barriers and also suggested ways those barriers might be overcome, I wish to address the absence of pedagogical training as a barrier that requires significant attention. Many of the professors interviewed did not feel that they were adequately trained to teach human rights and none of them mentioned any pedagogical training as a part of their graduate programs. At the same time, research shows and some of the professors also confirmed that students use their professors as models for their own pedagogical approaches



(Brownell and Tanner, 2012). As a student and a teacher, I can attest to the importance of pedagogical training. Although I have not received any pedagogical training in teaching human rights, I have received pedagogical training as an ESL instructor. A large portion of my disciplinary training focused on pedagogy and included a practicum in which my pedagogy was evaluated for soundness, efficiency, and effectiveness. Having undergone such training, I know just how important it is to learn about the theories of teaching and learning and how they have changed over the years, the ways in which theories can be combined dependent upon your students and the goals and objectives of the course, and the curricular content and pedagogical practices that best align with those theories. I also recognize that in moving toward content-based human rights ESL instruction my pedagogical training is no longer sufficient; these courses cannot be taught like any other ESL course, even one that is content-based, because human rights calls for a different pedagogy – a decolonial pedagogy – for students to truly understand the epistemologies of human rights. My lack of training, even though I have a firm grasp on decolonial criteria, becomes a hindrance to the decolonial human rights education I want to provide to my students.

In the absence of pedagogical training, particularly decolonizing pedagogical training, human rights professors must continue to piecemeal their pedagogical approach, making assumptions about learning and teaching that may not be true (Brownell and Tanner, 2012), which in effect may not result in the achievement of their objectives or overall HRE goals. Pedagogical training that incorporates not only curriculum choices but also pedagogical practices, such as engaging with the decolonial imaginary and how to engage in epistemic disobedience, would be instrumental in working toward the goal

of decolonization. This type of pedagogical training, while focusing on alternate approaches like collective and rotating facilitation of discussion and topics, and dialogue as social engagement, can also create a different type of learning community that is not trickle-down, but incorporates pedagogical practices that do not create hierarchies or make assumptions about who has the capacity to participate. New graduates who are trained in decolonial pedagogies can share through doing, and co-facilitating workshops on facilitation, through pedagogical approaches and practices that they implement in the classroom. Those practices, in turn, are reflective in the not only the epistemology of human rights that students hold but also in the way that teachers and professors approach their own work in human rights law, education, grassroots organizing, and other experiences that inspire their teaching. Through the decolonization of human rights education, new possibilities emerge in how human rights are understood, how they are implemented, and how they are enforced. From the work that NGOs engage in to foreign policy and the ways in which states and government leaders uphold positive and negative rights, decolonization can lead to greater opportunity for solidarity and social transformation.

### **Reflections of a Student/Teacher/Researcher**

In approaching this research, I often moved between different positionalities and spaces as a result of working through this project as student, teacher, and researcher. I think these are three likely positions that any professor wanting to engage in decolonial pedagogy might move between as they continue to learn what it means to decolonize, as they analyze their own pedagogical choices, and teach their courses. Thus, in reflecting

on my own experience of engaging in this research process, I hope to share some insight for those who might continue in their process of decolonizing their human rights courses.

I didn't go into graduate school with this research project in mind. In fact, it is only tangentially similar in that it addresses human rights education. Instead, this project really only became cemented in my mind after some hardships that led me to really think deeply about what I wanted to research and what was important to me. Quite frankly, I had some apprehensions as to whether I could do the topic justice as a white Western trained woman. In settling on this topic, I knew I had a long road ahead of me. The need for decolonization was a topic introduced to me in my first year of my PhD program but didn't resonate as an area of research until much later. I had a lot of catching up to do as a student if I wanted to address this issue as a researcher.

I also struggled with the idea of decolonization as a student and teacher of human rights. I had to have some difficult internal discussions about what it means for human rights to be colonized and whether it was even possible to be de-colonized. What would decolonization look like in my own classroom? How can I uphold the value of human rights while simultaneously emphasizing the need for decolonization? These were questions that I wrestled with from the very beginning. I knew that I couldn't ignore the voices, knowledge, and claims of the subaltern authors I was reading, but I couldn't yet envision a decolonized human rights.

As I read, studied, and outlined, I began to have more clarity about how the process of decolonization might begin by decolonizing our pedagogy. Pedagogy is a topic I know well. Within the field of ESL, it is a topic continually researched and best practices have changed significantly over the years. My own pedagogy is a topic I often

think about because I am not just teaching a language; I am also preparing students for their college careers, which will involve not just navigating a new language but new cultures, including that of academia. So even though I understood pedagogy, I needed to understand what criteria a decolonial pedagogy would encompass. My research ensued, criteria were developed, and my research questions created.

But now, as a student, I faced the task of asking professors questions that I didn't think the field of human rights had really asked of itself. I would be asking questions that would be challenging in two senses: first, the questions I was asking may not be questions that professors would readily have answers to, and second, the questions I was asking might be seen as trying to undermine the *good* of a human rights framework. I have to admit that I approached each interview with a bit of trepidation and the hope that professors would navigate these questions with some openness. I did not know what the interviews would reveal. I could not guess based on my slim experience taking law classes in two universities.

As I analyzed the interviews and the syllabi, I found myself oscillating between my three positions. As a teacher, I could appreciate the thoughtfulness that each of the professors put into their courses and the pedagogical choices that they made. I recognized some of the challenges they addressed in making those pedagogical decisions such as time, the uncertainty of students' background knowledge of human rights, and finding materials that reflected their objectives. In addition, I reflected on the amount of work involved in taking on a decolonial pedagogy, and I sympathized with the lack of training that many of the professors had to teach human rights. I also took some time to think about my own courses and how I would answer each of the questions I asked of the

professors, and I found my own pedagogy lacking, especially with regard to the inclusion of subaltern epistemologies. But, I recognize that we often learn by doing, and that is a pedagogical practice that I must continue to engage in to progress in my own journey.

As a student, I considered what it would be like to sit in each of their classrooms, what my expectations would have been before this research, and what they would be now. I thought about the pedagogical practices that many of the professors included in their courses and especially those practices that open the possibility of learning by doing. I compared my own experiences to what I could glean of their students' experiences. I contemplated the trajectory of my own academic experience and how it may have been similar to or different from their own.

As a researcher, I thought about what the research revealed and did not reveal. I wrestled with how to present the knowledge professors had shared with me with grace recognizing that decolonization is a process – a journey – and how to map where these professors were in their own journeys. I also thought a lot about the questions that I might ask in a follow up interview such as:

- Where has your pedagogy derived from?
- What guides your decisions in the pedagogical practices that you use?
- If you had received pedagogical training, what do you hope it would have looked like?
- What would be your personal barriers or challenges in implementing a decolonial pedagogy?
- Since our last interview have you made any pedagogical changes to your courses?

As a researcher, I am also looking forward to engaging in further research on the decolonization of human rights and, specifically, how to engage professors in efforts to

work toward a decolonial pedagogical approach. In the section below, I present some of the possibilities for future research that might aid in these efforts.

### **Possibilities for Further Research**

Though theorists have written of the need to decolonize human rights (Mignolo, 2009; Barreto, 2012; Baxi, 1994; Al-Daraweesh and Snauwaert, 2013; Coysh, 2014), this research is among some of the first to address the need for decolonizing pedagogical approaches within human rights education, and additional research projects could go a long way in furthering our knowledge of what it means to decolonize human rights education and how to engage with decolonial pedagogy. Additional research may help improve our understanding of the pedagogical approaches professors are using in their process to decolonize their courses. It might also be useful for determining the impact that professors' pedagogical approaches have on students' epistemologies of human rights, specifically how that impact differs when using a decolonial approach. Additional research might also help pinpoint and respond to the individual and institutional barriers that prevent a decolonial approach. To work toward these goals, I propose the following recommendations for additional research:

1. Case study research of human rights courses in higher education, which would include in-class observations as well as interviews and focus groups with professors and students. This research would allow for greater understanding of professors' pedagogical approaches, the epistemologies of human rights that they uphold, and the impact of the presentation of human rights on students' epistemologies of human rights.

2. A longitudinal study examining human rights students to understand their epistemology of human rights prior to and after enrolling in human rights programs particularly focusing on their exposure to non-Eurocentric ways of understanding human rights and the impact their epistemologies have on the work they do after completing their program.
3. Follow-up research with the participants of this research study to determine the particular barriers they would and do encounter in implementing a fully decolonizing approach to human rights in their courses. This research could more thoroughly address the theoretical apprehensions of professors toward decolonial theory and also further explore any institutional barriers they face in implementing such an approach.
4. Research resulting in the creation of a decolonizing syllabus for an introductory human rights course that 1) engages deeply with non-Eurocentric epistemologies; 2) incorporates discussion of the hierarchical categorization of human rights knowledge and the impact of these hierarchies; 3) inclusion of course content on power relations and authority within human rights; 4) provides decolonial and other critiques of human rights through course materials.
5. Relational research that would examine how human rights are being taught at universities in other countries, particularly programs situated in Africa, Asia, and Latin and South America, and how the development of these projects are and are not, related to European and American models.

## **Conclusion**

Decolonial theory offers a strong critique of human rights that examines the ways in which Eurocentrism, sustained through colonialism and coloniality, has resulted in an epistemology of human rights that ignores and excludes subaltern voices. Both human rights discourse and education face important consequences as a result. The implementation of decolonial pedagogical approaches to human rights education is valuable to beginning the process of decolonization. This study has contributed to research into the decolonization of human rights within higher education by interrogating the background, course design, and pedagogical approach of human rights professors to determine whether they are engaging with any of the tenets of decolonial theory. The findings determined that a decolonial pedagogical approach is only just emerging and there is a need to address the barriers that impede their further implementation. In addition, there is a need for research that will further investigate the pedagogical approaches professors are employing, particularly those in alignment with decolonial criteria; the impact of decolonial and non-decolonial approaches on students' epistemologies, and how to overcome barriers to advance implementation of a decolonizing pedagogical approach.



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APPENDIX A  
INTERVIEW QUESTIONS FOR PROFESSORS



*Background questions:*

1. How long have you taught human rights courses?
2. What motivated you to teach courses in human rights?
3. Did your educational training prepare you to teach human rights? If so, how? If not, do you see that as a limitation?
4. How and why are teaching courses on human rights different than teaching courses in other social science fields?
5. How do your training and teaching experiences influence your presentation of human rights?
6. What human rights courses do you or have you taught?

*Course questions:*

1. How do you choose which course materials to use in your syllabi?
2. How do you use UN treaties, conventions, and case law in your courses?
3. Some of my research has revealed that many of the commonly assigned texts in human rights courses do not contain any non-Western ways of understanding human rights. Why do you believe they are not included?
4. Do you structure your course to engage with critiques of the human rights framework? Why or why not?
5. Which of your course materials do you believe demonstrate contributions to human rights from outside the Western or liberal tradition?

*Pedagogical questions:*

1. What pedagogical approaches do you use when teaching human rights courses? How are these approaches different from those you would utilize teaching non-human rights courses?
2. Do you emphasize a universal or pluriversal epistemology of human rights in your courses? Why?

3. Do you engage students in questions of who produces human rights knowledge? How it is produced? Which knowledge is afforded credibility? Whose knowledge can be disputed?
4. How do you address the ways that power relations, such as patriarchy, racism, sexism, and capitalism shape human rights discourse?
5. Do you believe we can understand human rights knowledge as existing in a hierarchy? If so, what are the consequences?
6. What are the general objectives of your human rights courses? How do you measure those objectives? What restrictions do you face?
7. Given the opportunity to remove all restrictions to your syllabi designs, how would you alter them?

APPENDIX B

U.S. HUMAN RIGHTS PROGRAMS

	A	B	C	D	E	F	G	H	I	J	K	L
1	School			graduate	law degree	major	minor	certificate		program/institute		
2	Trinity College					x	x					
3	University of Chicago						x					
4	Columbia University		x			x		x (1 term certificate in CE 4 courses) / grad certificate is 24 cr				
5	UC Berkeley						x					
6	Southern Methodist U.					x	x					
7	University of Dayton					x	x					
8	Bard College					x						
9	University of Connecticut					x(must have	x	x (graduate- 12 credits required, 2 core courses)				
10	Agnes Scott College						x					
11	University of Washington- Bothell						x					
12	Harvard University											
13	Webster University			x (offered in UK)		x	x	x (undergraduate- 18 credits, 3 required courses)				
14	University of WA								x			
15	Arizona State U		x					x (undergraduate- 18 credits required, 2 core courses)				
16	U of Texas - Austin							x (undergraduate- 19 cred	x			
17	John Carroll U					x	x			x		
18	Duke University									x		
19	University of Iowa							x (undergraduate- 18 credits, all HR related)				
20	Emory University							x (graduate- 9 credits, 1 core)				
21	Kean University											
22	Prescott College		x									
23	Penn State Law School							x- (4 courses, no core)				
24	Sturm College of Law							x- (24 credits, 3 core)				
25	U of Connecticut Law							x- (12 credits, 1 core course)				
26	Georgetown Law							x - (12 credits, 1 core HR course)				
27	Drake Law							x - (14 credits, no core HR courses)				
28	Florida A&M Law							x- (14 credits, 1 core hr course)				
29	University of Cincinnati Law											
30	Boston College							x- (one core HR course, no credits req)				
31	John Marshall Law School							x- (16 credits, 1 core HR course)				
32	U of South Florida							x - (genocide focus; 12 credits; 1 core hr/genocide course)				
33	University of Denver		x									
34	University of MN						grad minor					
35	University of Notre Dame					x (LLM) 5 required HR courses						
36	Stanford University											
37	St. Thomas University					x (LLM) only one week courses						
38	Indiana U - Bloomington			x (phd minor)								
39	U of Nebraska - Lincoln			x (specialization)								
40	UCLA Law											
41	University of San Fran		x									
42	Northwestern Law					x (LLM) 5 required courses - 3 pertain to human rights						
43	Tufts									x		
44	Washington College of Law									x		
45	U of Virginia Law									x (program)		
46	U of Wisconsin Law									x (program)		
47	Indiana U Purdue U Indianapolis					x (LLM) 3 required courses - 1 pertains to human rights						
48	Northeastern Law									x (program)		
49												

APPENDIX C  
TABLE OF PROFESSORS

Identifier	Sex	Title	Length of Time Teaching	PhD Discipline/Law
Professor A	M	Assistant Professor	2 years	Sociology
Professor B	F	Clinical Professor of Law; Faculty Director	14 years	Law
Professor C	M	Professor of Law	28 years	Law
Professor D	M	Professor	40 years	Law
Professor E	F	Associate Professor, Director	8 years	Social Science
Professor F	M	Director Professor of Law and Concurrent Professor of Political Science	17 years	Law
Professor G	M	Assistant Professor	7 years	International Studies
Professor H	F	Associate Professor, Director	11 years	Political Science
Professor I	F	Assistant Professor	20 years	Sociology, Law

Professor J	M	Assistant Professor	11 years	Law
Professor K	M	Professor of Political Science	unknown	International Relations
Professor L	M	Visiting Assistant Professor	5 years	Political Science
Professor M	M	Professor of Anthropology	18 years	Anthropology
Professor N	M	Associate Director, Lecturer	9 years	International Human Rights Law
Professor O	M	Director	28 years	Southern US History
Professor P	F	Professor	11 years	Education in Language and Literacy
Professor Q	M	Director, Assistant Professor of Human Rights and Education	11 years	Cultural Studies
Professor R	M	Professor of Political Science	11 years	Political Science
Professor S	M	Associate Professor	17 years	Political Science
Professor T	F	Associate Professor of Law	13 years	Law

Professor U	F	Professor of Law	12 years	Law
Professor V	M	Professor of Social Work	23 years	Social work



APPENDIX D  
CRITIQUES INCLUDED IN COURSES

Professor	PhD Discipline/Law	Critiques Incorporated
Professor A	Sociology	Postcolonial, feminist
Professor B	Law	Religious – Muslim feminists
Professor C	Law	
Professor D	Law	Liberal; Secular/religious
Professor E	Social Science	
Professor F	Law	Religious; Islamic, Confucius; Indigenous; Cultural Relativist; Feminist
Professor G	International Studies	Post-colonial; Religion; Islamic; Asian; Feminist
Professor H	Political Science	Post-colonial; Feminist
Professor I	Sociology, Law	Colonialism; Cultural Relativism
Professor J	Law	Postcolonial
Professor K	International Relations	
Professor L	Political Science	Neocolonialism, Liberal Imperialism, Judicial Romanticism
Professor M	Anthropology	

Professor N	International Human Rights Law	Cultural Relativism
Professor O	Southern US History	
Professor P	Education in Language and Literacy	
Professor Q	Cultural Studies	Cultural Relativism; War on Terror
Professor R	Political Science	International law isn't law; Human rights as imperialist
Professor S	Political Science	Post-colonial; Post-modern; Post-structuralist; Critical Race Theory; Decolonial
Professor T	Law	Cultural Relativism
Professor U	Law	Cultural Relativism
Professor V	Social work	Cultural Relativism

APPENDIX E

TIMELINE: INTERNATIONAL HUMAN RIGHTS AND  
ANTI/POST/DE/COLONIAL THEORY EMERGENCE

