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Reflections on the 1978 United Nations Semester

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ATTORNEY, INTERNATIONAL RULE OF LAW DEVELOPMENT

Over forty years have passed since I attended the National Collegiate Honors Council's 1978 United Nations Semester (UNS) in New York. I have since served as a resident director of the 1980 UNS, practiced law, and taught as an adjunct law professor. Since 2008, I have spent half of my professional time consulting on international rule of law development projects. I have worked with teams of legal professionals to support the constitutional transition in Tunisia; trained law students and lawyers in the Balkans, the former Soviet Union, and the Middle East and North Africa region; and evaluated the impact of a host of judicial, legal profession, and legal education reforms throughout the world. After I had embarked on my international work, a friend asked whether I could ever have imagined my legal career taking such a dramatic turn. My answer: Easily. Rather than a departure, the international work has felt instead like a return, a circling back to something begun decades ago during the UNS when I had my first introduction to the global network and work of international NGOs (non-government organizations).

In the Introduction to this monograph, Bernice Braid describes an aspect of the City as Text™ semesters that I see as foundational for my international work and that I will explore here: an integrative learning approach has an “inherent . . . capacity to generate a sense of interconnectedness, of self-in-context, which finds expression in professional practices that endure long after the original experiential learning adventure is over” (xii). Braid’s statement accurately encapsulates the legacy of my participation in the UNS.

SELF-IN-CONTEXT

I came to the UNS as a first-semester senior from the University of North Dakota with no declared major; a whopping naiveté born of 21 years growing up in our isolated rural enclave of 1,000 first-, second-, and third-generation German-Russian immigrants; and a burning desire to shed my heritage for the sophistication I imagined I would acquire in New York City. Much to my initial chagrin, however, the UNS faculty had other ideas. As a first assignment, I was asked to trace my family tree and bring it with me for an initial discussion that would set the context for the semester’s central theme of internationalization.

This assignment caused me concern.

While an abstract exploration of internationalization in politics, art, and economics was all well and good, grounding it in my ethnic identity—which I found more than vaguely embarrassing (think Lawrence Welk) and wanted to escape—was disconcerting. How could I use the UNS to build an urbane new identity if forced at the outset to lay bare so keen a vulnerability as my provincial roots? What I discovered in New York, of course, was that the rural showed up regardless. My new friends said I spoke with an accent that sounded like I came from the Old Country. And at one of the first parties I attended in the City, a guy with an interest in fashion (we didn’t have that in North Dakota) told me that my new suit looked homemade. Of course, it was.

The truth is that I remember little of the first City as Text (CAT) seminar that launched the UNS except for personal discomfort. In methodology, I know that we used the family trees to introduce

ourselves, then divided into groups to explore ethnic neighborhoods in the city, and finally returned to share observations. But I remember almost nothing of the content gleaned from those early explorations.

I can now understand that mental fogginess: I was so profoundly uncomfortable with my own immigrant background that I simply could not understand the basic premise that observing other such communities would yield something of value. With every observation the group shared of ethnic foods tasted, exotic languages heard, and street performances enjoyed during their CAT adventures, I expected a real discussion finally to begin about how those various communities' interests played out in geopolitical terms. After all, I had come to New York to learn about sophisticated matters of statecraft and diplomacy at the United Nations, not to observe the same Babushkas and their equivalents with whom I had grown up. I was truly bewildered by how the UNS faculty and students were so genuinely interested in what I could see only as the banal details of how various ethnic communities lived their lives.

As the semester progressed, though, the first City as Text seminar, showing New York as a kaleidoscope of international communities, started to shed a new light on my own background. Could my German-speaking elders be as worthy a subject of inquiry as the inhabitants of Little Italy and Chinatown that others in the UNS found so fascinating? Were my community's experiences as farmers—resettled from Germany to Russia under a land-grant program and then moving to North Dakota to escape discrimination—a subject of compelling interest rather than merely the target of my self-conscious derision? Suddenly my people were not so different from their people, from your people, and that opened up the possibility that I was not, perhaps, so far behind on the sophistication curve as I had feared. When I returned to North Dakota after the UNS, I wrote my senior thesis on a traditional healer in my hometown: someone who, until that point, I had viewed only with opprobrium and embarrassment.

Soon after the initial CAT seminar, the UNS curriculum directed our attention toward the UN and world affairs. For our

Conflict Mediation class, each of us adopted the role of a participant in the Camp David peace talks for our own mock negotiations. Our research assignments included contacting our respective Missions to the United Nations. Because I played the role of the Palestinians, I was spending time at the Palestine Information Office, which served as their official presence at the U.N. Midway through the UNS, my contact at the Information Office invited me and my friends to a performance by a touring Palestinian children's folkloric group in Bergen, New Jersey. The event poster showed sketches of children wearing traditional-looking costumes, holding hands, dancing in a circle. Looked like fun.

As I recall, my friends who played Israel, Egypt, and Jordan in our mock peace talks joined me on the cultural road trip. Our first inkling that the evening would be more unusual than we anticipated was a heavy police presence outside the venue, complete with snipers on the roof. "A bomb threat by the Jewish Defense League," the policeman who at first blocked our entrance (apparently, we looked out of place) informed us. "Go home," he said.

Instead, we pushed our way through raucous demonstrators and into the hall. We were excited rather than alarmed. To twenty-year-olds, the evening was shaping up to be a winner in the *Most Excellent Adventure* contest we all imagined we were having with our UNS classmates. The black and white keffiyehs that my contact then presented to us and showed us how to wear further cemented our lead in the imaginary contest and guaranteed we would have one terrific story to share in the morning.

The event began with a dinner served family style on huge, long tables. The atmosphere was festive, even electric. Traditional music played, a little girl danced on a tabletop after the dishes were cleared, announcements in Arabic blared over a loudspeaker, Palestinian flags were everywhere. As the music got louder and the flag waving more frenzied, people formed long lines around the perimeter of the hall. We asked what was happening. Money was being collected for the children's schools in Lebanon.

At long last, the program began. A bit of silence, energetic music, and the children burst onto the stage. But they weren't

wearing traditional costumes; they wore camouflage shirts and pants. They didn't hold hands but carried little machine guns they had carved from wood in their Lebanese schools. And they weren't a folkloric troupe in any way that I understood the term. They were the children of the martyrs.

The evening concluded with a short play that my Palestinian contact translated for us. Based on a traditional greeting or blessing—"On the day of your daughter's wedding"—a young couple was shown preparing for their wedding day, but as she finally stood waiting before assembled guests in her wedding gown, the bride was told her fiancé had been killed in the war. She grabbed a rifle and exited in her white lace to join the fight. The crowd cheered.

Abruptly, I was no longer a privileged student from so secure a background that I had, just hours before, mistaken the dire evidence of radically disrupted lives for props in my own adventure. Instead, I came to appreciate for the first time the grave impact of the affairs of state on individual lives.

CONNECTEDNESS

A task I particularly enjoy in my international development work is the opportunity to interview fascinating people from all over the world. Sometimes I ask questions about the impact of existing programs on their professions and lives; other times I brainstorm with them about new programs that might strengthen some aspect of the rule of law in their countries. They are lawyers, judges, students, citizens who use the courts, civil activists. Sharing their stories in my reports and proposals is one of the great privileges of my work.

I believe that my ability to understand and draw meaningful insights from their stories is a skill I first developed during the UNS, a skill that relies on my ability to find common ground with my counterparts. Our common ground sets the tone for the interviews and ultimately informs my ability to discern and analyze similarities and critical differences in our legal systems and cultures. Through this process, I discover—just as I first discovered during the UNS—that each time I learn something new about a

foreign legal system, I learn something new about my own; and in listening to others share critical understandings about their roles in developing societies, I gain deeper insights into my own society, its development and history.

A number of years ago, I heard echoes of the Palestinian children I saw perform in Bergen, New Jersey, when I interviewed a respected Shia elder who had once been an advisor to Sunni government officials during a time when “we barely knew if we were Shia or Sunni; no one cared.” He now lamented the deep fissures in his country and region. We were exploring the concept of restorative justice, which is based on the recognition that for some crimes, acts of reconciliation are more beneficial to victims, perpetrators, and society than punitive prison terms. We both knew that the program that was most needed was a political impossibility: allow the many young Shia men imprisoned for civil unrest to pay for their property damage, perform community service, and salvage the rest of their young lives.

Tears welled in the elder’s eyes as he described for me how an escalating cycle of ever more desperate protests and increasingly draconian government responses had virtually denuded once thriving Shia neighborhoods of young men, leaving behind a rent social fabric of fatherless children, single mothers, and elderly parents forced to fend for themselves. The family of a young protestor who had been killed by the police asked the elder to speak at the funeral. He planned to advocate for moderation, to emphasize that no progress, only imprisonment and death, had come from the protests. He hoped to call for a more constructive approach to reform. But the mother of the slain protestor spoke first. She called for revenge, rendering impotent his reasoned plea for restraint.

On another occasion, I was surprised to recognize familiar aspects of my grandmothers’ and mother’s lives in the lives of Arab women law students with whom I worked in the Gulf. I was hugely curious about them before I conducted the interviews: How do they reconcile their roles as law students with the societal limitations within which they live, including an inability to leave their homes without a male escort and the need to remain veiled and cloaked in

public? Why are they earning law degrees? What are their professional and personal aspirations?

They were delightful interviewees, articulate and bright. Under their full-length black abayas, which some opened in my presence, I saw fashionistas and even a t-shirted, tattered-jeans-wearing tom-boy. Save for one or two with professional ambitions, the rest said that upon graduation they would either immediately marry or work in government agencies until they could marry and then would use their education to enrich their children's lives. As a whole, they were genuinely excited about their futures, and I generally sensed in them no dissonance between their roles as law students and their societal constraints.

That night during a bout of sleeplessness, I watched a movie, *Mona Lisa Smile*. Julia Roberts played a feminist art history teacher at an elite American women's college during the 1950s. She was driven to despair by her obviously brilliant and well-educated students' unquestioning determination to get married, sublimate their ambitions within those of their future husbands, and not use their degrees for any professional pursuit. In many respects, those were the same students I had just been interviewing.

My first rule-of-law project was aimed at building the organizational capacity of the Kosovo bar association. Hashim was a young attorney with whom I worked. I was honored when he invited me to spend a holiday weekend with his family in a small village close to the Albanian border. En route, we passed through villages that echoed features of my North Dakota upbringing—old men chewing sunflower seeds on benches outside mechanic shops; farm girls in town on a busy Saturday to shop and be seen—but in many ways the scenes before me resembled more the North Dakota of my parents' and even grandparents' eras, when small family farms, each with a haystack, dotted the countryside and were worked with tractors more akin to our modern riding lawn mowers than the computerized behemoths that ply today's vast, corporatized grain fields in the U.S.

Hashim was the pride and hope of his family. His father and brothers ran a tiny lumber business that consisted only of a horse

that they used to pull dead trees from the forest behind their house and a band saw that sat in an old shed and was broken down more than it ran. Any excess income gleaned from the forest had been used to support Hashim's schooling at the University of Pristina, where he graduated at the top of his law school class. Once we arrived at the family home, I would see his picture prominently displayed on the living room wall with his top-of-the-class medal hanging beside it. But on the bus that afternoon, he spoke to me of his family's dependence on him as the one chosen by his father for higher education. He spoke with a near-desperation that made it impossible to ignore the burden he carried. I thought then of my father's uncle Ted. One of eight children, Ted had been designated by his father as the one bound for college. The other boys farmed or worked in the family's farm implement business while young Ted, whether he wanted it or not, went to law school. By the time I knew him, he was a successful lawyer. But on that bus traveling through rural Kosovo, I felt transported back to the early twentieth century of Ted's youth and understood that his burden had been like that of young Hashim.

I now smile at the fact that at the beginning of the UNS, I could not understand what the explorations of New York's ethnic neighborhoods and my own ethnic background had to do with the United Nations. I brought to the task an academic mindset that would have dissected the United Nations into component parts and explored it strictly in terms of its history, member states, and power structures while ignoring its relationship to the world's people. It was a mindset that missed how a consideration of the institutions and affairs of state can never be divorced from the lives of citizens.

I believe it is that type of abstract and compartmentalized thinking that allows us repeatedly to be perplexed in world affairs when utterly familiar acts lead to entirely predictable outcomes. Why would we ever be surprised when parents of slain children call for revenge; when children orphaned by violence turn violent; when young women, taught their entire lives by women who were taught their entire lives to be subservient, are subservient; and when some young men who lack hope and the economic means to marry and raise families succumb to much darker notions of manhood?

The world, its people and affairs, is extremely complex—I do not mean to suggest otherwise—but for my part, a pedagogy that has supplied me with the foundational tools to see myself in others and appreciate deeply our interconnectedness despite critical differences allows me a way through the complexity to a more complete and true understanding of that world.

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