The Historical Quest for the Right to Learn: From Anthropological Need to Legal Right

This project seeks to build on four years of social scientific and legal research regarding the existence of the right to learn. For present purposes, the right to learn is an aggregation of legal and social practices that actualizes the following:

• The codification into positive law of a State’s role in helping its citizens acquire the knowledge crucial for participation in political life.

• The obligation of “proximal others” in immediate local settings as well as “distal others” in institutional settings (i.e., district, state, & national) to assist the child/adolescent/adult in her/his endeavor to progress, thrive, and flourish in the school-like setting.

• The power of an individual to fruitfully participate in and shape the direction of her/his growth in the school-like setting.

It is important to distinguish learning from education as the difference between them is of prime importance in U.S. jurisprudence. To illustrate, in the concluding opinion of the landmark case San Antonio Indep. Sch. Dist. v. Rodriguez (1973), education is equated to “teachers, books, transportation, and operating funds.” Learning - thought of as positive intellectual and social growth in and through experience (Dewey, 1938) or dynamic shifts in participation over time in an apprenticeship (Rogoff, 1990) - goes unmentioned and, thus, unexamined as an object of law.

In previous work, I argued that the right to learn has been in development in the U.S. since at least the colonial period. I hypothesized that where absent (because not codified in positive law) or inadequate (because not applicable to all or ambiguous as to what it sought to affirm) it was necessary to look for it in spaces and times where learning itself was suppressed: the slave plantation and the era of de jure/legalized segregation. Through this work, I became interested in what happened to the right to learn when not provided for in positive law. I began to wonder what a right looked and sounded like before it actually became a right. From this, I devised the central questions for the research project:

• Can social interaction in school-like settings give rise to the right to learn?
• Can educational rights have observable and researchable social interactional precedents rooted in classroom life?
• Can the face-to-face fulfillment of an anthropological need transform into legal right?
Having begun with an inquiry into the negation of the right to learn, I now turn my energies to the mystery of whether social interaction in the school-like setting can generate educational right. The interconnected methodological and conceptual goals of this project are: 1) to further develop an observational instrument - a blend of social scientific, philosophic, and legal optics - through which the right to learn may be perceived; 2) to then use that instrument to re-examine an existing information set of audio-video recordings of classroom teaching and learning in a university-based educational program for adolescent migrant students with new eyes trained upon the possible development of the right to learn; 3) write and submit an article to a major law review (either Harvard or Yale Law Review) for publication.

**Job Description**
The research assistant (RA) will participate in an apprenticeship in the anthropology and philosophy of education. More specifically, the RA will be invited to collaborate and participate as a full partner (to the best of her/his ability) in the creative process of conducting a study & writing and submitting an article for publication. The faculty mentor will guide the RA through a coordinated set of activities: a) establishing a grounding, through selected readings, in the anthropology and philosophy of education as well as the legal concept of right; b) acquiring methods and techniques in the analysis of social interaction in school-like settings via audio-video record; c) transforming information into evidence; and d) writing and submitting for publication.

**Job Requirements**
Student must be admitted to the SEHD PhD program and be able to work 20 hours a week on the UC Denver campus. The student must be fluent in Spanish and have a social science background (i.e., degree in sociology, history, anthropology, philosophy, etc.)

**Deadline**
Please contact Manuel Espinoza by Tuesday, May 31st. Interviews will begin on Wednesday, June 1st. Position begins Fall 2011.

**Basic Information Regarding the RA Position**
The PhD student will be appointed as a Graduate Research Assistant and will receive an offer letter explaining the expectations of the position. Faculty Advisors are responsible for outlining these primary roles and responsibilities. This is a temporary, part-time, non-benefitted student position. The student receives $22/hr., usually for 32 weeks across one academic year. This requires the student to engage in research with their faculty mentor for 20 hours per week. The doctoral student receives tuition support for up to 18 credit hours across a 12-month period of time. This can be used flexibly as some students start in the summer and then continue through the fall and spring; others don’t start until fall and then continue into spring and finish up their first full-time year the following summer.