

# When is it Right to Break the Law? Redesigning Argumentative Writing for Multilingual Learners

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## Abstract

*This design autoethnography explores the intersection of social justice and education through the lens of caring design, as enacted by a teacher working with undocumented students. This autoethnography analyzes the re/design of an argumentative writing unit – not only does it address the linguistic and socioemotional needs of recently-arrived multilingual learners, it also integrates a critical examination of laws that affect them. Consideration is given to design questions (design for compliance vs. curiosity), design processes (dogfooding, focal students), and design principles (relevant ethical issues, pluralistic questions, multi-modality), all within the larger lens of caring design. The autoethnographic study contributes to this special issue by illustrating how critical and caring pedagogies can be effectively merged to challenge and transform the existing educational paradigms, promoting a more equitable learning experience for marginalized students.*

## Introduction: What do we do based on what we know?

David Stovall, a national expert in Critical Race Theory, challenges educators to envision education as something that is operating from a social justice perspective. “Research is not enough,” Stovall says, “because there are young people suffering” ([MnEEPRaceEquity, 2015](#)). Stovall poses a crucial question to his audience: “What do we do based on what we know?” The ethico-onto-epistemological force of Stovall’s question propels social justice towards radical change ([Burrell & Morgan, 1979/2017](#)). By being aware of how societal injustices operate, social justice education extends into its interconnected praxis—a collaborative design effort to transform society through cultivating just, culturally thriving, and sustainable learning environments ([Bang, 2020](#)).

In response to Stovall’s problem posing, this design autoethnography demonstrates how a teacher agitates for social justice by fostering belonging for undocumented students through a *caring design* approach ([Hamington, 2019](#); [Imrie & Kullman, 2017](#); [Sheya, Mignolo, & Clapp, 2021](#)). In the context of a classroom, caring design is a relational stance to design that fosters *belonging*, which in its etymological roots means “to go along with” and “properly relate to” ([Online Etymology Dictionary, n.d.](#)). The American labor activist Ai Jen Poo suggests that if we relate to those who suffer the most in our design thinking, we could begin to co-create more inclusive and equitable systems ([Funes, 2021](#)). When operationalizing a social justice perspective when redesigning the education of

multilingual learners, it is crucial that educators design with undocumented students in mind.

While the pathway towards graduating high school is often a difficult path in the US for immigrant-origin youth ([APA Presidential Task Force on Immigration, 2013](#); [Suárez-Orozco et al., 2015](#)), it is a particularly punishing path for those living in the precarious shadows of their undocumented status ([Suárez-Orozco et. al., 2011](#)). Living in the crosshairs of transnational laws, undocumented youth are often excluded in the dominant narrative in US civics education, within which “our students are now taught, with the world crumbling around them, to pay their taxes, vote, volunteer, and to have good character, which is code for comply, comply, comply.” ([Love, 2019](#), p. 70). While US law prohibits undocumented youth from working and from voting, many undocumented youth *do* work and *do* have a voice when it comes to US politics—all while facing academic challenges in schools ([APA Presidential Task Force on Immigration, 2013](#); [Suárez-Orozco et al., 2015](#)). In facing this injustice, how might educators of newcomer multilingual learners re/design an argumentative essay unit about the US law in ways that are responsive to the prec(ar)ious lives of their undocumented student population?

## Recommended Design Heuristics: What are the promising practices emerging from my curricular re/design?

Through the artistry of curricular re/design, teachers enact their faculty to cultivate in students “a powerful purpose to learn and contribute to the world” ([Muhammad, 2023](#), back cover). Through a teacher’s literary voice, this design autoethnography highlights how curricular design is an inspiring but messy process, showing how a teacher enacts *caring design* by responding to the assets and needs of an undocumented student while drawing from their pedagogical repertoire.

This design autoethnography retrospectively makes sense of an experimental process. Through inductive reasoning, [Figure 1](#) presents a summary of the design heuristics applied in an argumentative essay unit for recently-arrived multilingual learners. While these design heuristics also serve as a table of contents when navigating the rest of this paper, this section is not meant to impose a lock-step way to design an argumentative writing unit for all multilingual students. Rather, these design heuristics emerge from the promising practices of a teacher who is finding ways to pedagogically adapt to the complexities that emerge in the classroom (micro), school (meso), and society at large (macro), which could be reiterated and remixed to better respond to one’s own context and student population.

**Figure 1 – Overview of design heuristics and their applications as presented in the paper**

Design Heuristic and Summary
<p><b>Are you <i>designing for compliance</i> or <i>designing with curiosity</i>?</b> Before designing, clarify your ideological stance to design. By learning a metalanguage of design (available design/design tools/redesign), educators can begin to denaturalize the existing inequitable social structures that are <i>designing for compliance</i>. Stepping back from this myopia, educators can agitate towards <i>designing with curiosity</i> and begin to creatively redesign curriculum with their marginalized students in mind.</p>
<p><b>Stepping into a <i>caring design</i> approach.</b> When working with undocumented students, teachers are also often working with multilingual learners who are bureaucratically classified as English Language Learners. In teaching argumentative writing, the teacher must also reflect on how they relate to both language learning and civics through their own lived experiences. Teaching undocumented students is a critical and caring practice that requires being mindful of one's own privilege and ideological stance when it comes to the teaching of English and civics. If we are currently teaching English and civics as a compliance-based skill, how might we redesign our teaching of argumentative writing in ways that facilitates a plurilingual/pluralistic curiosity?</p>
<p><b>Designing a Pluralistic Question.</b> Avoid simplistic binaristic questions (i.e. good/bad, should/should not). Design a pluralistic question that integrates the <b>should</b> (understanding the sociohistorical structures and present modes of compliance) and the <b>might</b> (thinking about possibilities and advocating for more equitable and inclusive social futures).</p>
<p>Once you settled on a pluralistic question, begin <b>re/designing your argumentative writing unit</b>. Here are some promising practices that are helpful in <b>scaffolding argumentative writing</b> for recently-arrived multilingual learners, while also preparing them to <b>dialogically participate in a democratic forum</b>.</p>
<ul style="list-style-type: none"> <li>• <b>Choosing a Focal Student.</b> Center your re/design around a marginalized student in your classroom (Safir &amp; Dugan, 2021). Look over their student work, and begin to notice how they are navigating your classroom. How are they engaged and/or disengaged? Listen <i>care</i>-fully when they happen to speak up in your class. If they remain silent, ask yourself—why are they choosing to be silent, and what are the forces that constrain their agency and voice?</li> <li>• <b>Choosing Key Ethical Issues.</b> Consider what real-life ethical issues might be ideologically, culturally, and locally relevant (Duncan-Andrade &amp; Morrell, 2008) for your students. Choose a range of ethical issues that students could pluralistically grapple with during the timeframe of this argumentative writing unit. Try to choose at least three issues, as students can begin preparing paragraphs responding to these issues which can then be reorganized into body paragraphs for their argumentative essays.</li> <li>• <b>Choosing Multimodal Layered Texts.</b> Research these key issues and choose a variety of multimodal layered texts (Muhammad, 2020, 2023). While I chose images, movie clips, and articles, you could also expand into other texts such as music, poetry, historical artifacts, etc.</li> <li>• <b>Dogfooding [1] the Argumentative Essay.</b> Write this essay from the perspective of a focal student who is “in the margins” (Safir &amp; Dugan, 2021).</li> <li>• <b>Preparing Content-Language Objectives.</b> Look closely at the discursive and grammatical patterns in your dogfooding essay and consider how you might teach these patterns through classroom activity.</li> <li>• <b>Choosing Multimodal Activities.</b> Ask multilingual students to read and respond to each multimodal text in multimodal ways. In the context of our classroom, we labeled pictures and annotated articles using multiple colors, shared our opinions with multiple conversation partners, and “drew our claims” before writing paragraphs that can later be synthesized into a final argumentative essay. You might also begin to be inspired to include other multimodal activities as you begin to teach your unit. While unplanned at first, I ended up asking my multilingual students to create their own protest signs about one key ethical issue to share with their school and to write a letter to a civic leader.</li> <li>• <b>Choosing Multimodal Thinking Routines.</b> How might you formatively assess students’ prior knowledge of an ethical issue while also igniting their curiosity? To facilitate students in “reading” an image, a thinking routine (Ritchhart, Church, &amp; Morrison, 2011; Ritchhart &amp; Perkins, 2008) such as “See/Think/Wonder” can be a great beginning for students to co-construct knowledge through their noticings, thoughts, and questions. You can also hack a thinking routine based on your content-language objectives, such as “<b>Should/Could/Would</b>” as a way for multilingual learners to collaboratively grapple with a key ethical issue while practicing their modal verbs. Use of color coding and the metaphor of a traffic light could be a fun way for multilingual learners forge new semiotic connections for <b>should (red)</b>, <b>could (yellow)</b>, and <b>would (green)</b> .</li> </ul>
<p><b>Assessing Argumentative Writing as a New Weave of Power.</b> Rather than zoom in on form-based and grammar-based correction, read the first draft of their argumentative essay as a “new weave of power” (VeneKlasen &amp; Miller, 2002). This allows you to first read with curiosity and offer feedback for revision, before editing for grammatical and form-based compliance.</p>

## Review of Literature/Theoretical Framework: *What is our design discourse?*

### Designing for Compliance: Othering in the Teaching of English

Sociohistorically, the US public schooling system has largely been designed for a particular population in mind – which has led to the othering of speakers of “other” languages. Through power-knowledge structures (Foucault, 2012) that naturalize English, White Supremacy, and standardized testing, US public education has constructed academic pathways of “equality” – a discourse that extends from the compliance of civic norms into the policing of “correct” academic usage of the English language. Through this design discourse, English language curriculum enacted in US classrooms often fails to respond to the diversity and alterity of recently-arrived immigrant youth. This myth of educational equality not only fails to respond to the needs of “others,” but also obfuscates the technocratic hypercorrection of speakers of “other” languages (Bourdieu, 1991). Language education scholars have named this phenomenon *linguicism* (Skutnabb-Kangas, 2012), which is the systemic *othering* of Englishes which have not been privileged in the hegemony of US public schooling (Cantor et al., 2021). However, educators have the power to disrupt this inequitable system. By using the terms *available design*, *design tools*, and *redesign* (New London Group, 1996), educators can begin to harness an explicit metalanguage of design to denaturalize (Foucault, 2012) the sociohistorical power-knowledge structures embedded in the design of US public schooling.

The *available design* of educational “equality” is a structural engine of social reproduction that continues to marginalize the “other” (Cantor et al., 2021; Duncan-Andrade, 2022; Fine, 1991; Fine et al., 2007; MacLeod, 1987/2018; Rose, 1989). When these available designs fail to work for a certain population of students, blame is often attributed to the users that need to be “fixed,” diverting attention away from the systems-level designers-at-large. By blaming the end-user rather than the available design, the attention to “learning loss” continues to ignore the fact that our available designs for compliance will continue to fail to respond to the “increasing cultural and linguistic diversity in the world today” (New London Group, 1996, p. 60). Duncan-Andrade & Morrell (2008) argue that our educational system, born out of White Supremacist ideology, continues to do exactly what it was designed to do: create a technocratic “equality” that exacerbates the schooling challenges of marginalized youth as they encounter the norms of performance in US public schools. In resisting these “politics of failure,” they argue that we need to critically redesign education in ways that are “ideologically, culturally, and locally relevant” (Duncan-Andrade & Morrell, 2008, p. 2).

Currently, teachers are expected to comply with set curriculum designs in US public schooling, which overwhelmingly focus on the acquisition of disciplinary skills. Through this technocratic and transmissive “skills only” model of teaching and learning, educators who comply with a one-size-fits-all curriculum fail to recognize the assets of marginalized youth (Muhammad, 2020, 2022, 2023). Comparing curriculum to a ball gown, Muhammad (2023) compares teachers to fashion designers who take the measurements of their clients and lean into their client’s desires before designing. As artists designing curriculum, educators must also respond to their clients’ assets and voices. While existing disciplinary standards are effective in helping define what teachers should teach and what students should learn, these *design tools*, when applied uncritically, often result in the *othering* of those who may not fit well into a curriculum that was not tailored for them. Rather than trying to fix their clients, educators, as curricular re/designers, must begin to notice who their clients are and begin to care-fully listen.

## Designing With Curiosity: Caring Design as Belonging

Since the *available design* in US public schooling requires major revision in order to support multilingual learners, it is crucial to integrate *design tools* that sustain *redesigns* that *care-fully* responds to the “other.” The embedded available designs that center the acquisition of disciplinary skills rarely attend to the educational pursuits of identity, intellect, criticality, and joy ([Muhammad, 2020, 2022, 2023](#)). In order to envision an equitable curriculum that goes beyond the myopia of designing for compliance, we teachers first need to consider how we are *responding* to the diversity of students and Englishes that are in our learning environments. In agitating towards *designing with curiosity*, we educators are also forging relationships with our students by noticing, listening, and connecting. This allows us to become better equipped to include our students in our design thinking, a crucial step towards designing learning environments as more inclusive, equitable, and sustainable socioecological systems ([Bang, 2020](#); [Funes, 2021](#)).

In attending to our ability to respond, educators also attend to the recursive and reiterative process of *caring design*. Initially applied to business and urban design, *caring design* is an integration of design and care ethics ([Hamington, 2019](#); [Imrie & Kullman, 2017](#)). *Care* is an embodied, relational, sociopolitical, and ecological experience. It shapes and is shaped by our lived experiences (our relational selves) and our sociohistorical ecosystems (our world). In the field of care ethics, care is most popularly defined as:

*...a species of activity that includes everything we do to maintain, contain, and repair our 'world' so that we can live in it as well as possible. That world includes our bodies, ourselves, and our environment ([Fisher & Tronto, 1990](#)).*

In the field of education, *design* is “a process of deciding what onto-epistemic actions [learners] can/should engage in and develop and what axiological horizons and social futures are made possible” (Bang, quoted in [UMD INFO College, 2021](#), 6:52). In other words, design is grounded in the educational philosophies of the curriculum designers. By deciding what learners should and could be doing, curriculum designers also get to decide what ways of being and becoming matter.

As educators, we have the power to shape what we care about and who we care for through our curricular enactment. When we are designing for compliance, we are centering a linear acquisition of disciplinary skills. When we do this, we are often referring to available designs that are “disciplining” and controlling students “by forcing students to achieve the skills and acquire the knowledge that has been prescribed for them” ([Noddings, 2005](#), p. xiv). While a curriculum should consider skill acquisition, a skills-only approach often leads to the othering of bodies and voices that “fail” to comply. When re/designing curriculum, we need to look beyond test scores and “look for the development of democratic character, critical thinking, and *caring* [emphasis added]” ([Noddings, 2005](#), p. xx). In other words, we should look beyond the myopia of top-down mandates and agitate towards designing for *belonging*. While teachers are often expected to follow a set curriculum mandated by their nation-state or their school, we might begin to consider how our enactment of curriculum designs could “provide a climate in which caring relationships might flourish” ([Noddings, 2005](#), p. xv).

By centering our students' ways of being and becoming in our teaching philosophies, educators, as designers, have the power to relationally reconstruct learning environments. By relating to students and other stakeholders through *caring design*, educators perform their right to organically transform the education of marginalized students whose languages, cultures, and experiences are often stigmatized in the U.S ([Lamont, 2018](#)).

## School Context and Design/Research Approach: Responding to the Waves of *Languaging*

As a former English Language Arts teacher serving at one of the 31 schools in the Internationals Network for Public Schools, I was blessed with a learning opportunity: innovating, reiterating, and helping co-design what [García and Sylvan \(2011\)](#) call “dynamic plurilingual education”—an educational approach that centers multilingual learners who have recently arrived in the United States. The 9<sup>th</sup>/10<sup>th</sup> grade students I taught came from 33 countries, bringing with them 14 named languages ([Otheguy, García, & Reid, 2015](#)). Since a majority of my 9<sup>th</sup>/10<sup>th</sup> grade students have been living in the US for less than two years, my students' transnational and translanguing lifeworlds played an increasingly important role in my design of learning environments.

This design autoethnography is inspired by an interaction with an undocumented youth in my classroom. This was a critical moment, one that “increases our sense of agency when we realize that we have choices in how we respond” ([Fisher-Yoshida, 2015](#)). In confronting the injustices that this focal undocumented student faces both inside and outside my classroom, this critical moment inspired me to redesign an argumentative writing unit as a space for belonging. By sharing this reiterative reimagining of argumentative writing, I demonstrate how a classroom environment can be redesigned as a democratic forum that is inclusive of populations that are marginalized by the law.

In this design autoethnography, I weave in my past, present, and future-oriented positionings ([Harré & Van Langenhove, 1998](#))—a consequential reflexivity that is crucial to teacher action research ([Souto-Manning, 2012](#)). In writing this design autoethnography as intersectional praxis ([Freire, 1968/2018, 1985](#); [Alexander, 2016](#)), I harness discourse analysis ([Fairclough, 1992, 2009](#); [Gee, 1998, 2014](#); [Rymes 2015](#)) through a social semiotic frame ([Bezemer & Kress, 2015](#)) to systematically analyze the “water” ([Wallace, 2009](#)) of my classroom's language and literacy practices. Through the intentional use of “I” ([Oeur, 2018](#); [Rose, 1989](#); [Valenzuela, 1999](#)), I show how my own life experiences are entangled in my design choices and processes ([Munro, 2011](#)) as a teacher working with immigrant-origin teenagers.

After almost a decade of teaching the English language to speakers of “other” languages, I have come to resist the binaristic thinking of what is “correct” or “incorrect” in my students' English language use. While grammar and forms-based instruction is a part language instruction, this skills-only approach ([Muhammad, 2020, 2023](#)) will only reinforce the norms, rules, and values of our cultural hegemony (Gramsci). This skills-only approach reifies the myth of a “Standard English” ([Lippi-Green, 2012](#)), forcing speakers of “other” languages to comply with the rules of the English language without creativity or criticality. This strict adherence to the myth of Standard English fails to attend to the differences in our Englishes.

To resist the hurt-pain-harm ([Muhammad, 2020, 2023](#)) of linguisticism, it is crucial for teachers of English to attend to their students' diversity of *linguaging*, which emerges as a consequential form of their multiple ways of knowing, being, and becoming ([Qin & Beauchemin, 2022](#); [Rosa, 2019](#); [Warren et al., 2020](#)). *Linguaging* refers to the idea "that language is not a noun or a system of codes to be learned and used, but a verb or an action – we do things through language, and linguaging acts constitute relations, knowledge, identities, social norms, and institutions" ([Qin & Beauchemin, 2022](#), p. 2). In other words, the role of English teachers goes beyond imposing the rules of English grammar and composition and policing our students' use of the English language. By care-fully attending to our students' *linguaging*, we have the opportunity to forge learning partnerships in the classroom through English—becoming more equipped to respond to our students' expressive ways of relating to themselves, to others, and to the world. Through the goggles of *linguaging* and social justice, educators can begin to understand their students' diversity and alterity ([Alexander & Rhodes, 2014](#)) in ways that disrupt the injustices of a linguistic hierarchy ([Canagarajah, 2006](#)).

Through caring design, I step up to my response-ability as a teacher. Through analysis of design artifacts, I demonstrate how a caring design approach responds to the dynamism of language, identity, and power. By describing and systematically analyzing how my own design processes and personal experiences shift the culture of power in our classroom learning community, this design autoethnography ([Ellis et al., 2011](#); [Salvador, Bell & Anderson, 1999](#)) shows how the caring design of a classroom environment affirms the linguaging of a focal undocumented student.

## How Should One Live? Learning to Resist the Law as the Code of Power

In "The Silenced Dialogue: Power and Pedagogy in Educating Other People's Children" ([Delpit, 1988](#), there is a problematic aspect of power that is enumerated as a maxim: "If you are not already a participant in the culture of power, being told explicitly the rules of that culture makes acquiring power easier" (p. 282). In sharing my own continual struggle in participating within dominant cultures of power in this design autoethnography, I show how this maxim becomes a pernicious presumption that further edifies the dominant narratives that continue to oppress our marginalized student populations.

Growing up as a gay teen in the K-12 school system in the 1990s and early 2000s, explicitly knowing the rules of the culture of power did not make it easier for me to acquire power. While my teachers did not explicitly state the rules of the culture of power, it was still clear to me that any expression of my sexuality would be interpreted as abnormal by the culture of power. I did learn about these rules explicitly, however, in church—another culture of power that silenced me with shame. In time, I learned how to navigate the culture of power by feigning normative behavior, learning how to act straight while trying to avoid the existential dread of going to hell.

Later in Delpit's article, she writes: "I prefer to be honest with my students. Tell them that their language and cultural style is unique and wonderful but that there is a political power game that is also being played, and if they want to be in on that game there are certain games that they too must play" (p. 292). In re-reading this passage, I see Delpit's ethico-onto-epistemological understanding of power as rooted in the following questions: "How should one live?" and "How should one act?"

If education were to exclusively operate within this ethico-onto-epistemology, we would continue to funnel a certain population of students towards acquiring power while leaving other students behind. Making the rules of the culture of power explicit, while empowering for some students, can force already-marginalized students to lose a vital part of themselves. Within this ethico-onto-epistemology, the relationship between language education and power leads to the following question: “How can language be used to maintain, reinforce, and perpetuate existing power relations?” (Alim, 2005, p. 424).

I am interested in how we use language as an expression of a power inherent in every human. By tapping into this capillary power (Foucault, 2012), social justice educators must also ask: “How can language be used to resist, redefine, and possibly reverse these relations?” (Alim, 2005, p. 424). So, while Delpit’s perception of the culture of power resides in the questions “How should one live?” and “How should one act?”, it fails to reach the critical questions of “How *might* one live?” and “How *might* we live?” These latter questions are especially pertinent for my undocumented students, who face explicit laws that define their existence as illegal.

So, while I agree with Delpit (1988) that “pretending that gatekeeping points don’t exist is to ensure that many students will not pass through them” (p. 292), I believe that this power can be reconstructed in our educational system to serve every student. While a gatekeeping culture of power still shapes today’s academic discourse, looking at power through the ethico-onto-epistemology of “How should one live” further reinforces the punitive political processes that exist for my undocumented students.

As a survivor of historically pernicious laws that belie the culture of power in the United States, I’ve learned to resist by asking, “What are the types of power that have deeply affected my life?” While I’ve benefited from the historical and recent shifts in our culture of power when it comes to immigrant and LGBTQIA rights, I’ve learned how important it is to question dominant cultures of power. Through this thinking-with-theories of power, I find liberation and healing in Foucault’s (2012) idea that power is capillary. This is a power that is innate in every human as a social body, relationally interconnected in a dynamic network of power. While we have the normalizing “shoulds” codified into existing power structures, the capillary power that exists in our social bodies could help us care-fully reshape our world.

## How Should / *Might* One Live? Designing a *Pluralistic Question*

While my teaching philosophy is rooted in the pedagogy of radical humanists (Burrell & Morgan, 1979/2017) agitating for social transformation, I have also been responsible for supporting students in reaching the Common Core State Standards. During my first year of teaching at International High School (pseudonym), I struggled with teaching newcomer students how to write argumentative essays. The handed-down curriculum that I was working with did not seem to go beyond lockstep approaches to language teaching (Bartolomé, 2010), and I was often unsatisfied with the level of student engagement. After an especially grueling day of teaching argumentative writing skills, I wrote the following question in my 2015 teaching journal: “How the hell do I get my newcomer students, most of whom have been in the US for less than two years, to write a five-paragraph essay in English?”



This frustrated inquiry was part of my teacher action research. After identifying this argumentative essay writing unit as something I wanted to redesign, I also analyzed the data from previous semesters. Looking over student work, I noticed that I failed to engage my struggling students—many of whom are undocumented. My students' writing felt forced through an academic form, often lacking critical engagement and what felt like an authentic voice. In hearing my frustrations, my instructional coach suggested that I enroll in a professional development series of three intensive classes preparing teachers from a variety of disciplines to integrate art into their curriculum.

By integrating art into my teaching practice, I saw students becoming more actively engaged through their multiple modes of communication. My understanding of teaching language and literacy shifted and expanded to ask: “How do I facilitate both content and English language learning through our students' home language, visual language, gestural language, and agency in language?” (Teaching Journal, August 2017).

However, I found that many of my struggling students still failed to turn in their academic writing assignments. Therefore, I embarked on a curricular redesign for my last unit. I was given creative liberty with the condition that my students write an argumentative five-paragraph essay in response to a document-based question (DBQ). Straddling between what I could be teaching and what I should be teaching, I began to explore how “dominant English academic discourses [could] be viewed as a necessary instructional tool in the struggle for cultural and linguistic democracy” (Bartolomé, 2010, p. 508).

The handed-down curriculum centered on the essential question “Should people break the law to do what they think is right?” In redesigning this argumentative writing unit, I became much more aware of the ethico-onto-epistemological force of questions. By rewording the DBQ question from “Should people break the law to do what they think is right?” to “When is it right to break the law?” I noticed how the framing of these questions elicited different answers. While the handed-down version of the question evokes binaristic and polarizing answers, the redesigned questions evoked more nuanced responses. The should question funnels students towards interpreting the law as the natural order of things. By shifting towards the when question, I was asking my students to consider a diversity of voices in a variety of sociohistorical contexts in the US.

In reflecting on the multitudes of questions that guided me towards the redesign of this argumentative writing unit (see [Figure 2](#)), I became increasingly aware of the ethical and philosophical force of the questions that guided my design processes. By systematically analyzing the questions that emerged in my design process, I began to notice the strategic balance that teachers must maintain when designing a learning environment. On the one hand, I have **should** questions framed by the constraining compliance of a status quo. On the other hand, I have **might** questions framed by an expansive curiosity agitating towards social change. These different modes of questioning reflect different philosophical approaches to understanding our social world ([Burrell & Morgan, 1979/2017](#)). Struck by this insight, I realized that the design of the question “When is it right to break the law?” spanned both ends of the spectrum. While I positioned the law (the status quo) as the topic of this question, the “When is it right” welcomed students to speculate on the ethical dimensions of the law and explore how the status quo unfolds in a variety of situations. By concurrently considering the **should** and the **might**, I designed what I call a *pluralistic* question for argumentative writing.

**Figure 2 – The Ethical and Philosophical Force of Questions**

Question Topic	Compliance and Regulation	Curiosity and Radical Change
<b>Language and Power</b>	How <b>should</b> we use language? “How can language be used to maintain, reinforce, and perpetuate existing power relations?” (Alim, 2005, p. 424).	How <b>might</b> we use language? “How can language be used to resist, redefine, and possibly reverse these relations?” (Alim, 2005, p. 424).
<b>Design</b>	How <b>should</b> one design education? CCSS.ELA-LITERACY.W.9-10.1 Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.	How <b>might</b> one design education? “If our goal is to make education more dynamic, integrated, and meaningful for students, what models should we follow? What qualities should we embrace?” (Marshall, 2014, p. 104).
<b>Teacher Action Research</b>	How <b>should</b> one teach? “How the hell do I get my newcomer students, most of whom have been in the US for less than two years, to write a five-paragraph essay in English?” (Teaching Journal, May 2015).	How <b>might</b> one teach? “How do I facilitate both content and English language learning through our students’ home language, visual language, gestural language, and agency in language?” (Teaching Journal, August 2017)
<b>Argumentative Writing</b>	How <b>should</b> one live “Should people break the law to do what they think is right?” (Argumentative Writing Curriculum, handed-down version)	How <b>might</b> one live?
	Pluralistic Question (How <b>Should/Might</b> One Live?) “When is it right to break the law?” (Argumentative Writing Curriculum, Spring 2018 version)	

## What **Should** / **Could** / **Would** Carlos **Do**? Modal Verbs and Multimodality

In the movie *La Misma Luna (Under the Same Moon)*, an unaccompanied minor named Carlitos crosses the US-Mexico border to join his mother in California. After this film viewing, one of my students came up after class and said, “Mx. \_\_\_\_\_, I’m like Carlitos.” While embarking on this redesign for the argumentative essay unit, I chose this student, a 10<sup>th</sup> Grader, as my focal student, who I will hereafter refer to as Carlos (a pseudonym).

At the time, Carlos was a 17-year-old undocumented immigrant from Mexico who wanted to become an electrician. He wanted to graduate so that he could attend classes at a nearby community college with an extensive Career and Technical Education program. When Carlos first attended my class in 2016 as a ninth grader, I remembered how quiet and shy he was. During a meeting with Carlos’ guardian, I learned that his parents were still in Mexico and that he was living with his uncle. During Carlos’ first academic year in my class, he was a B- student. Despite his apparent progress in conversational English, I struggled to engage Carlos with reading, and would often find him copying from other students.

During his first semester in the tenth grade, Carlos was consistently late to my first period class. During a conversation with Carlos in December 2017, I learned that he was now living with his father, who arrived in October 2017. Carlos told me that he had started working full time with his father for a construction company. Since he often had to work nights, he would end up sleeping in, which explained why he was often late to my class.

While I showed my concern, I also told Carlos that if he didn't turn in his first-semester essay, he would fail my class. I gave him extra time during the winter break to work on his essay with a deadline of January 1st. He turned in the first draft of his essay on December 30, 2017:

*How do you know if a leader is good or bad?,*

*Odyssey was a hero who left his family for 20 years to go in a war, during these 20 years he needs to decide to do the good think's or the bad things. After reading the story, I think that Odysseus is a neutral leader because he resisted doing bad things but he killed many people. Odysseus was a very good person because he resisted doing bad things so that he can remember his family and return home. For example, in chapter 2, he didn't drink the juice because he don't want to forget anything by not drinking the juice Odysseus was able to remember to continue his journey back to Ithaca. Thish shows he was a good leader because he didn't do the bad things to forget the important things in his life. Odysseus somewhat bad leader because he hurt a lot of people. For example, in chapter 1, he went to war and he killed many Trojans. Also in chapter 3, Odysseus heard about 2 monster but he did not tell his men an 6 men died. This shows he was a bad leader because he shouldn't kill people and should warn his men about the 2 monsters.*

*In Conclusion, Odysseus was a neutral leader because he resisted doing bad things but he also killed many people.*

*After reading the story makes me think about other leaders in the world and they are good or bad person. For example Donald Trump I think he is a somewhat bad person because he wants to punish the people who kill other people which is good but he also want to make a war with other countries without reason and he wanted to deport people these are bad actions. That's why he is a somewhat bad person.*

In reflecting on the design of the Fall 2016 argumentative essay question, I notice how binaristic this question is. In his writing, Carlos did what the question asked him to do by offering a claim landing in the middle of the good-bad spectrum. He offered supporting evidence through examples from *The Odyssey*, and he provided reasoning by using the suggested sentence frames from his essay writing packet. Overall, Carlos' writing was a perfunctory nod to the class requirements.

I chose to keep Carlos as my focal student during my second semester of teaching since he was at the cusp between passing and failing. Anchored by the pluralistic question of "When is it right to break the law?", I chose texts that highlighted real-life situations in which people broke the law. These texts reflected the critical social issues that affected my struggling students' everyday lives: immigration, lacking legal documentation, gun violence, and racism (see [Figure 3](#)).

**Figure 3 – Design Artifact: “When is it right to break the law?” Amplified Texts**

*Situation 1: Carlito’s Journey*

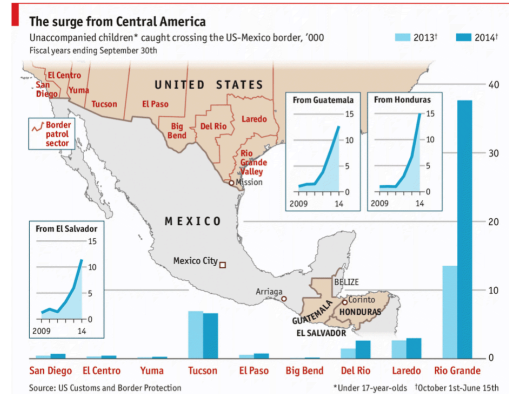
<b>TRANSLATE</b>	the <b>key words</b>
<b>HIGHLIGHT</b>	<b>who where when</b>
<b>UNDERLINE</b>	<u>what happened and why.</u>

Carlitos is a 9-year-old boy living in Mexico with his **grandmother**. When Carlitos' grandmother dies in **2007**, he crosses the US-Mexico **border** illegally because he wants to find his mother. Carlitos is **scared** when he is **crossing the border**. He knows that if he gets caught by the **immigration officers**, he could go to **jail**.



Carlitos' **mother**, Rosario, lives in **Los Angeles**, California. She cleans houses so that she can make enough money to support **Carlitos** and her mother. She **sends money** to her family in Mexico every month. She is working **illegally**.

This movie is a **fictional** story, but **situations** like this happen in real life. Every day, children from **Central and South America** are coming across the USA-Mexico border without an adult. In the year **2013**, immigration agents caught almost **40,000 unaccompanied children** crossing the border. Most children are leaving their home country because of **violence and poverty**, and many of them are coming to live with their family in the United States. At Oakland International High School, **130 students** came to the USA unaccompanied - that's about one-third (1/3) of all OIHS students.



*Situation 2: US vs. California Sanctuary Cities*

<b>TRANSLATE</b>	the <b>key words</b>
<b>HIGHLIGHT</b>	<b>who where when</b>
<b>UNDERLINE</b>	<u>what happened and why.</u>

The United States **sued** the State of California about California's **immigration laws** on March 6, 2018. United States president **Donald Trump** **believes** that California's laws **do not follow** the laws of the United States. The US government says that California's laws make it **impossible** for **federal immigration officials** to do their jobs and **deport criminals** who were **born outside** the United States.



Last year, California made some laws that **limit** how much information that state police can share with the federal government. This means that the US government **can't get information** about people's **immigration status**, unless that person is **guilty** of a **federal crime**. California has these "**sanctuary**" laws to **protect undocumented immigrants** from being **deported**.

The government wants to take **federal money** away from California to **punish** the state for protecting undocumented immigrants, and to change the state laws. But **California officials disagree with the government**.

Recently, Oakland **Mayor Libby Schaaf** gave the city a **public warning** about **immigration arrests**. As a result, federal immigration agents arrested about 200 people **instead** of the 1,000 they wanted to arrest.



Sacramento Mayor Darrell Steinberg said, "I'm **worried** about the Dreamers, hard-working immigrant families, and **law-abiding** people who are just **trying to make their way** like the rest of us." California **official** Xavier Becerra said, "In California, we're in the business of **public safety**, not **deportation**".

### Situation 3: Florida School Shootings

**TRANSLATE** the key words  
**HIGHLIGHT** who where when  
**UNDERLINE** what happened and why.

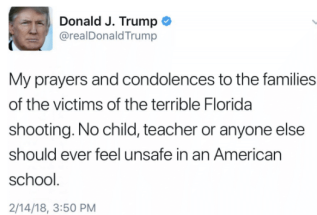
A shooter opened fire at a school in Parkland, Florida, on Wednesday, February 14, 2018. He killed 17 people. Students came running out into the streets after the shooting. Police officers with weapons ran into the school to find the shooter.



The shooter, Nikolas Cruz, was found about an hour later. He was arrested and taken to jail.

The shooter was a 19-year-old. He used to be a student at the high school. He was not a student at the school at the time of the shooting, though.

The school had just over 3,100 students in the 2016-2017 school year. The school was closed for the rest of the week. President Donald Trump spoke about the shooting on Thursday. He said, "No child, no teacher, should ever be in danger in an American school."



Since this shooting happened, many people around the USA are talking about changing gun laws. It is never legal to bring guns to school, or kill people. But right now, it is legal for people 18 and over to buy guns.

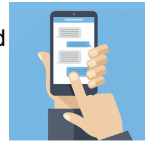


Many of the students who survived the Parkland school shooting are speaking out for new gun control laws. They believe that the laws need to change. They think the government should have more control over who can buy guns



Superintendent Robert Runcie is the person in charge of all the schools in the area. He said there were many people who had died. "It is a horrific situation," Runcie said. "It is a horrible day for us."

Len Murray's son is in 11th grade. The son sent his parents a scary text around 2:30 p.m. "Mom and Dad, there have been shots fired at school. There are police sirens outside. I'm in the auditorium and the doors are locked."



A few minutes later, he texted again: "I'm fine."

Len Murray said he was thankful his son is OK. He can tell him he loves him. He forgot to tell that to his son this morning. This bothers him. He said people should not wait to tell their family they love them. They never know when something bad might happen.



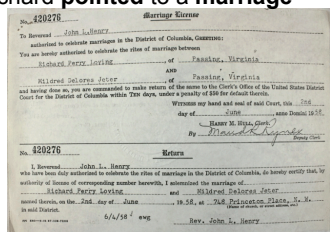
### Situation 4: Loving vs. Virginia and the Legalization of Gay Marriage

<b>TRANSLATE</b>	<b>the key words</b>
<b>HIGHLIGHT</b>	<b>who where when</b>
<b>UNDERLINE</b>	<b>what happened and why.</b>

Richard and Mildred Loving took their case to the **Supreme Court**, which is the highest court in the USA. In 1967, the Lovings won the **Supreme Court case**.



On July 11, 1958, three policemen **entered the home** of Mildred and Richard Loving in Virginia, and found them in bed. When Richard **pointed to a marriage license that showed** that Mildred was his wife, the police **arrested** them. Richard was white; Mildred was black and Native American.



home in Virginia.

The Supreme Court wrote that "Marriage is one of the **'basic civil rights'**" and that everyone had the **"freedom to marry**, or not marry, a person of another race. After winning this case, the Lovings moved back to their

The Lovings' marriage license was from Washington, D.C. But in Virginia, it was **illegal** for people from **different races** to marry. They went to **court**, where a **judge** decided that they were breaking the law. The judge told the Lovings to **leave Virginia** or to get a **divorce**. If they came back, the **Virginia police would put them in jail**.

This court case **changed the law** of the entire United States and made a **new federal law** that people from different races could get married.



In 2007, Mildred said, "I believe all Americans should have the freedom to marry. I am proud that Richard's and my name is on a court case that can **help reinforce the love, the commitment, the fairness, and the family** that so many people, black or white, young or old, gay or straight, seek in life. **I support the freedom to marry for all.**"



On June 27, 2015, the Supreme Court **passed a law** that made **gay marriage legal nationwide**.

The first situation summarized Carlitos' migration journey from *La Misma Luna (Under the Same Moon)* before transitioning to the real-life statistics of unaccompanied children crossing the border into the US. I also integrated the number of unaccompanied students who were at International High School. The second situation addresses the conflict between national and state immigration laws. At the time, the US government was suing the state of California for their "sanctuary" laws protecting undocumented immigrants. The third situation reported on the school shooting in Parkland, Florida, where a teenager brought a gun to school and killed 17 people. The final situation provided a historical account of the Supreme Court case *Loving vs. Virginia* and the more recent legalization of gay marriage. While designing this unit with my focal student Carlos in mind, I wrote the following essay based on what I perceived to be his primary concerns and where his potential writing level could be (see Figure 4).

**Figure 4 – Dogfooding the Argumentative Essay**

<p>Why do we have laws? Governments make laws to protect people and make everyone safe. For example, there are laws to stop crime from happening, and laws about how cars <u>should</u> drive on the road so there are no accidents. But sometimes, laws don't help everyone. <i>Breaking the law is sometimes okay if the law is wrong, or if you need something and aren't hurting anyone to get it.</i></p> <p><i>Sometimes it is okay to break the law if the law is wrong and oppressive.</i> For example, there was a law in Virginia that black and white people <u>should not</u> marry each other. But two people in the movie "Loving" fell in love and got married. They had a fight with the government and went to court about it. Finally, the law was changed. <i>This shows that it was good for them to break the law, because the law was unfair and racist.</i></p> <p><i>Sometimes it is also okay to break the law if you really need something, but only when you are not hurting other people.</i> For example, if your children are hungry you <u>can</u> steal some food to feed them, but not from another family who doesn't have a lot of food. An example from class is the movie "Under the Same Moon." In this story, a boy named Carlitos crosses the border to the USA illegally because his grandmother died in Mexico and he needed to go see his mom in the USA. <i>This shows that he did not hurt anyone or steal anything, so it was okay for him to break the law.</i></p> <p>In conclusion, it is sometimes okay to break the law in some situations. This is important to think about because I need to know what the laws are if I get in trouble with the police. I want to be a good person who follows laws, but I also know that sometimes it's necessary to break the law.</p>	<p><b>Intro:</b> Why do we have laws? Why <u>should</u> we follow them?</p> <p><b>Claim:</b> When is it right to break the law.</p> <p><b>Body paragraphs:</b> <u>Claim/Evidence/Reasoning</u> Preliminary paragraphs should be written after each text Students choose from four paragraphs More personal/world examples could be added</p> <p><b>Conclusion:</b> Summary Why is this important to me? Why <u>should</u> I follow the law?</p>
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The composition and design of this essay helped me imagine the lived experiences of my undocumented students learning a new language in a new land. While the institutional expectations that required me to teach an argumentative essay positioned me as a teacher, dogfooding as a design process gave me the opportunity to position myself as a learner, which was a step towards “co-construct[ing] the dialogic spaces in the classroom in which the living word of students and teachers can emerge from the utterances in the meaning-makings that are contrary to the dominant meanings and representations in the classroom, curriculum, and society” (Chun, 2018).

To design formative assessments that would measure my students' progress based on content-language objectives, I created three content-language objectives that would give my students the linguistic foundation to express their opinions and write strong paragraphs for their argumentative essays (see Figure 5).




**Figure 5 – Teacher-Facing Content-Language Objectives**

LO.1a: I will write my claim by using the words " <u>should/would/could</u> ," [modal verbs] " <u>if/when</u> " [conditional language] and " <u>never/sometimes/always</u> " [frequency words].							
LO.1b: I can describe the law in my <u>claim</u> by using <b>adjectives</b> or by using <i>verbs</i> to explain the law's effects on society.							
Noun {Subject}	<u>Modal Verbs</u>	Frequency Words	<i>Verb List</i>	Noun {Object}	<b>Conditional Language</b>	Noun {Subject}	{ <i>Verb + Object</i> } or { <i>is + Adjective</i> }
People	<u>should</u>	never	<i>follow</i>	the law	<b>if</b>	the law	
Society	<u>would</u>	sometimes	<i>break</i>		<b>when</b>		
I/We	<u>could</u>	always					
LO.2: I will use <u>evidence</u> to support my <u>claim</u> by using <b>proposition and support language</b> .							
<b>Proposition and Support Language</b>		Preposition	Case Study		{ <i>Paraphrased evidence from case studies</i> }		
For example,		in	"Under the Same Moon,"				
For instance,		in the situation	USA vs California sanctuary cities				
			Florida School Shootings				
			Loving vs. Virginia,				
LO.3: I will use <u>reasoning</u> to connect my <u>evidence</u> to my <u>claim</u> by using <b>proposition and support language</b> . I can also use "would," "should" or "could" when I am paraphrasing my evidence.							
<b>Proposition and Support Language</b>		{ <u>Repeat Claim</u> }	<b>Proposition and Support Language</b>		{ <i>Explaining why evidence supports the claim using "would," "could" or "should."</i> }		
This shows that...			because				
This evidence shows that...			since				
This demonstrates that...							

Looking closely at the modal verbs, it was striking to see how the beautiful simplicity of grammar (see Figure 6) could function to have students engage in inquiry across multiple ethico-onto-epistemologies. In the simplicity of engaging students with argumentative writing through “should,” “could,” and “would,” teaching grammar goes beyond what Bartolomé (2010) calls “lockstep approach to language teaching.”

**Figure 6 – Student-Facing Grammar for Stating One’s Opinions**

**YOUR OPINION = Should Could Would + VERB**

<b>Should</b>	<b>Could</b> (from the word “can”)	<b>Would</b> (from the word “will”)
Give <b>good advice</b> or say what are the <b>rules</b> .	What is <b>possible</b> ?	What would <b>you</b> do?
		



In [Figure 7](#), I summarize how the grammar of these three modal verbs transforms into ethico-onto-epistemological building blocks that could support multilingual learners to respond to a pluralistic question. This grammar can empower multilingual learners to use English as a *lingua mundi* to express their opinions publicly. Through this process, I learned that in order to design a pluralistic forum, one should design a pluralistic question that can cultivate responses that span multiple ways of knowing (epistemology), being (ontology), and acting (ethics).

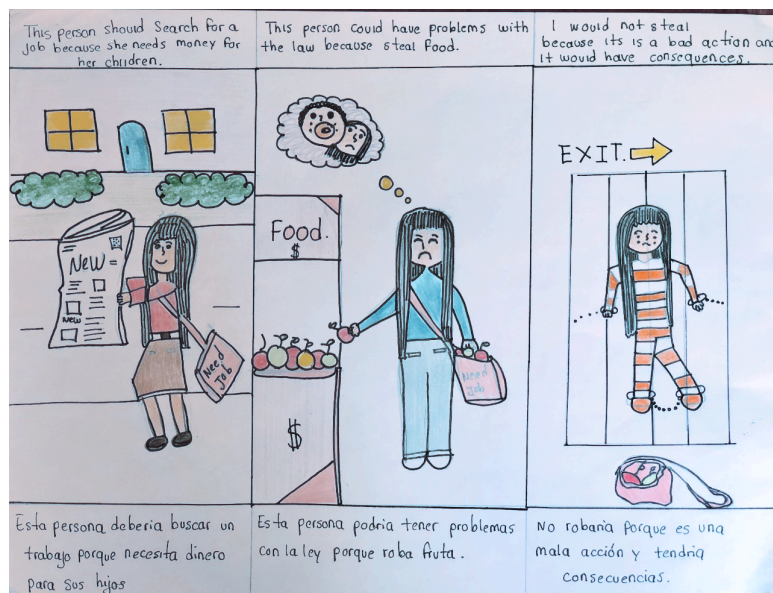
**Figure 7 – Relationship of modal verbs to underlying questions and philosophical traditions**

Modal Verbs	Ethico-Onto-Epistemological Questions	Philosophical Tradition
<u>Should</u>	How <u>should</u> one/we live? How <u>should</u> one/we act?	<b>Analytical</b> (Socrates, Descartes, Kant)
<i>Could</i>	How <i>might</i> one/we live? What <i>could</i> I/we do?	<b>Continental</b> (Derrida, Foucault, Deleuze)
<i>Would</i>	How <i>might</i> one/we act? What <i>would</i> I/you do?	<b>Radical Humanist</b> (Freire, hooks, Love)

## Participation in a *Democratic Forum*—A Dialogic Collage

With the language and content objectives in place, I designed our first set of classroom activities with the goal of co-constructing a “Making Learning Visible Wall” (see [Figures 8 and 9](#)) as a learning community. This “Making Learning Visible” wall served multiple purposes. While it displayed this argumentative writing unit’s guiding question and essential vocabulary, it also displayed a variety of student opinions.

**Figure 8 – Student Example on a Making Learning Visible Wall**



**Figure 9 – Making Learning Visible Wall**




Colors were also used strategically to help students construct meaning semiotically. Using a traffic light as a visual heuristic, students participated in the following “See/Think/Wonder” thinking routine (see Figure 10):


**Figure 10 – 'Do Now' slide**

**Monday 3/12/18**

**Language Objective:**  
I can use “never,” “sometimes,” and “always” when deciding if it is right to break a law.

**Class Objective:**  
I can review the situations and decide when it is right to break the law.

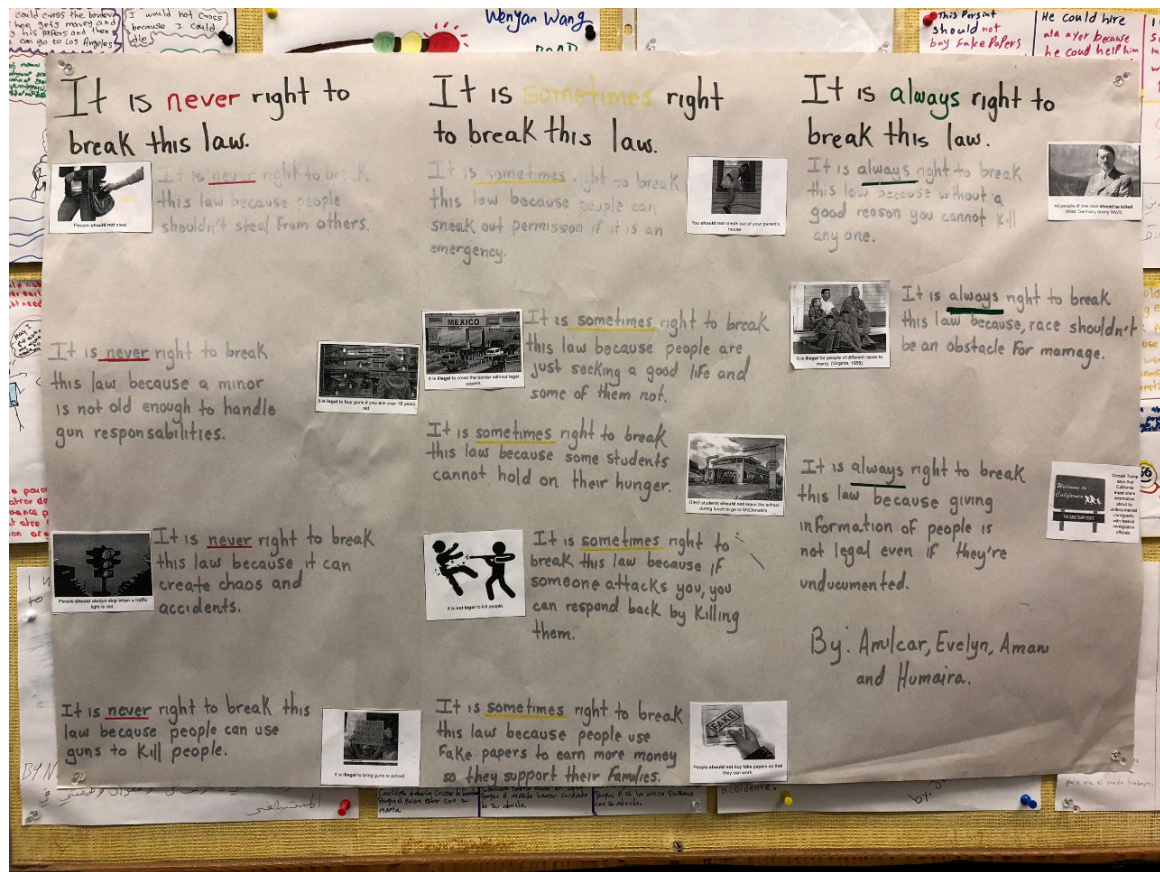




speed up	slow down	stop	red	yellow	green	traffic light

Once my students walked into the classroom, they were expected to translate any of the boxed words that they may not know into their home language and construct sentence-level writing using a “I see...”, “I think...” and “I wonder...” thinking routine. In a later classroom activity, I was pleasantly surprised to see students applying these color associations while collaborating on a poster activity reviewing ethical dilemmas three weeks later (see Figure 11 and its transcript).

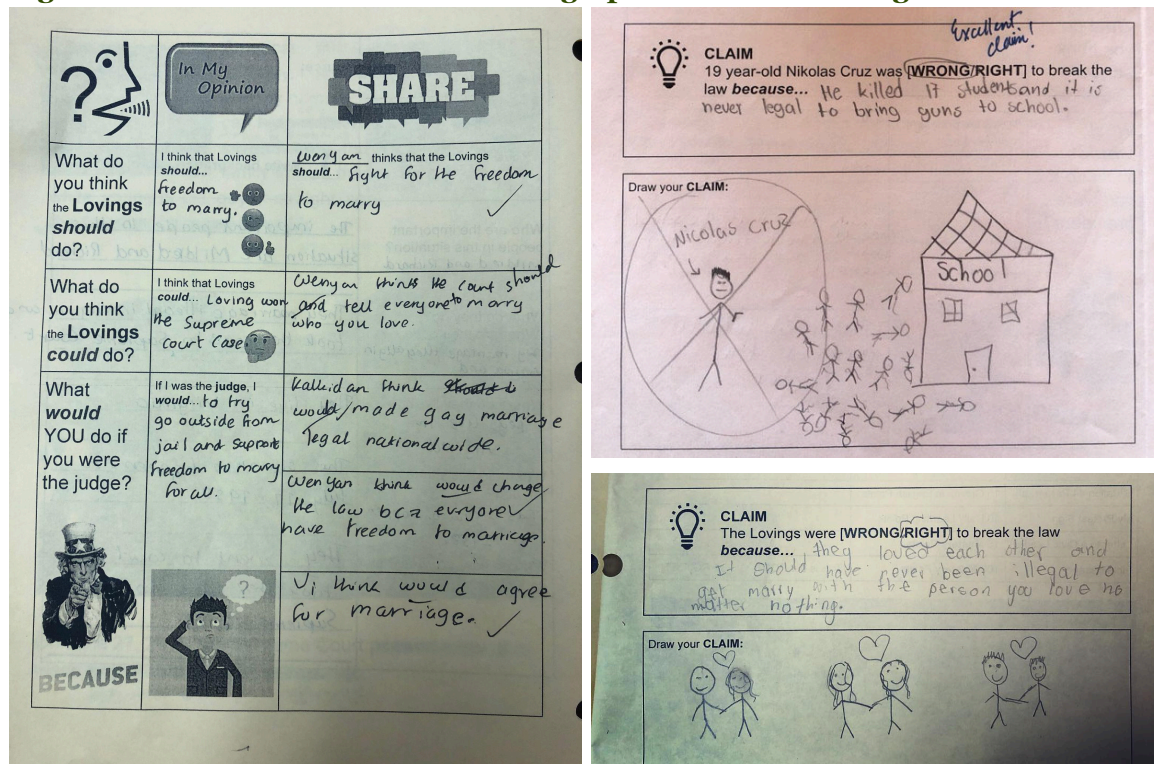
Figure 11 – “When is it right to break the law?” Group Poster



It is <b>never</b> right to break this law	It is <b>sometimes</b> right to break this law	It is <b>always</b> right to break this law.
<p>It is <b>never</b> right to break this law because people shouldn't steal from others.</p> <p>It is <b>never</b> right to break this law because a minor is not old enough to handle gun responsibilities.</p> <p>It is <b>never</b> right to break this law because it can create chaos and accidents.</p> <p>It is <b>never</b> right to break this law because people can use guns to kill people.</p>	<p>It is <b>sometimes</b> right to break this law because people can sneak out permission if it is an emergency.</p> <p>It is <b>sometimes</b> right to break this law because people are just seeking a good life and some of them not.</p> <p>It is <b>sometimes</b> right to break this law because some students cannot hold on their hunger.</p> <p>It is <b>sometimes</b> right to break this law because if someone attacks you, you can respond back by killing them.</p> <p>It is <b>sometimes</b> right to break this law because people use fake papers to earn more money so they support their families.</p>	<p>It is <b>always</b> right to break this law because without a good reason you cannot kill any one.</p> <p>It is <b>always</b> right to break this law because race shouldn't be an obstacle for marriage.</p> <p>It is <b>always</b> right to break this law because giving information of people is not legal even if they're undocumented.</p>

Visuals are an indispensable part of my design of a supportive learning environment for multilingual learners, as a visual’s semiotic richness can be strategically used as intentional scaffolds for multilingual learners to tap into multiple modes of meaning making. Before reading a text, I would facilitate classroom discussion through a “See/Think/Wonder” thinking routine, starting with a visual text that helped ignite interest while setting up the context for our classroom texts (e.g. Figure 10). The student packets I designed also included a page where students used the should/could/would modal verbs to draw out their thinking and to tap into the ideas of their fellow classmates (see Figure 12).

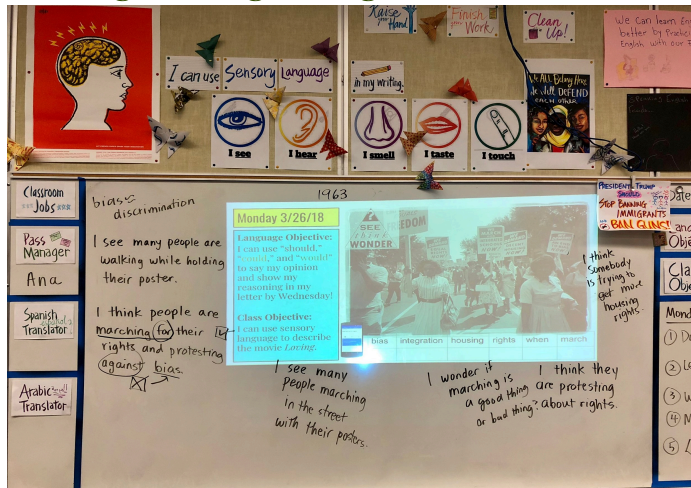
**Figure 12 – Classroom Work B: Sharing Opinions and Drawing a Claim**



When the students returned for their next class, I would facilitate a classroom discussion by using the “Should/Could/Would” thinking routine (see Figure 13) as an opportunity to review what they’ve read by sharing their opinions with their whole class. In response to every text that they read, all students were able to share their opinions with others before they began to “draw a claim” (see Figures 6 and 7).

In designing these classroom activities, I learned to interweave creativity and literacy into a multimodal *dialogue* that was verbal (speaking), shared (listening) and visual (drawing). As my students began drafting their essays, I observed how our argumentative essays were emerging from a *dialogic collage* (Flecha, 2009): their argumentative writing was a synthesis of multimodal artifacts from previous dialogues, piecing together their own cohesive argument in response to a pluralistic question. Through this process, I learned that argumentative writing can be taught as more than an academic skill—it can become a transformative “practice that constructs, and is constructed by, the ways language learners understand themselves, their social surroundings, their histories, and their possibilities for the future” (Norton & Toohey, 2004).

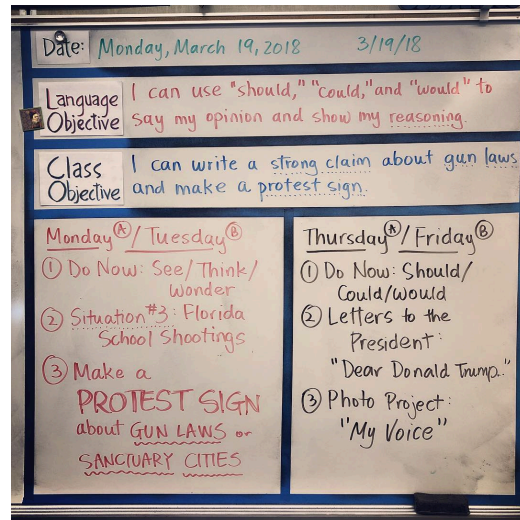
Figure 13 – Constructing Meaning Through Visual Texts



**Wednesday 3/21/18**

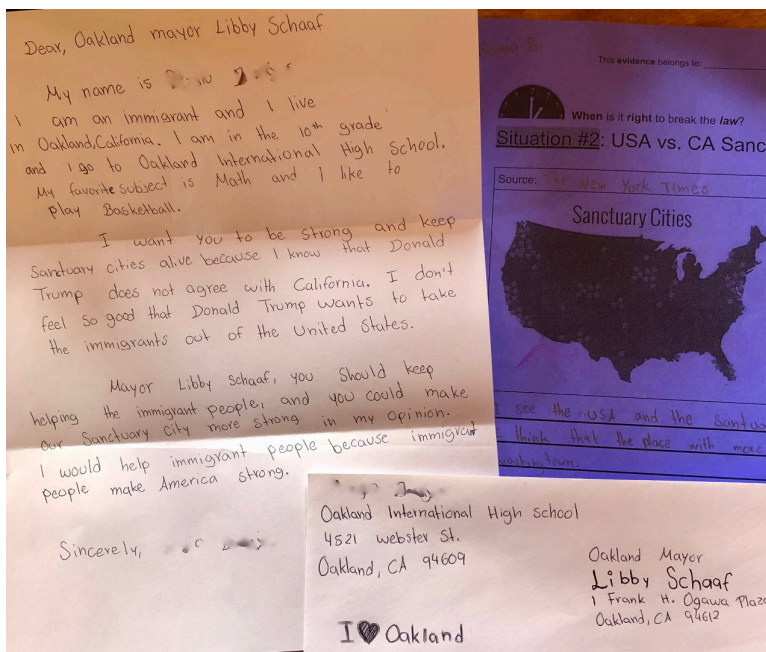
**Language Objective:**  
I can use "should," "could," and "would" to share my opinion about gun laws.

**Class Objective:**  
I can write a mastery paragraph to show my understanding of Situation #3 - Florida School Shooting.



Mini-projects naturally surfaced from our community of practice. After reflecting on what students wrote in their notebooks and handouts, we extended our thinking through sign making and writing a letter to our civic leaders. Carlos chose to write to Oakland Mayor Libby Schaaf about the importance of California sanctuary cities (see Figure 14).

Figure 14 – Focal Student Work B, Carlos' Letter



# Assessing the Argumentative Essay as a New Weave of Power

In May 2018, I submitted two key performance results as part of the required portfolio submitted by new teachers: Semester 1 Results: 77 out of 103 argumentative essays completed (less than **75%**); Semester 2 Results: 98 out of 105 argumentative essays completed (more than **93%**). Looking back at this data, I notice how these numbers fail to capture my students’ critical engagement in a democratic forum both inside and outside of their classroom. By looking closely at Carlos’ first draft of his argumentative essay, this analysis of a focal student’s writing was at first an assessment of how well my multilingual learners were able to weave their claim, evidence, and reasoning into a cohesive argumentative essay. By returning to Carlo’s argumentative essay ([see Figure 16](#)) as a teacher-researcher through the lens of critical autoethnography, I read Carlos’ essay as an expression of capillary power ([Foucault, 2012](#)). When thinking with VeneKlasen & Miller’s (2002) “new weave of power,” I put together a coding method ([see Figure 15](#)) that can show how Carlos weaves together “power over,” “power to,” “power with,” and “power within” in the paragraphs of his argumentative essay. What is particularly striking is that when I compare Carlos’ essay with my own dogfooding essay ([see Figure 4](#)), I underestimated the capacity of my struggling students to express power through argumentative writing. Carlos’ capacity to express “power with” when asserting solidarity with the immigrant community, and his expressions of “power to” and “power within” in his conclusion, have given me a new understanding of the phrase “language is power.”

**Figure 15 – A Teacher-Researcher’s “Rubric”**

	Summary	In Carlos’ Words	Instances
<b>Power Over</b>	A zero-sum structural power that privileges certain people while marginalizing others	laws are important, stop, criminal, control, bad decisions, prohibits, <u>should</u> , can’t, good laws, police, arrest, protect, jail	1 - IIIII 2 - II 3 - IIII 4 - I 5 - III
<b>Power To</b>	The power to speak, take action, and shape one’s life and world.	I, <u>would</u> , if I was a/the..., change the law, <u>should</u> [change], in my opinion, I think, I follow laws that..., makes me think, support	1 - 2 - I 3 - I 4 - II 5 - III
<b>Power With</b>	The power to find common ground and community with others.	we, they, the people, break the law, ourselves, our rights, _____ was right to..., <u>could</u> , can’t, shows, <u>should not</u> , are right to now follow, protect, loves, <u>can</u> ,	1 - II 2 - II 3 - III 4 - IIIIIIII 5 - IIIII
<b>Power Within</b>	A person’s sense of self-worth and self-knowledge – tapping into one’s hopes and dreams to discover a power <i>to</i> and power <i>with</i> .	I, <u>would</u> , if I was a/the..., change the law, <u>should</u> [change], in my opinion, I think, I follow laws that..., makes me think, support	1 - 2 - I 3 - I 4 - II 5 - III

**Figure 16 – “When is it right to break the law?” [Carlos’ First Draft, 10th Grade, End of Second Semester]**

*When is it right to break the law?*

Laws are important in the world because that's how we can avoid all the bad things, stop the person who is a criminal and control all the people who make bad decisions. Some people break the law because sometimes they want to enjoy the things that the law prohibits them. Also sometimes the people break the law because they need something and they don't have more options how to get it. People should follow the law because it is for your own good that you are aware of the bad things the law protects us a lot so we should follow the rules that is good for us. It is sometime right to break the law if we need to protect ourselves and our rights.

In the movie “Under the Same Moon,” Carlitos was right to break the law because he can't stay in Mexico alone because it is not safe for him. Carlitos crosses the US-Mexico border to find his mom after he grandmother died, this is happened in 2007. The law says that we can't come in USA if we don't have paper Carlitos break the law by crossing the border illegally. In my opinion, Carlitos should came with a adult. I think that Carlitos could get lost when he came to USA. Also I would to find a lawyers and help Carlitos to be legally. This situation shows that it is sometimes right to break the law because if you are alone in your country, you can't stay alone because is not safe.

In the case of *Loving vs Virginia* the Lovings were right to break the law because the law should not be racist with people who love each other and let people married when they want. Richard and Mildred want to married and they married but the police man entered in their home and arrest them, because in Virginia is illegally to black and white people to got married. Richard and Mildred got married in Washington D.C but they moved back to Virginia and people there were racist. They think that Richard and Mildred break the law to married with black people and white. In this situation breaking the law is good because they fought for love for love and didn't want to racist the judge should let people get married over 18 years doesn't matter their skin color. Lovings could struggle for their love. In my opinion if I was a judge I would change the law to no more racist people. This situation shows that it is always right to break the law because we have the right to get married with ever we love.

In the situation *California and sanctuary laws*, California officials are right to not follow United States law because they want to welcome the immigrants in their states, for many immigrants in their country doesn't have a better life and there more opportunities here. In this situation California want to protect undocumented immigrants from being deported, but United State and Donald Trump wants to sued California because of immigrants laws. In this situation federal U.S should tell to the immigrants that they are safe and they can help how can be immigrants legally. California don't follow laws of the U.S because California loves immigrants. In my opinion I think that Donald Trump should to understand that we need better life. I think that California would protect more the immigrants. If I was the superintendent I would talk with Donald Trump to stop think bad to immigrants and focus more of what U.S need to improve. This situation shows that it is sometimes right to break the law because we know very well that immigrants need protection. California understand us that we need a better life and opportunity and that we don't have in our country.

It is sometimes right to break the law if we need to protect ourselves and our rights. It is important to learn about this topic because that's how we can prevent the bad decisions and the law protect us a lot from everything bad in society with the family that nothing bad happens to us in life. This will help me a lot in the future because I want to protect my family from something bad that happens to me I support and I follow the laws that protect me. This makes me think that in our life is very good to follow the good laws, also the good laws make us happy because we know that a law can protect us from bad things. For example if I going to the jail and in the future I want a job the manager will review my file and I do not think he will give me work just because I went to the jail and they will not trust me.

[first draft completed on May 15, 2017]

## Afterword: Towards a Sustainable Metaphor for Language Education

By retroactively going over the play-by-play development of the design of this argumentative writing unit, I show how my presence – as a teacher-designer – embodies the complex intricacies of caring design. My choice of making my voice apparent throughout this design autoethnography demonstrates how the presence of a caring educator could transform a pre-existing available design for compliance into a new “available design” that enacts a learning environment that is rooted in curiosity rather than complicity – a caring design that strives to create a space of belonging for our most vulnerable students. While all teachers are required to teach content through disciplinary expectations and standardization, we can use our design thinking to re-interpret and re-design the “onto-epistemic actions” and what “axiological horizons and social futures are made possible” (Bang, quoted in [UMD INFO College, 2021](#), 6:52).

In the context of a classroom, caring design is a creative and responsive process of curricular and instructional enactment that emphasizes the nurturing role of educators when responding to needs of their learning community. By integrating care with design, we, as educators, have the power to critically re-read the expectations and standardization of our disciplines. By understanding how these available disciplinary designs often impose a logic of compliance, we can then agitate towards curiosity by responding to the needs of our learning community while also centering our redesigns on the educational needs of our most marginalized students. By tapping into our capillary power as educators ([Foucault, 2012](#)), we extend the learning of our content area to those who have been sociohistorically oppressed or ignored.

This design autoethnography illustrates how caring design is a continually adaptive design process. When curating content for multilingual learners, caring design is a flexible approach rather than a one-size-fits-all solution. Further strategies include clarifying one's philosophical stance on curriculum design, integrating caring and critical teaching practices, and using multimodal methods when working with multilingual learners (refer back to the early section on Recommended Design Heuristics). Many of these strategies can be applied to other subject areas. All teaching and learning is political and ethical ([Bang, 2020](#)), and this transformative experience in redesigning an argumentative writing unit demonstrates the power that teachers have when it comes to the design of learning environments. By learning how to respond to my students' linguistic diversity and alterity ([Alexander & Rhodes, 2014](#)), I learned to “teach [my] non-traditional students—and ultimately all students—more effectively” ([Smitherman, 1999](#), p. 67).

In writing this design autoethnography, I was inspired by [Flores and García's \(2017\)](#) metaphors of the shifting zeitgeist of bilingual education: from “the racialized basements toward the commodified boutique” (p. 25). This metaphor also pointed me to [García's \(2009\)](#) extended metaphor of the different modes of educating multilingual learners. By using a unicycle, a bicycle, and all-terrain vehicle to illustrate subtractive, additive, and dynamic bilingualism, García argues that teachers have the power to choose which vehicle their classroom is going to run on. When thinking my students' *linguaging* practices, I often return to [García \(2009\)](#) metaphor of the “all-terrain vehicle whose wheels extend and contract, flex and stretch, making possible, over highly uneven ground, movement forward that is bumpy and irregular but also sustained and effective” (p. 45).



While these metaphors (see [Figure 17](#)) are helpful in illustrating the political and neoliberal realities that exist in monolingual/bilingual/plurilingual education, I wanted to create a metaphor that speaks to my ever-shifting pedagogical position in language teaching. Looking back at my classroom as a “powerful site of policy negotiation” where “pedagogies practiced and texts produced in the classroom can reconstruct policies ground up” ([Canagarajah, 2006](#)), I envisioned my classroom as an island existing within the archipelago of the Internationals Network for Public School — a network of 31 schools and institutes in the US with the mission of transforming education for multilingual learners. Languages and languaging are living technologies, and words like “should,” “could,” and “would,” are tools that can keep us grounded on our island or inspire us to sail to new places.

### Figure 17 – Towards a New Metaphor for Language Learning

Figure from García & Kleifgen (2010)



Towards a New Metaphor



In reflecting on how I learned to teach English as a *lingua mundi* within this context, I likened it to learning to operate an English vessel within a vast ocean of languages. My students’ *languaging*, like the wind, was ever shifting and changing. While I could interpret this vessel as a barge that chooses to bear towards a predetermined direction, this would fail to respond to my students’ *languaging* winds (see [Figure 18](#)). In interpreting this English vessel as a sailboat, I began teaching my dynamic plurilingual learning community as an inexperienced sailor, pretending to be captain while also learning ways to adjust the sails of this English vessel. While struggling to keep this English vessel afloat, I realized that I needed to remain critical while learning language teaching strategies. Learning (and often failing) to sail this English vessel forced me to expand beyond the traditional curricular maps. Rather than forcing my crew to navigate towards standard and academic English, we journeyed in the ocean of language, harnessing our imaginations and active participation when making decisions as to where we should direct this vessel’s bow. I got better at being the captain of this vessel by responding to my crew’s needs and remaining aware of the wind of *languaging*, reorienting the vessel’s sails when navigating this vast ocean of language. While I continued to use English instructions to let my crew know where we needed to steer, I avoided mutinies by working with the crew leaders who helped translate my instructions while also helping me keep an eye out on the *languaging* winds. Although I’ve confronted a few storms, I’ve also learned how to collaborate with my crew in redesigning and repairing this vessel, transforming it into a more user-friendly vessel that better responds to the winds of *languaging*. As captain of a transformed *lingua mundi* vessel aware of the shifting winds of *languaging*, I look at the ocean of language and realize, “Oh, this is water.”

Thinking about the sociohistorical dimensions of the English language, I remain conscious of the fact that English vessels continue to operate as tools of domination that reach back to the time of European imperialism (see [Figure 18a](#)). In learning how to teach in a dynamic plurilingual learning community, I learned how to hack a *lingua mundi* vessel, “resisting linguistic imperialism in English Teaching,” ([Canagarajah, 2006](#)) through curricular redesign, remixing the lockstep language teaching approaches (Bartolomé, 2010) so that I could harness the power of the ever changing *linguaging* winds. Like the boat-making youth of Brooklyn Boatworks (see [Figure 18b](#)), we become the independent makers who co-construct our own *lingua mundi* vessels, disrupting imperialism while learning to sail in the ocean of language. While our *lingua mundi* vessels are far from perfect, we do have a small armada that is still growing in size.

I end this design autoethnography with a clarion call: let us continue to find new ways to nurture the moral imaginations of our learning communities. By confronting injustices by relating to the learners with the most need, teachers have the power to design learning environments that nurture relations of solidarity as a basis for community-responsive education ([Duncan-Andrade, 2022](#)) and transformation.

**Figure 18: Towards the Past and the Future**

18a. Painting by Wilhem Berrouet



18b. Photo © Brooklyn Boatworks



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## About the Author



**Nico Chen** ([pathsforeverie@gmail.com](mailto:pathsforeverie@gmail.com)) is the current manager of writing and literature programs at [Mechanics' Institute](#) in San Francisco. This autoethnographic work details his experience teaching English Language Arts at [Oakland International High School](#) (OIHS) prior to the COVID-19 pandemic, and is currently adapting the "When is it right to break the law?" argumentative writing unit for an ESL class at [College of Marin](#). During the pandemic, Nico returned to OIHS to conduct ethnographic research through his research project, *Caring Designs for Multilingual Learners*. This research highlights *community making experiences*: through art, food, stories, this caring design has the potential to foster belonging and multiliteracies among English Language Learners and transform this community of practice into Multilingual Multicultural Makers. His teaching career has spanned several countries, including China, Kazakhstan, Myanmar, Senegal, and Taiwan. His work and projects can be explored in more detail at [pathsforeverie.com](http://pathsforeverie.com).

## Footnote

1. *dogfooding*. a term that's been used for years among software developers and it refers to the act of using your own product *as a consumer* in order to work out its glitches, the metaphorical equivalent of "eating your own dog food." (Gonzalez, 2015) [[ref](#)]

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