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Guide to New Resources

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Migration and U.S. Citizenship: A Curriculum Proposal

A review by Walter C. Parker University of Washington, Seattle (Emeritus)

Banks A. M. (2021). *Civic Education in the age of mass migration: Implications for theory and practice*. Teachers College Press. 160 pp., \$33.90 (paperback), ISBN: 978-0807765791; \$105.00 (hardcover), ISBN: 978-0807765807.

Citizenship is a kind of membership—the political kind. And in a society that is trying to sustain a democracy, citizenship entails a way of relating to other

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citizens—resolving conflicts with dialogue, persuasion, elections, and respect but not violence. "Speech takes the place of blood, and acts of decision take the place of acts of vengeance" (Pocock, 1998, p. 32).

Citizenship has long been associated with territory. One can be a member of other kinds of communities, such as a faith community or a profession, without implying location. Catholics and Buddhists, for example, can be found almost anywhere, their location peripheral to their membership. But to be a citizen is to belong lawfully to a territory that is a political community. Arendt (1968) wrote that a citizen "is by definition a citizen among citizens of a country among countries." And a citizen's "rights and duties must be defined and limited... by the boundaries of a territory" (p. 81). *Must be.* Arendt is expressing not a preference but a fact. Membership in a territorial state—a nation—is what gives a person, as she put it, "the right to have rights."

Citizenship designates who is and isn't a member of a polity. DREAM activists may be living *in* the United States, and they may feel "at home" here but, in fact, while they *are* "at home," they are not *citizens*. They have not been granted the status of lawful membership. This may be wrong or right—it is an ongoing policy controversy about which people have strong feelings. It is but one example, world—wide, of conflict over the boundaries of citizenship.

To think critically and ethically about who can be a citizen of the United States, who ought to be, and on what terms, is the subject of Angela Banks's needed, erudite, and carefully organized book, Civic Education in the Age of Mass Migration. Banks approaches civic education from the field of legal studies where she is a distinguished professor of law at the Sandra Day O'Connor College of Law at Arizona State University.

Banks seeks to expand the purpose, scope, and inclusiveness of civic education. She proposes a civics curriculum that not only teaches the knowledge and skills that citizens require but also provides students the opportunity to examine the meanings and boundaries of citizenship itself. "The line between citizen and noncitizen, the criteria for citizenship, the goals achieved by drawing the lines as they are, and the need for a line in the first place are questions addressing the boundaries of citizenship" (p. 1). She proposes that the concepts *migration*, *membership*, *citizenship*, and *citizenship status* become regular and explicit subject matters of civic education. She concentrates on two questions: Who gets to be a citizen? And on what values and laws is that decision-based?

Banks observes correctly that conventional civic education (or what traditionally has been called "citizenship education") has ignored these topics. The main reason is that civic education typically has focused on life *inside* the political community. The life inside, for citizens, is important, of course. It includes knowing and caring about many things: the rights and duties of citizens, elections, interest groups, political parties, protests, the separation of government powers into branches, checks and balances, federalism, inequality, incarceration, and struggles for the franchise, both historical and contemporary. But emphasizing the internal life of the political community, Banks writes, "ignores issues related to the *threshold* of the community" (p. 39). These threshold or admission issues involve member/non-member boundary lines: Who is included in the political community, who is excluded, and why? Furthermore, what are the procedures and policy shifts needed to admit at least some of those people currently being denied, such as long-term unauthorized residents like DREAM activists?

Across four chapters and an appendix containing primary documents for classroom activities, Banks lays out a curriculum proposal with four objectives. Note the interplay of knowledge and values. Students will

- know the boundaries to membership in the United States and access to citizenship status;
- know the foundational values (shared goals) governing membership in the United States;
- examine the boundaries in light of these values; and

 think creatively about how to narrow the gaps between the boundaries and the values.

Rationale

Banks's curriculum rationale is twofold. One concerns students, and the other subject matter. First, right there in a school classroom are youth of various membership and citizenship statuses. Unauthorized immigrant youth are likely to be there alongside authorized immigrants, non-immigrant visitors, and citizens. Some students may be the children of low-wage foreign workers, others the children of naturalized citizens, others the children of lawful permanent residents, green card holders, and more. This mixture of statuses is especially relevant in social studies classrooms where law, immigration, government, history, and economics are the explicit subject matters. Banks cites Dabach's (2015) and Dabach et al.'s (2018) groundbreaking research for its attention to this mixture. These researchers ask: How do teachers teach about citizenship when they believe that some of their students are unauthorized?

There is a second aspect to Banks's rationale. She believes the topics of membership and citizenship boundaries are important in their own right and deserve space in the civics curriculum. She cites political philosopher Kymlicka (2017) who believes that a central task of civic education "is not to evade the distinction between members and nonmembers, but to think in a critical and ethically responsible way about the diversity of people who belong to society" (p. 6). From the array of topics that potentially could be included in a civic education curriculum, concepts and questions of membership and citizenship deserve space. They are important, even urgent. And they are rich: These concepts and questions are at once practical, legal, empirical, and ethical matters. Race, class, and gender categories are pertinent. For the students themselves, like the rest of us, the fact of residence—where we live now—is a defining, existential matter.

The Immigrant Labor Paradox

Banks is keen to draw readers' attention to what she calls the "immigrant labor paradox." The paradox is that current law authorizes employers to hire low-wage foreign workers to labor on their farms and in their factories, making long-term residents of many of them, but creates no pathway for them to become citizens with citizenship rights and privileges. Banks explains:

Low-wage foreign workers are critical for the economic growth and development of American society, yet they are viewed as a threat to American society and denied consistent access to American citizenship. This is a paradox that prevents the 11 million unauthorized migrants in the United States from accessing the legal status of citizen. (p. 19)

By framing this situation as a paradox–a contradiction or puzzle–Banks leverages the normative principles of democracy against the rapacious forces of capitalism. Owners get their desired workers, yes, "but in a way that requires the workers to remain on the periphery of society without a pathway to *de jure* (legal) membership" (p. 29). Current law and law enforcement cooperate in this scheme by granting temporary work permits or, sometimes, looking the other way.

Justice demands a response to this paradox. In addition to proposing these concepts and questions for teaching and learning in civic education programs, Banks proposes in chapter three a policy shift toward a more inclusive conception of membership. This conception is based on the "social fact of membership," known in legal studies as the *jus nexi* principle. According to this conception, citizenship boundaries should be changed to accommodate a person's actual, lived connections to the place rather than drawing them based on bloodline or birthplace. Banks writes:

Citizenship status does a poor job of accurately identifying members of American society. This approach to membership fails to identify long-term residents who lack citizenship status but who actively participate in American society and have significant connections to American society as members. (p. 48)

Accordingly, long-term residents would be admitted to the political community because they already are, in fact, participants in the society and because they experience themselves that way. On this principle, the identity assertion "I am an American" makes a person an American. DREAM activists provide the clearest example today of this identity-based approach to membership. While lacking legal immigration status, these unauthorized immigrants *feel* that they belong, and they are connected to the society in myriad ways. They have been fighting for lawful immigration status and a pathway to citizenship "because they see themselves as Americans" (p. 41).

Banks draws on legal scholar Bosniak (2006) to bolster her argument for a pathway to citizenship for long-term residents. Bosniak, in *The Citizen and the Alien: Dilemmas of Contemporary*

Membership, presents a typology of citizenship with four dimensions: identity, legal status, rights, and participation. She brings attention to a particular dilemma: When we redraw the boundaries of membership, allowing greater access to these four dimensions for long-term residents, do we not then undercut the community, the bounded affinity, felt by and with those who already are fellow citizens? Do we not threaten the necessary civic partnership and solidarity and the very idea of community? The warmth and safety of belonging are valued social goods, not dispensable luxuries; humans need to belong if they are to survive and flourish. But, Bosniak asks, is this concern for the feelings and comradery of insiders not merely a form of xenophobia mixed with "selfishness, self-interestedness, or indifference" (Bosniak, p. 206)?

There's the rub: Community belonging and membership are, by definition, both inclusive and exclusive. Like any fence or gate, they have two sides. The inclusionary and exclusionary dimensions of citizenship collide in this value tension, and there is no easy way around it.

Banks does not resolve this dilemma but proposes that students examine it as part of their civic education. This is her curriculum proposal. However, she does take a side. She advocates greater inclusiveness and, therefore, expanded membership, and she bases her case on the jus nexi principle. In her analysis, capably elaborated in chapter three, the *jus nexi* principle is based on the foundational democratic principle of popular sovereignty. According to this principle, anyone who is affected by a governmental decision has a right to participate in making that decision. (Governments derive their legitimacy, as the Declaration of Independence states, "from the consent of the governed.") Banks then extrapolates: "Popular sovereignty demands, at a minimum, that unauthorized migrants, particularly long-term residents, be viewed as members of the polity and entitled to participate in governance" (p. 51). To base it otherwise, as now, on "racial hierarchy, patriarchy, and capitalism ... contradicts the stated principles on which the United States was founded" (p. 37).

Wisely I think, Banks does not suggest that teachers advocate the *jus nexi* principle. Rather, she wants teachers to give students the opportunity to learn it. She suggests that students consider these questions:

(1) Does the *jus nexi* principle do a better job of achieving the purposes and goals of membership within a democratic society?

- (2) Does the application of the *jus nexi* principle create new problems of exclusion that do not exist within the current approach to citizenship?
- (3) How can the *jus nexi* principle be operationalized?
- (4) Is it practically possible to utilize the *jus nexi* principle to allocate the legal status of citizens? (p. 56)

Classroom Activities

Banks devotes fully half of the book's pages to five classroom activities that explore the boundaries of membership and belonging. Each is tied to a specific case ranging from 1943 to today. In each of the five cases, membership decisions were made that determined access to resources, from jobs and financial assistance to rights themselves. In Table 1, I outline the activities that Banks proposes. I highlight the topics, central concepts, the gist of the student activity, and the accompanying primary sources.

Table 1. Five Lessons on Citizenship and Immigration Status

The five activities involve both curriculum (the what of the lesson) and instruction (the how). On the curriculum side are the core concepts, guiding questions, and primary sources. The instructional side includes reading complex texts, role-playing, and discussion. Additionally, Banks anticipates student discomfort with the material and addresses it. Psychological discomfort is probable, she believes, because the activities are likely to upset students' identities and prior beliefs. The resulting "cognitive dissonance" (p. 59) will arouse students' self-protective strategies, and these will shape how students process the information provided in the documents and how they engage in discussion. Consequently, Banks believes an orientation is needed before each activity-a kind of advanced organizer-to mitigate discomfort and defensiveness and prevent them from derailing the lesson. Her strategy is to affirm what she believes students have in common: a shared commitment to the superordinate American creedal values of liberty, equality, and justice. "Reminding students of their identity as individuals who are

Topic	Concepts	Activity	Primary Sources
1. Repealing the Chinese Exclusion Act	-race -citizenship and immigration status -naturalization -values and norms	Role-playing members of House Committee on Immigration and Naturalization during WWII, students deliberate, in small groups, the question "Should the repeal bill move to the entire House?" Eight sub-questions guide the deliberation.	Congressional testimony (1943) of Pearl Buck (pro) and James Wilmeth (con)
2. Gender and Citizenship Acquisition	-birthright citizenship -gender and the Equal Protection Clause, 14 th Amendment	Role-playing members of Congress, students deliberate, in small groups, how to rewrite the rules governing citizenship acquisition for children born abroad to an unmarried citizen. Eight subquestions guide the deliberation.	Sessions v. Morales-Santana, Supreme Court (2017)
3. Analyzing Narratives in the Immigrant Rights Movement	-immigration status -narratives of advocacy for unauthorized migrant youth (e.g., DREAMers) -pathways to citizenship -frames and framing -conceptions of membership	Students find and compare narratives of immigrant rights activists that use different frames, and then respond to five questions, e.g., How is membership conceptualized in this narrative?	Documents are suggested but not provided.
4. Low-wage Worker Admissions	-Immigrant Labor Paradox -'W' visa program -guest worker program -permanent & temporary resident status -low-wage noncitizen laborers	Small group and whole-class analysis of a short excerpt focused on the Immigrant Labor Paradox and conceptions of membership. Six questions guide the reading, e.g., How are the interests of employers and workers addressed with the nonagricultural 'W' visa program?	American Immigration Council Guide to Senate Bill 744 (2013)
5. Essential Workers	-essential worker -conceptions of membership	Students compare conceptions of membership in two pandemic relief programs, one federal and one state. Six questions guide the reading, e.g., Who is viewed as a member of American society?	-White House press release -CARES Act -California Disaster Relief Fund (2020)

committed to these values before beginning the (lessons) and then framing the (lessons) as opportunities to explore these values has the potential to minimize students' psychological discomfort' (p. 60).

I appreciate Banks's recognition of the likelihood of student discomfort and her suggestion for addressing it. I know and admire good teachers who teach controversial current issues precisely because they are in the news and debatable and, therefore, generate student interest which can then be channeled into learning the concepts and questions at hand. Curricular rigor, relevance, and student engagement are thus combined—the serious teacher's holy grail. But I also know and admire teachers who avoid this subject matter because they don't want to make vulnerable students feel uncomfortable. Additionally, they don't want other students to silence themselves on the very concepts and questions that are at the heart of the curriculum. These teachers are well aware that microaggressions are likely for some students but that others will stifle their own views, whether to not make other students uncomfortable or to avoid being ridiculed for expressing an unpopular opinion. Immigration and citizenship are, after all, matters of heated policy disputes. Opposing views on these matters are likely to exist in classrooms as they do outside of school. And let us not forget that we have had a president who launched his first candidacy in 2015 with a speech calling immigrants "drug-smugglers" and "rapists" and promising to "build a great, great wall." Despite such brazen fear-mongering, stereotyping, and xenophobia, he won the election. Americans by the millions support his discourse. Our society is polarized on the matter of citizenship boundaries, and I imagine that most students, not just a few, will have cause to feel discomfort with such activities, and for different reasons.

Banks's introductory orientation may be of some help, but its assumption that students share a set of foundational values is questionable. That cornerstone of democracy, I am sorry to say, may now be cracked (e.g., Mason, 2018) or it may never have existed (Mills, 1999). In any case, and shifting now to a parallel concern, teachers cannot overlook the instructional support students will need as they move from Banks's orientation into the thick of her learning activities. Here, students must work to understand the issue, comprehend the documents, grasp the concepts, exchange interpretations with classmates, and form their own arguments. Getting this work from students, prompting and facilitating it, will require robust instructional practices. Those teachers who do take on teaching controversial issues aren't merely brave and daring; they are

buttressed with instructional know-how that is based on a trove of research and practice. So, allow me to conclude this review by suggesting two instructional strategies that should boost student learning in Banks's activities.

Instructional Supports

First up is Structured Academic Controversy (SAC). Originally developed as a cooperative learning strategy that takes advantage of the interest generated by intellectual conflict in the classroom (Johnson & Johnson, 1988), SAC is both a discourse structure (it organizes student discussion) and an instructional procedure (there is a sequence of learning tasks). Rather than avoiding controversy, SAC mobilizes it as a learning opportunity, but also controls it and deepens students' understanding of the issue itself. SAC is somewhat similar to debate; however, the entire procedure occurs in a small group of four and there are no winners or losers. I have used it in my own teaching, revised it along the way, and taught novice and experienced teachers to use it in their classrooms. I am routinely impressed by the depth of thinking a SAC provokes and the literacy work it accomplishes. I appreciate its suitability for rigorous curriculum goals, such as Banks's concepts and questions, and its promotion of reasoning with evidence and respect for multiple perspectives. Let me suggest a few ways SAC can be incorporated into Banks's first two activities, and then I will move to Banks's next three activities and focus on a second strategy: the Socratic Seminar.

Activities I and 2

The first two of Banks's learning activities (see table) require a kind of discussion called *deliberation*. A deliberation is a discussion aimed at deciding on a course of action. Deliberation—with others, in public—is the basic democratic function of juries, legislatures, city councils, and committees of all sorts (Gastil & Levine, 2005). In the first activity, Banks invites students to role-play members of Congress who are deciding, during World War II, whether to advance a bill that would repeal the Chinese Exclusion Act of 1882. China was an ally in the war, but opposition to repeal was widespread on account of racism and fear that Chinese

¹A sample: Barton and Ho (2022), Beck (2013), Camicia (2007), Conrad (2019), Dabach et al. (2018), Garrett and Alvey (2021), Hess (2009), Journell (2017), Larson (2022), Lo (2017), McAvoy (2017), Pace (2021), Parker (2010), Sibbett (2018), and Smith et al. (2021).

immigrants would take jobs from U.S. citizens. Students' deliberation is informed by reading two congressional testimonies given in 1943, one supporting repeal and the other not. In the second activity, students decide whether and how to rewrite rules on birthright citizenship. Their deliberation is based on reading an excerpt from the 2017 Supreme Court decision, *Sessions v. Morales-Santana*. This case focused on children born abroad to U.S. citizens, and it involved a law that favored mothers over fathers. (Justice Ruth Bader Ginsburg wrote the decision overturning that law.)

SAC makes a controversial issue like this one accessible to students by reducing the number of alternatives initially to two,² and then structures the deliberation as follows. First, the teacher assigns students to teams of four, which are then subdivided into two pairs. Each pair is assigned to a position on the controversy—one side or the otherand asked to role-play advocates of that position. Next, each pair prepares reasons and evidence to support their position. They get this information from the primary documents Banks provides. The partners in each pair will work alone and together to read and interpret the information provided to create a presentation, which they will share with the other pair of students on their team. The pairs will take turns making their presentation to each other. Next, the pairs reverse perspectives; that is, each pair presents the other pair's argument to make sure they understood it. The point here, of course, is to grasp the facts and logic used by both sides. A general discussion then unfolds, and finally, students are invited to drop their assigned positions and express their own views on the matter: "What do you really think? Feel free to change your mind." (See Parker, 2022).

SAC is an effective *learning* activity. The small-group participation structure, the preparation and presentation of evidence and reasons in pairs, and the reciprocity of role assignments are all a boon to student interest and engagement. Most important, however, is that students are supported to learn important and challenging material.

Still, Banks's caution about student discomfort and the risk of further marginalizing already vulnerable students must be taken seriously. Banks's affirming orientation to each activity and SAC's clever sequence of tasks may help, but teacher judgment is (as always) indispensable. No one's humanity or dignity should be put up for discussion, certainly; and students shouldn't be asked to play untenable roles. Teachers will need to judge whether role-playing is acceptable in either case. At any rate, the same documents can be read critically and discussed without the role-playing, which takes us to a different instructional strategy.

Activities 3-5

The next three of Banks's classroom activities require close, interpretive reading of textual material, but without role-playing. Unlike deliberations, these activities do not involve deciding a course of action but, more basic than that, comprehending the texts. They focus squarely on understanding the concepts and information in the primary documents that Banks provides. Students read and analyze them with the aid of the guiding questions Banks provides along with an interpretive dialogue with other students.

In Banks's third activity, students compare arguments that advocate membership for unauthorized migrants. What meanings and assumptions do the arguments stand on? This activity centers on the sociological concept framing (Goffman, 1974) and is perhaps the most difficult of the five activities because students will need to develop the concept in order to identify it in various texts. This is a tall order. Furthermore, students (or their teacher) will need to locate the texts they will examine since they are not provided in the book's appendix (as are the documents for the other four activities). Still, the activity is compelling. Not only is the concept useful for understanding rhetoric used in the DREAM movement but in any social movement or campaign. Framing is the way a speaker presents a message to an audience by locating it in a particular field of meaning, thereby shaping the sense the audience will make of it. While Trump and his media resonators framed Mexican immigrants as criminals, DREAM activists often frame themselves as ideal Americans: hardworking, law-abiding, dedicated to their studies and their families, budding professionals and civil servants, patriotic to the core. They express this narrative in hopes of gaining access to citizenship status. But, as Banks notes, and this is the comparison at the heart of this third activity, there is disagreement among DREAM activists themselves as to the ethics of this frame. Some oppose it on the grounds that it has the unintended consequence of blaming DREAMers' parents. Likewise, it marginalizes other immigrants who are older and less educated and cannot compete well with the young activists.

²Most controversies have more than two "sides," of course. Strategically, SAC simplifies the controversy to two positions to reduce the difficulty level, making the controversy accessible to more students. It can be re-complicated after the SAC lesson, at which point students will have enough background knowledge to make sense of the additional information.

Banks's fourth and fifth activities also rely on close reading of primary documents, and these are provided in the book. In both activities, students grapple with conceptions of membership and belonging as applied to low-wage workers, a significant number of whom are unauthorized immigrants. The fourth activity focuses on the Immigrant Labor Paradox. Students read and discuss a description of the unsuccessful U.S. Senate Bill 744, developed by the bi-partisan "Gang of Eight," that would have reformed the immigration system in 2013. (The bill died in the House.) The fifth activity concentrates on "essential workers" during the Covid-19 pandemic, many of whom are long-term residents without citizenship status. Students compare two relief acts of government in 2020: the federal government's CARES Act and California's Disaster Relief Fund. The latter provided financial assistance to a broad group, including unauthorized migrants; the CARES Act did not include them.

A suitable instructional strategy is needed in these three activities where the goal is for students to read and then analyze together the information contained in primary documents. I believe the Socratic Seminar is a good candidate because it is structured to support close reading of Banks's documents and productive discussion of their meanings. In a Socratic Seminar, students learn with and from each other while interpreting one or more such texts (Kohlmeier, 2022). Additionally, the Socratic Seminar invites students' values into the discussion. For a seminar, the teacher plans two kinds of questions: interpretive questions, which prompt close reading and analytic discussion of portions of the text; and then evaluative questions. which ask students to make judgments based on their values. There is an art to asking the right kind of question at the right time, of course.

Finally, because close reading is necessary for all five of Banks's activities, the provision of reading support cannot be overlooked. Reading skill varies widely in classrooms, and complex texts anchor each of Banks's activities. Fortunately, both SAC and Socratic Seminar scaffold the hard work of reading for understanding (e.g., Greenleaf & Valencia, 2017). Such supports are essential if the concepts and questions at the center of Banks's proposal are to be accessible to all students.

Conclusion

Angela Banks has written a book that proposes powerful concepts and questions for the civic education curriculum. These subject matters are long overdue. *Migration, membership, citizenship,* and

citizenship status need to be integrated with the conventional curriculum of civic education so that the thresholds of membership—the inclusionary and exclusionary boundaries of citizenship—are examined alongside the rights and responsibilities of those already included. Long-term residents, especially low-wage essential workers, need pathways to membership; and the injustice of the Immigrant Labor Paradox demands repair immediately.

For any curriculum to be powerful and worthy of its teachers and students, its central aims, concepts, and questions need to be identified and then made squarely the focus of instruction. An obvious point, perhaps, but rare in practice. Curriculum committees and textbook publishers routinely take refuge in curricular breadth to offend no one, and they shy from singling out topics for in-depth study. Banks's proposal, by contrast, is bold and focused. Its objectives, concepts, and questions are explicit and limited and together make a coherent unit of study. Additionally, Banks devotes half of the book to pedagogy, making it a practical resource for teachers, especially those who teach the ubiquitous high school U.S. Government course and the even more common U.S. History course.

In this review, I offer instructional strategies that take strategic advantage of controversy and viewpoint diversity and feature structured reading and discussion. These strategies should enlarge students' opportunities to learn the proposed subject matter, deepen their understanding of the core concepts and questions, and teach them to dialogue across differences. The strategies are already familiar to many teachers, and ample guidance is available for teachers (and professors) who want to learn more (see note 1).

This book appears in the Multicultural Education Series at Teachers College Press, which is so capably edited by Banks's father, James A. Banks. The senior Banks writes in his foreword that the book "fills an important gap in the civic education literature" (p. x). Nothing could be truer. Angela Banks has herself crossed a threshold, from law to education, to address a lacuna in our field. As a longtime member of this field, I am grateful. Most of all, I am enthused. These concepts and questions are ripe for study and discussion, for instruction, and for policy action. For people who think about civic education, this book will be provocative and energizing.

To order a copy of Civic Education in the Age of Mass Migration: Implications for Theory and Practice, contact Teachers College Press, Columbia University, 1234 Amsterdam Ave., New York, NY 10027, USA. E-mail: tcp.orders@btpubservices.com. Web site: https://www.tcpress.com/.

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