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# An Introduction to Intragroup Dissent and Its Legal Implications

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## AN INTRODUCTION TO INTRAGROUP DISSENT AND ITS LEGAL IMPLICATIONS

HOLNING LAU†

Law and legal advocacy have long been tied to strongly held notions of group identity. Lawyers purport to represent social groups such as LGBT people, communities of color, and different religious groups.<sup>1</sup> This advocacy both reflects and reinforces the social construction of group identities. Similarly, commentators around the world have sought to shape law by invoking group values. For example, commentators have argued that law in Asia must be developed to comport with so-called “Asian values” that are distinguishable from values in the West.<sup>2</sup> By framing arguments this way, commentators entrench thinking in terms of disparate cultural groups. In addition, certain legal protections foster the preservation and development of group identity. These doctrines range from the freedom of association in United States constitutional law to cultural rights under international human rights law.<sup>3</sup>

Despite the common treatment of social groups as cohesive entities, groups often experience internal discord. Group members disagree on how to define their group’s core values, goals, and advocacy strategies. These dynamics raise a series of questions: To what extent do group-based legal frameworks make space for internal disagreements? How has dissent with-

1. See generally CAUSE LAWYERS AND SOCIAL MOVEMENTS (Austin Sarat & Stuart A. Scheingold, eds., 2006) (discussing the role of lawyers in social movements). The term “LGBT people” refers to lesbian, gay, bisexual, and transgender persons.

2. See Yash Ghai, *Understanding Human Rights in Asia*, in HUMAN RIGHTS: SOUTHERN VOICES 120 (William Twining ed., 2009) (explaining that “Asian values” have been invoked as a reason for rejecting certain rights claims); cf. also Alexis Okeowo, *Out in Africa*, NEW YORKER, Dec. 24, 2012, at 64 (“Anti-gay advocates [in Uganda] claim that they are defending “African values”).

3. E.g., Michael Stokes Paulsen, *A Funny Thing Happened on the Way to the Limited Public Forum: Unconstitutional Conditions on “Equal Access” for Religious Speakers and Groups*, 29 U.C. DAVIS L. REV. 653, 291 (1996) (“Where a group seeks to maintain a distinctive identity based on shared ideological commitments and operates wholly or primarily in a noncommercial context, the First Amendment [Freedom of Association] requires that the group be free to make adherence to the purposes and positions of the group a condition of membership.” (italics omitted)); International Covenant on Civil and Political Rights, art. 27, Dec. 16, 1966, 6 I.L.M. 368, 999 U.N.T.S. 171 (1967) (“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”).

in groups been treated by legal advocates, lawmakers, and commentators? How should intragroup dissent be addressed going forward?

On November 8, 2013, the *Chicago-Kent Law Review* convened a symposium to explore these questions about intragroup dissent. Scott Cummings delivered a keynote address and eight speakers presented papers, six of which are published in this issue. The symposium produced a lively and illuminating discussion. It was a pleasure for me to participate in the symposium, and I am delighted to introduce this issue of the *Law Review*.

In this essay, I provide some context by introducing earlier writings that have informed thinking about social groups and intragroup dissent over the years. I then provide a sketch of this issue's contents, highlighting the ways that this symposium builds on existing literature and takes discussions about intragroup dissent to new frontiers.

### I. PRIMER ON GROUPS AND DISSENT

It is widely understood that groups matter. In advocacy, collective identity and group solidarity are tools for effectuating change because there is power in numbers.<sup>4</sup> By forming a united front, group members can launch a stronger political campaign. In litigation, coming together in a class action lawsuit might achieve results that an individual plaintiff could not.<sup>5</sup>

Beyond the power that adheres to groups, groups matter because belonging to social groups contributes to people's sense of self.<sup>6</sup> As Peter

4. See, e.g., Maxine Eichner, *On Postmodern Feminist Legal Theory*, 36 HARV. C.R.-C.L.L. REV. 1, 46 (2001) ("Social scientists have demonstrated that, in order to perceive discrimination and to imagine changing the status quo, individuals need collective identities."); Lani Guinier, *The Triumph of Tokenism: The Voting Rights Act and the Theory of Black Electoral Success*, 89 MICH. L. REV. 1077 (1991) (discussing the significance of group solidarity to the black civil rights movement); Arthur Miller et al., *Group Consciousness and Political Participation*, 25 AM. J. POL. SCI. 494, 509 (1981) ("without the mobilizing influence of group consciousness[,] disadvantaged populations 'would clearly participate [in politics] at significantly lower rates.'").

5. See Beth Van Schaack, *Unfulfilled Promise: The Human Rights Class Action*, 2003 U. CHI. LEGAL F. 279, 306-28 (2003) (discussing the advantages and disadvantages of class actions in human rights advocacy); Deborah Rhode, *Class Conflicts in Class Actions*, 34 STAN. L. REV. 1183, 1186-1202 (1982) (summarizing reasons why "[f]or those seeking structural reforms, class actions afford a number of obvious advantages over suits involving individual plaintiffs," and then providing a taxonomy of disagreements among class action plaintiffs).

6. I have elaborated on this point previously in Holning Lau, *Transcending the Individualist Paradigm in Sexual Orientation Antidiscrimination Law*, 94 CAL. L. REV. 1271, 2181-84 (2006). For social psychology literature on the relationship between group membership and identity, see e.g., Jan E. Stets & Peter J. Burke, *Identity Theory and Social Identity Theory*, 63 SOC. PSYCH. Q. 224, 226 (2000). On the relationship between group rights and group members' sense of self, see e.g., CAROL C. GOULD, *GLOBALIZING DEMOCRACY AND HUMAN RIGHTS* 119-21 (2004); WILL KYMLICKA, *LIBERALISM, COMMUNITY AND CULTURE* 169 (1989).

Jones put it: “[S]ome of what is fundamentally important for people relates to identities that they can possess and to practices in which they can engage only in association with others.”<sup>7</sup> Thus, if we are to honor people’s ability to develop their sense of self, we must recognize that social groups play an important part of that process. For example, if deciding to participate in religious ceremonies with other worshippers is important to an individual’s self-definition, that individual’s sense of self is contingent on belonging to a group with fellow worshippers.

Of course, groups contribute to people’s sense of self to varying degrees. Most of the articles in this symposium focus on what could be called “identity groups.” Individuals derive a sense of identity by claiming membership in these social groups.<sup>8</sup> For example, racial, ethnic, and religious groups are identity groups because these groups frequently play a role in shaping people’s self-concept.<sup>9</sup> To be sure, not all individuals feel a strong sense of membership in racial, ethnic, and religious groups, but these groups have been socially constructed in such a way that they are often salient to people’s identity.<sup>10</sup> Other social groups may have much weaker connections to identity. Consider a case where neighbors team up to challenge a proposed construction project in their neighborhood. This group of neighbors may share a common goal and experience a sense of solidarity, but their membership in the protest group may only inform their sense of identity in a very limited or provisional sense. Once the campaign against construction ends, the group identity may lose significance.

Groups are not always cohesive entities. Internal fissures often pit internal dissenters against the rest of the group. Members of the same church might disagree about how to interpret religious doctrine. Members of the same racial justice movement might disagree on how to prioritize advocacy goals. Even if everyone agrees on the same set of priorities, they may disa-

7. Peter Jones, *Group Rights and Group Oppression*, 7 J. POL. PHIL. 353, 353 (1999).

8. Cf. Mark Kelman, *Market Discrimination and Groups*, 53 STAN. L. REV. 833, 837-38 (2001) (distinguishing between groups “conventionally thought of as ‘social identity groups’ and what might be called mere statistical aggregates, ‘groups’ with identifiable common characteristics that lack a culture or self-conscious socio-political identity”).

9. Cf. Anthony V. Alfieri & Angela Onwuachi-Willig, *Next-Generation Civil Rights Lawyers: Race and Representation in the Age of Identity Performance*, 122 YALE L.J. 1484, 1520 (2013) (noting the existence of disenfranchised identity groups based on race, religion, sexual orientation, and immigration status).

10. See Natasha J. Silber, Note, *Unscrambling the Egg: Social Constructionism and the Antireification Principle in Constitutional Law*, 88 N.Y.U. L. REV. 1873, 1879-82 (2013) (providing a primer on social constructionism); Kenneth L. Karst, *Myths of Identity: Individual and Group Portraits of Race and Sexual Orientation*, 43 UCLA L. REV. 263, 282-89 (1995) (contending that identity categories and their salience are a “matter of social convention,” presenting race and sexual orientation as examples).

gree about what constitutes the best strategy for achieving their shared goals.

As noted just above, social collectives serve important functions. Yet, dissent within collectives is important as well. Indeed, a growing literature develops normative support for intragroup dissenters. For readers who are new to the topic of intragroup dissent and wish to read beyond this symposium, I would recommend Madhavi Sunder's writing on "cultural dissent" as a starting point.<sup>11</sup> Professor Sunder's writing illuminates the value of allowing members of a cultural group to stay in the group and contest the group's dominant mode of thinking. To value such dissent is to value the "autonomy, choice, and reason" among group members.<sup>12</sup> Professor Sunder also argues that cultural dissenters play an important role in helping cultural groups to evolve.<sup>13</sup> In her writing on "cultural dissent," Professor Sunder adopts a capacious definition of "cultural" that includes religious culture. For example, she has argued that feminist Muslims who challenge dominant interpretations of Islam ought to be protected against retaliation from other members of their religious communities.<sup>14</sup>

Dissent within a group can fall along various lines that cannot all be addressed in this brief introduction. I would be remiss, however, if I did not highlight intersectionality as an analytical lens for viewing the lines along which dissent forms. "Intersectionality" is a term popularized by Kimberlé Crenshaw in her groundbreaking work.<sup>15</sup> Professor Crenshaw and her peers demonstrated that different dimensions of identity intersect to produce disagreement between subgroups. For example, examining the intersection of race and sex, scholars have contrasted the views commonly held by white women with the views commonly held by women of color.<sup>16</sup> There is now

11. See Madhavi Sunder, *Piercing the Veil*, 112 YALE L.J. 1399, 1408-10 (2003) [hereinafter Sunder, *Piercing the Veil*]; Madhavi Sunder, *Cultural Dissent*, 54 STAN. L. REV. 495 (2001) [hereinafter Sunder, *Cultural Dissent*].

12. Sunder, *Cultural Dissent*, *supra* note 11, at 495.

13. *Id.*

14. E.g., Sunder, *Piercing the Veil*, *supra* note 11, at 1434-43.

15. See Kimberlé Williams Crenshaw, *Race, Gender, and Sexual Harassment*, 65 S. CAL. L. REV. 1467 (1992) [hereinafter Crenshaw, *Race*]; Kimberlé Williams Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics and Violence against Women of Color*, 43 STAN. L. REV. 1241 (1991) [hereinafter Crenshaw, *Mapping the Margins*]; Kimberlé Williams Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139 (1989) [hereinafter Crenshaw, *Demarginalization*]. Around the same time that Professor Crenshaw began publishing about intersectionality, Angela Harris was making similar arguments without using the term "intersectionality." See Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990).

16. E.g., Crenshaw, *Demarginalizing the Intersection of Race and Sex*, *supra* note 15, at 152-60; Harris, *supra* note 15, at 608-16.

a large corpus of writing that examines intragroup conflicts through the lens of intersectionality.<sup>17</sup>

## II. IMPLICATIONS FOR LAWYERING, LAW, AND LEGAL COMMENTARY

Intragroup dissent has implications for legal advocacy and doctrine, as well as for legal commentary such as law review literature. With respect to advocacy, social movement lawyers play a role in mediating intragroup disagreement about goals and strategies. The scholarship that has explored this role for lawyers includes seminal texts such as Derrick Bell's writing on the NAACP and William Rubenstein's writing about LGBT rights advocacy.<sup>18</sup>

Consider the LGBT rights movement as an illustration. There has long been debate among LGBT people about whether to prioritize marriage equality over other advocacy goals.<sup>19</sup> Lawyers at LGBT rights organizations are part of that debate, having to decide how much time and money to devote to marriage equality, as opposed to issues such as employment discrimination or transgender health care.

Even if we were to assume for argument's sake that there is consensus about making marriage equality the main goal, lawyers would still need to manage disagreements about legal strategies for reaching that goal. To be sure, disagreements about legal strategies occur beyond the context of groups. There certainly may be disagreement among lawyers representing an individual client who is not part of a larger movement. However, disagreements about litigation strategy can be particularly difficult when they arise within groups that prize solidarity.<sup>20</sup>

17. See, e.g., Alfieri & Onwuachi-Willig, *supra* note 9, at 1517-22 (positing that civil rights attorneys have become more attuned to intragroup disagreements that emerge from intersectionality); Frank Rudy Cooper, *Who's the Man?: Masculinities Studies, Terry Stops, and Police Training*, 18 COLUM. J. GENDER & L. 671, 725-26 (2009) (examining tension among male subgroups); Catherine Smith, *Queer as Black Folk*, 2007 WIS. L. REV. 379, 390-91 (2007) (contending that people of color's perspectives are marginalized in predominantly white LGBT institutions, including advocacy organizations).

18. Derrick A. Bell, Jr., *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 YALE L.J. 470 (1976); William B. Rubenstein, *Divided We Litigate: Addressing Disputes Among Group Members and Lawyers in Civil Rights Campaigns*, 106 YALE L.J. 1623 (1997).

19. For an examination of this debate, see e.g., Edward Stein, *Marriage or Liberation?: Reflections on Two Strategies in the Struggle for Lesbian and Gay Rights and Relationship Recognition*, 61 RUTGERS L. REV. 567, 592 (2009).

20. For example, Edward Stein's contribution to this symposium considers a particularly heated intragroup debate about advocacy strategy. He examines disagreement about whether gay rights advocates should argue that sexual orientation is inborn and unchangeable. See Edward Stein, *Immutability and Innateness Arguments About Lesbian, Gay, and Bisexual Rights*, 89 CHI.-KENT L. REV. 597, 597 (2014).

Intragroup dissent is also relevant to lawyering in a different way. Instead of mediating intragroup dissent, lawyers may actually want to facilitate intragroup dissent. To understand this point, consider LGBT rights in the global context. Some governments have rejected LGBT rights as a foreign, Western concept.<sup>21</sup> They contend that human rights activists engage in cultural imperialism when they insist that countries outside of the West protect LGBT rights. To counter these claims, lawyers may wish to strategically couple any arguments based on international human rights principles with arguments that are based specifically on local group culture.<sup>22</sup> In other words, advocates can challenge the idea that LGBT rights are a foreign import by framing the debate about LGBT rights as a disagreement among local community members who hold competing interpretations of local culture.<sup>23</sup> In this way, intragroup dissent functions as a strategic framing device.

Intragroup dissent also influences how we think about legal doctrine. Some legal rights are clearly intended to facilitate the development and preservation of group identity. In the United States, the First Amendment's protection of freedom of association serves this function. Focusing on intragroup dissent prompts questions about how to balance the protection of freedom of association against protections for intragroup dissent. Does the freedom of association permit groups to expel dissenters within the group? Drawing on the case of *Dale v. Boy Scouts of America*,<sup>24</sup> in which the Scouts expelled a troop leader for being openly gay, Professor Sunder has argued that the Supreme Court jurisprudence construes freedom of association too broadly, allowing group leaders to stifle intragroup dissent.<sup>25</sup> In a similar vein, commentators have criticized additional legal doctrines for stifling dissent with groups; these disparate legal areas range from the protec-

21. See Okeowo, *supra* note 2, at 64 (discussing the case of Uganda); Eric Heinze, *Sexual Orientation and International Law: A Study in the Manufacture of Cross-Cultural "Sensitivity,"* 22 MICH. J. INT'L L. 283, 306-07 (2001) (explaining that some political leaders opposed gay rights by calling them "un-Asian"). For my previous writings on point, see Holning Lau, *The Language of Westernization in Legal Commentary*, 61 AM. J. COMP. L. 507, 532 (2013) [hereinafter Lau, *Westernization*]; Holning Lau, *Grounding Conversations on Sexuality and Asian Law*, 44 U.C. DAVIS L. REV. 773, 786-90 (2011) [hereinafter Lau, *Grounding Conversations*].

22. Cf. Carl F. Stychin, *Same-Sex Sexualities and the Globalization of Human Rights Discourse*, 49 MCGILL L.J. 951, 954 (2004) (examining ways that advocates for sexual orientation rights have "move[d] seamlessly between discourses of the local and the global").

23. See Stewart Chang, *The Postcolonial Problem for Global Gay Rights*, 32 B.U. INT'L L.J. (forthcoming 2014) (examining gay rights advocacy in Singapore and exploring the benefits of grounding claims in local Asian culture).

24. *Dale v. Boy Scouts of America*, 530 U.S. 640 (2000).

25. Sunder, *Cultural Dissent*, *supra* note 11, at 523-48.

tion of cultural property in the United States to marriage laws in Africa.<sup>26</sup> These scholarly defenses of intragroup dissent have given us good reason to ponder how to balance group-based rights with the rights of individual group members to freely express their dissent without forfeiting group membership.

Finally, beyond advocacy and legal doctrine, a consciousness of intragroup dissent should inform legal commentary generally. Awareness of intragroup dissent raises questions about how we communicate in legal commentary, including in law review pages. Do we too often make sweeping claims about social groups, treating them as monolithic entities, thus obscuring intragroup dissent? In my own recent analysis of law review literature, I concluded that authors all too often write about non-Western parts of the world in reductionist ways that mask dissent within non-Western cultural groups.<sup>27</sup> Indeed, one goal of this symposium is to expand consciousness of intragroup dissent so that legal commentators can become better attuned to its dynamics and account for intragroup dissent in writing.

### III. EXPANDING OUR UNDERSTANDING

This symposium issue advances the exploration of intragroup dissent on numerous fronts. Several contributors elaborate on the role of lawyers in managing intragroup dissent. Others examine how legal doctrines regulate intragroup dissent. Two other contributors provide new analytical structures for understanding intragroup dissent by developing taxonomies of dissenters.

Scott Cummings' keynote remarks follow this introductory essay.<sup>28</sup> Building on his earlier works,<sup>29</sup> Professor Cummings examines the relationship between intragroup dissent and two models of cause lawyering: "top-down" impact litigation and "bottom-up" grassroots campaigns. The conventional wisdom has been that the top-down approach threatens to sti-

26. E.g., Johanna E. Bond, *Culture, Dissent, and the State: The Example of Commonwealth African Marriage Law*, 14 YALE HUM. RTS. & DEV. L.J. 1, 37 (2011) (arguing for the protection of cultural dissenters by maintaining statutory regulation of marriage alongside African customary law); Naomi Mezey, *The Paradoxes of Cultural Property*, 107 COLUM. L. REV. 2004, 2007-18 (2007) (critiquing the idea of "cultural property" in international law and in domestic law of the United States).

27. See generally Lau, *The Language of Westernization*, *supra* note 21.

28. See Scott L. Cummings, *How Lawyers Manage Intragroup Dissent*, 89 CHI.-KENT L. REV. 547 (2014).

29. Scott L. Cummings, *The Accountability Problem in Public Interest Practice: Old Paradigms and New Directions*, in *LAWYERS IN PRACTICE: ETHICAL DECISION MAKING IN CONTEXT* 340-364 (2012); Scott L. Cummings & Douglas Nejaime, *Lawyering for Marriage Equality*, 57 UCLA L. REV. 1235 (2010); Scott L. Cummings, *Law in the Labor Movement's Challenge to Wal-Mart: A Case Study of the Inglewood Site Fight*, 95 CAL. L. REV. 1927 (2007).

fle intragroup dissent while the bottom-up approach makes room for dissenters. Professor Cummings challenges this conventional wisdom by presenting case studies of the marriage equality movement and the Los Angeles labor movement.

Like Professor Cummings, Kathryn Sabbeth focuses on the role of lawyers.<sup>30</sup> She observes that capital defense litigation in the American South has been performed largely, and at one point almost entirely, by lawyers from the North. These capital defenders are met with resistance because they are perceived as “outsiders” who seek to impose a foreign agenda on local Southern communities. Professor Sabbeth explains that lawyers should respond to this resistance by retooling their campaigns to emphasize internal dissent within the South. Her article highlights ways for advocates to clarify that Northern attorneys are not imposing outside values, but are instead empowering local death penalty opponents whose views can be grounded in local moral traditions. Professor Sabbeth’s article shows that it can be helpful to frame advocacy around intragroup dissent.<sup>31</sup>

Edward Stein examines the role of lawyers in ongoing debate about whether sexual orientation is inborn and unchangeable.<sup>32</sup> LGB communities commonly argue that LGB people are “born that way” and that sexual orientation is “not a choice.”<sup>33</sup> Outrage is often directed at LGB people who question this conventional wisdom. Professor Stein’s article lends support to these dissenting voices within LGB communities. He critiques the conventional etiological arguments from ethical, bioethical, and pragmatic perspectives. Based on this critique, he charts a course for LGB rights advocates, a course that doesn’t completely jettison etiological arguments, but limits the arguments substantially.

Asma Uddin’s symposium contribution examines both legal doctrine and lawyering.<sup>34</sup> Her article shows how Muslim-majority countries often use blasphemy laws, apostasy laws, and other legal regulations to persecute Muslim individuals who challenge dominant interpretations of Islam. Beyond documenting this stifling of intra-Muslim dissent, Ms. Uddin explores paths for reform. She contends that the Qur’an and Islamic tradition can,

30. See Kathryn A. Sabbeth, *Capital Defenders as Outside Lawyers*, 89 CHI.-KENT L. REV. 569 (2014).

31. See *supra* notes 21-23 and accompanying text (discussing the value of emphasizing intragroup dissent in advocacy).

32. See Stein, *supra* note 20, at 597.

33. Professor Stein uses the acronym “LGB” to refer specifically to lesbian, gay, and bisexual people. Because his article does not address transgender issues, the piece generally refers to LGB people, as opposed to LGBT people. *Id.* at 597 n.1.

34. See Asma T. Uddin, *Intragroup Discourse on Intragroup Protections in Muslim-Majority Countries*, 89 CHI.-KENT L. REV. 641 (2014).

and should, be interpreted to respect religious freedom. Moreover, she argues that arguments based on Islamic thought will be more persuasive than arguments stemming from other origins such as international human rights law. “If the concept of religious freedom is to truly take root within traditional Muslim societies, it must be expressed in Muslim terms and argued from a Muslim perspective based on traditional Islamic texts.”<sup>35</sup> Like Professor Sabbeth’s contribution on the American South, Ms. Uddin’s article argues in favor of centering advocacy around intragroup dialog and debate.

Lourdes Peroni continues this symposium’s discussion on religion, but shifts the focus to the European Court of Human Rights.<sup>36</sup> She explains that, at times, the Court’s jurisprudence has “obscure[d] and discourage[d] diversity within religious groups” by refusing to protect the religious freedom of individuals who practice their religions in unorthodox ways.<sup>37</sup> Ms. Peroni argues that the Court should adopt “relatively porous filters” for determining what counts as religious practice, recognizing that individuals who identify with the same religious group may practice their religion in different ways. Put differently, Ms. Peroni argues for the protection of religious individuals who dissent from religious orthodoxy.

The last two symposium articles help us to understand intragroup dissent by offering new taxonomical frameworks of dissent. Kareem Crayton turns his attention to racial dissent among African Americans.<sup>38</sup> As Professor Crayton notes, African Americans have generally placed great value on racial solidarity in politics. Thus, African Americans who openly criticize Barack Obama, our country’s first black president, have been viewed as racial dissenters. Professor Crayton contends that these racial dissenters fall into three categories: “public dissenter,” “official dissenter,” and “partisan dissenter.” He argues that distinguishing among racial dissenters in this way helps to clarify their different political implications.

Finally, Nancy Leong’s article builds on her earlier writing on the commodification of identity.<sup>39</sup> She explains that members of outgroups (e.g., people of color, women, and gays) can derive value from their identities by publicly portraying themselves as outgroup members who distance themselves from the rest of their group. Professor Leong argues, however,

35. *Id.* at 658.

36. See Lourdes Peroni, *The European Court of Human Rights and Intragroup Religious Diversity: A Critical Review*, 89 CHI.-KENT L. REV. 663 (2014).

37. *Id.* at 665.

38. See Kareem U. Crayton, *The Art of Racial Dissent: African American Political Discourse in the Age of Obama*, 89 CHI.-KENT L. REV. 689 (2014).

39. See Nancy Leong, *Dissenting In and Dissenting Out*, 89 CHI.-KENT L. REV. 723 (2014). For Prof. Leong’s earlier writing on this topic, see Nancy Leong, *Racial Capitalism*, 126 HARV. L. REV. 2151 (2013).

that we should distinguish between two types of outgroup dissenters. On one hand, there are individuals who distance themselves from their outgroup to associate themselves more closely with the ingroup (i.e., dominant group); on the other hand, there are individuals who distance themselves from both their outgroup and the ingroup. Professor Leong contends that the law should treat these two types of dissenters differently.

In sum, this issue of the *Chicago-Kent Law Review* builds on existing scholarly explorations of intragroup dissent. This issue's six articles and published keynote shed light on the dynamics of intragroup dissent as well as their legal implications. In doing so, these writings invite readers to reflect on how law and lawyering shape—and are shaped by—intragroup dissent.