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# The Rhetoric and Style of Rights of Nature Advocates

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**The Rhetoric and Style of Rights of Nature Advocates**

by

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B.A., University of Minnesota-Duluth, 2008

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## The Rhetoric and Style of Rights of Nature Advocates

Paul Samuel Lawrence

As our postmodern subject position becomes increasingly apparent it is vital to examine the potential of polyvocal rhetorics, and to strive for an understanding of the possibilities and limitations of collective agency. This paper analyzes the rhetoric of a growing subculture that aims to codify, for the first time in modern American history, the rights of natural communities (such as rivers, marshes, and ecosystems) to exist and thrive. This subculture, whom I refer to as rights-of-nature advocates (RoNA), is important for scholars to consider because it employs a rhetorical style which has shown to be effective in shifting discourse away from the dominant ideology of late capitalism and influencing political decision-making processes. RoNA are a growing subculture in part because of the “fracking” boom in the United States, and analyses are framed within the context of the ongoing (and growing) debate over the practice of extracting natural gas from the earth via hydraulic fracturing, or “fracking.” RoNA show us that by *unifying* with other individual subjects to form collectives, by filling public spaces and pressuring politicians, and by speaking in a wide range of voices that span across the political spectrum, fragmented subjects are able to make coherent, effective rhetorical decisions.

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## Chapter I

### THE RHETORIC AND STYLE OF RIGHTS OF NATURE ADVOCATES

#### Background of Study

I recently took part in a graduate study course that looks at how style works rhetorically. Our text was Barry Brummett's *A Rhetoric of Style*, which helped me recognize the ways in which groups of citizens can be viewed as subcultures with distinct rhetorical styles. I remember appreciating the fact that *A Rhetoric of Style* recognizes the ubiquitous power of late capitalism and discusses how market values greatly influence our stylistic decisions. I was struck, however, by Brummett's claim that

The market context seals off its base of power in late capitalism . . . This may be cause for despair, but late capitalism has figured out how to seal off its roots from being dug up, and that's the way it is . . . The market context is the frozen floor of meanings upon which rhetoric dances; it is largely impervious to rhetorical means to change it. (125)

Late capitalism has indeed grown deep roots, and Brummett does hedge his claim by saying "largely impervious" not "*wholly impervious.*" What struck me, however, was not simply the implication of late capitalism as a perpetually victorious ideology, but that this claim takes place in the middle of a rigorous defense of rhetoric. What are the ramifications for rhetoric, I wondered, if Brummett is right? Is it possible through effective discursive practices that late capitalism be re-produced with different features? What are the stylistic features of rhetorics that attempt to replace the market context with a different "frozen floor of meanings?"

At the time I became interested in these questions I began an inquiry into the rhetorical styles of a group of citizen-activists in Decorah, Iowa. I was intrigued as to how this diverse group of people spoke to me using such similar terminology, and with such similar passion and clarity about the issue of fracking (an issue which I knew almost nothing about).<sup>1</sup> They seemed to use the same phrases, make the same arguments, and reference the same stories. They knew something about Ecuador's constitution.

I took steps towards answering the above questions not only through research, but in spending time with citizen-activists in Decorah. They introduced me to the idea that *rights-of-nature advocates* enter the arena of politics with arguments based on ideals that exist mostly outside of the market context. I want to tell the stories of these arguments and attempt to discern their stylistic features; in so doing I hope to explore questions regarding the possibilities for poly-vocal rhetorics in postmodern America, a nation imbued with the ethos of late capitalism. Further, I will strive not to reduce rights-of-nature advocates (hereafter RoNA) to the subjective intentions of individuals, but instead attempt to outline the aesthetic and discursive features of the group as a whole.

A rhetorical analysis of RoNA as a subculture is a worthy scholarly pursuit because it leads to pertinent questions about where agency exists within late capitalist societies and what type of rhetorical styles, if any, appear to be creating space for such agency. To achieve such an analysis we look at the ongoing debate over fracking, which has become a powerful force in motivating RoNA; indeed, not nearly as many people would identify with this subculture if not for the fracking boom. This paper also analyzes the fracking debate online, in particular how

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<sup>1</sup> Fracking refers to the practice of hydraulic fracturing, which involves breaking into rock formations with a pressurized mix of sand, water, and chemicals in order to extract natural gas ("Hydraulic Fracturing").

both camps use Facebook to craft a recognizable style. Hopefully, these chapters work together to present a clear idea of RoNA as a rhetorical movement.

## Chapter II

### SUBCULTURES AND STYLE IN LATE CAPITALISM

“Postmodernism is the consumption of sheer commodification as a process.”

—Frederic Jameson (*Postmodernism, or, The Cultural Logic of Late Capitalism*)

Debates over what constitutes a proper attitude towards nature, or a proper “environmental ethic,” have amplified over the past half century, thanks in large part to Rachel Carson’s book *Silent Spring* (first published in 1962), which is credited with helping jumpstart the environmental movement. Despite a widening debate and increased environmental activism, however, the values and ethics that most significantly influence how nature is actually treated are still those of late capitalism. In late capitalism, legal systems tend to regard natural communities as commodities whose primary function is to fuel rapid economic growth. As a matter of course, what qualifies as growth is also dictated by the values and ethics of late capitalism.

This paper assumes late capitalism’s growing presence in decision-making processes. In academia we see evidence of this trend in what is sometimes referred to as the “adjunct crisis,” as universities increasingly look to hire cheaper and less experienced labor (Boldt). The business model is more prevalent than ever before, and globalization suggests its proliferation. RoNA employ a rhetoric that has proven effective in arguing for other models—an environmental ethic, for example—to be given consideration in legal settings.

#### **What is a “Subculture”?**

Why is *subculture* an appropriate and meaningful term by which to describe RoNA? In his book *Subculture: The Meaning of Style*, Dick Hebdige argues that we should think of “each subculture representing a distinctive ‘moment’—a particular response to a particular set of

circumstances” (Hebdige 84). This notion of a subculture as a “response” is useful when thinking about the people who identify as RoNA. Indeed, people who identify with the style of RoNA are often those people responding directly to the fracking boom, a practice they believe threatens their quality of life and/or violates a deeply felt principal.

RoNA are concerned with codifying legal language that grants right to entities like ecosystems and ensuring that human communities are able to exercise self-governance. The struggle for these rights is in large part a response to a growing awareness, among a broad demographic, that corporations enjoy rights that exceed the rights of human beings and communities of human beings. Thus, the “particular set of circumstances” that prompted RoNA to take action is a confluence of several factors. As corporate profits soar and scarcity increases, natural resources are coveted like never before. A continuous string of environmental disasters (such as the Exxon Valdez or the Deepwater Horizon spill) serves to motivate activists and raise skepticism as to the efficiency of markets, and while not all of these occurrences enter a global consciousness, they are felt deeply at local levels.

Modern technology allows information to spread and groups to organize at previously unimaginable rates, and as news of corporate malfeasance spreads across the globe, there is an increased awareness as to some of the realities that accompany practices such as deep-sea oil drilling, strip mining, and fracking. The practice of fracking has in particular struck a nerve in the United States because it impacts a wide range of people within close physical proximity to large-scale operations, while something like deep-sea drilling is harder to see and feel. These circumstances conspire to form a political climate in which late capitalism’s version of

“progress” comes under renewed scrutiny. In the past decade or so, the confluence of these trends has helped create a particular response, a particular subculture.

RoNA also represent a distinct subculture in the sense that they share common goals, common understandings of ecosystems and the natural world, and a common set of terminology. While particular terms get promoted over others, it is possible to identify the styles of language that are most clearly affiliated with RoNA, which include phrases like “nature has a right to be restored,” and “The people at all times enjoy and retain an inalienable and indefeasible right to self-governance in the community where they reside.” The legal documents in which these phrases appear are often the texts around which this subculture coheres, thanks in part to possibilities afforded by the Internet. These types of responses are then channeled and transformed into recognizable forms of rhetoric, which come to define the style RoNA. Thus, RoNA are a relatively modest-sized *subculture* situated somewhere within the larger, more general community rights and environmentalist cultures.

### **What Is Style?**

Robert Hariman, in his influential book *Political Style*, argues that style plays a central role in political action. Beyond the logic of political texts and speeches, aesthetic considerations must be made in order to persuade audiences; think about voters finding particular candidates appealing for any number of reasons beyond their positions on political issues. Hariman describes four political styles by way of four close readings: “realist” (Machiavelli’s *The Prince*), “courtly” (Ryszard Kapuscinski’s *The Emporor: Downfall of an Autocrat*), “republican” (Cicero’s letters to Atticus), and “bureaucratic” (Kafka’s *The Castle*). Hariman then suggests that the concept of “decorum” (190) can help explain style in modern political contexts. By

recognizing that political styles are consciously designed, and not merely “sham” or “decoration,” we are, Hariman concludes, better able to understand how political persuasion works (195). In this analysis style carries rhetorical weight.

*Political Style* inspired and influenced subsequent discussion of style’s rhetorical effectiveness. Brummett and Vivian discuss it at length, and I seek to join in their discussion. Like Hariman, I think aesthetic choices influence political action. But rather than devote attention to individuals (Reagan’s tone, Cicero’s performance, Machiavelli’s text: these are the close readings Hariman undertakes), I am interested in the collective style of RoNA. The rhetoric of collective bodies is ignored by Hariman and mentioned only in passing by Brummett in *A Rhetoric of Style*. RoNA, however, rely on collective bodies to be persuasive, a style that is not consciously designed by authentic individual agents but is instead collectively created, resulting in a polyvocal rhetoric.

Style is a rhetorical force not only in political and legal settings, but in our daily lives as well. In *A Rhetoric of Style* brings together a wide range of scholarly work in an attempt to synthesize a coherent theory of style as it functions in market contexts. Through style, Brummett argues, individuals cohere around texts to form “imaginary communities” (45). It may be easy to imagine the example of Facebook pages as a forum for imaginary communities, but I understand the term to signify groups of people who come together in shared purpose, such as religious groups, gun enthusiasts, comic book fans, and RoNA. Thus, imaginary communities are often “real” communities as well, in the sense that their flourishing relies significantly on face-to-face interactions. *A Rhetoric of Style* offers a particular example of such a community: gun culture.

The style of gun culture is rhetorical, Brummett argues, not just because individuals recognize other individuals who participate in gun culture, but in operating as a whole, gun culture creates distinct texts: bumper stickers, gun shows, gun magazines and blogs, around which communities cohere. As the values and ethics of late capitalism increasingly shape our world, style operates like a system into which nearly all of us have entered (Brummett xii). Within this larger style-system, individuals and communities use particular styles to communicate identities and values (xiii). RoNA also create recognizable texts in the hopes of like-minded people joining their community, texts that work as a system to communicate ideas and values.

Style can be regarded as related images and texts that comprise a coherent signification system; style also works through things like gestures, speech, posture and decoration. Style has to do with aesthetic preferences. Brummett's summary definition suggests style is something like "socially held sign systems composed of a wide range of signs beyond only language, systems that are used to accomplish rhetorical purposes across the cultural spectrum" (3). Style, then, responds to a wide variety of exigencies and can communicate values without relying on language.

Through the process of style operating within a late capitalist context we "organize the social" (Brummett xiii). In other words, it is through style that we create and communicate our identities, and by so doing we call out to others with similar values just as they call out to us. Through the process of creating and consuming texts that communicate our identities, we are able to organize into relatively like-minded social groups, and as social technology evolves, we are increasingly able to organize across great distances of time and space. How style helps to

organize our social groups is evident in the fact that RoNA cohere around a variety of texts ranging from legal documents to Facebook pages.

Style is not limited to rhetorical choices of individuals. Bradford Vivian, in his paper “Style, Rhetoric, and Postmodern Culture,” critiques Hariman’s *Political Style* as focusing strictly on individuals. Vivian credits Hariman with engaging in an important discussion but suggests that Hariman’s assumption that style rests primarily with the “reasoned choices of individual agents” (225) is limiting when investigating the nature of the relationship between rhetoric and style. This analysis suggests that irrational, non-rational and collective desires play an important role in defining the style of a particular culture (Vivian). RoNA, for example, certainly make individual aesthetic choices, but we can also see them as communicating a collective style. Collective style manifests itself when RoNA speak in public forums: in many cases no single individual is nominated to speak on the group’s behalf; rather, speech is unplanned, impromptu, and representative of a variety of discourses.

Style also serves to bring RoNA together based on a shared aesthetic. Vivian interrogates the rhetorical influence of style using a definition of rhetoric that moves beyond Aristotle and relies on French sociologist Michel Maffesoli’s “Treatise on Style” in *The Contemplation of the World* (1996) to perform this interrogation. Importantly, a discussion of how communal values work rhetorically is presented. Style, for Maffesoli and Vivian, is the “crystallizing sentiment of an epoch” (226). By this I understand style to function as a unifying aesthetic. The choice, for example, to regard natural communities as rights-bearing entities as opposed to commodities is ultimately an aesthetic choice. Thus, the possibilities and limitations of a collective rhetoric are now, a discussion that will inform my analysis of RoNA.

“Style, Rhetoric, and Postmodern Culture” is important because it offers a discussion of collective style as a rhetorical force. Vivian points out that a given individual within a collective style is not an “exclusive principle of intelligibility” (241). Thus, we should not extrapolate too much from the words and actions of any individual within the subculture I am examining but rather try to describe what features mark the style as a whole, those features that allow it to be recognized by other like-minded individuals and function rhetorically.

It is helpful to use Vivian’s depiction of a “rationale and methodology for research on the intersection of style and rhetoric” (241). Vivian sets out a framework for ethical considerations of a given communal style, which is as follows:

Ethical consideration of a given communal style therefore amounts to asking if it either displays a capacity for producing a variety of responses to multiple social and political exigencies, or if it invokes a privileged sentiment merely to impose a dogmatic civic pathos on diverse cultural practices. (241)

RoNA may not appear, at first glance, to possess the “capacity for producing a variety of responses to multiple social and political exigencies.” After all, the group seeks to codify a narrow set of legal terms. Despite a narrow set of legal terms being a defining feature of the group, however, the potential for a wide variety of responses to a wide variety of political circumstances remains strong. The following chapter outlines the features of RoNA as a type of polyvocal rhetoric and describes a communal style that can indeed respond to a variety of social situations without imposing a “dogmatic civic pathos.”

### Chapter III

#### RIGHTS OF NATURE ADVOCATES' RHETORICAL STYLE

RoNA employ a new rhetorical style, one that has emerged in the United States largely in response to the fracking boom. Among various other goals, RoNA aim to reshape how legal systems within late capitalist contexts view natural communities. In brief, they wish to codify rights of nature. "Rights of nature" include, among several others, the right of ecosystems to flourish and the right of nature to be legally represented in public forums. The word "advocate" is apt in the sense that the rhetorical situations in which this subculture expresses itself are often formal legal hearings.

In the process of introducing and discussing the rhetoric of RoNA several texts serve as artifacts, including the Ecuadorian constitution, an adopted charter from Pittsburgh, Pennsylvania, the "rights of nature page" on The Community Environmental Defense Fund's (CELDF) web page, and a special hearing in Winneshiek County, Iowa. Also, analyzing several Facebook pages will help us get a sense of how both sides of the fracking debate stylize themselves online. Particular attention will be paid to the Community Rights Alliance (CRA) of Winneshiek County. As a shape and tenor of the subculture emerges, we can see four distinct features RoNA's rhetorical style. In order to focus on the systematic nature of the texts that RoNA produce, my analysis is in regard to their shared stylistic features rather than in regard to the texts themselves.

It is important to note that while many people who identify as RoNA believe ecosystems have natural (or "inalienable") rights, it is the pursuit of *legal* rights that most prominently defines this subculture. The abstract belief is important motivation for some individuals, but

other factors contribute to motivating RoNA, including legal precedent, sovereignty issues, general environmental concerns like global warming, anti-corporatism and proximity to proposed mines or drilling sites. Thus, we can set aside the idea that what most prominently defines this particular subculture is the shared belief in an abstract concept, namely that ecosystems have inalienable, natural rights. Some absolutely do believe this, some do not, and some take middling positions.

Recently, RoNA have assisted in persuading political bodies to pass new kinds of legislation that feature a new style of legal language. For example, in Ecuador, indigenous populations with a tradition of living sustainably within natural communities played a major role in passing a constitutional referendum; well over 4 million people voted for the new constitution, roughly 40% of those were indigenous Ecuadorians (CELDF). The newly drafted constitution grants rights to nature, as seen in the excerpt below:

**Article 71.** Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes. All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature . . . The State shall give incentives to natural persons and legal entities and to communities to protect nature and to promote respect for all the elements comprising an ecosystem.

**Article 72.** Nature has the right to be restored. In those cases of severe or permanent environmental impact, including those caused by the exploitation of nonrenewable natural resources, the State shall establish the most effective

mechanisms to achieve the restoration and shall adopt adequate measures to eliminate or mitigate harmful environmental consequences.

**Article 73.** The State shall apply preventive and restrictive measures on activities that might lead to the extinction of species, the destruction of ecosystems and the permanent alteration of natural cycles.

**Article 74.** Persons, communities, peoples, and nations shall have the right to benefit from the environment and the natural wealth enabling them to enjoy the good way of living. Environmental services shall not be subject to appropriation; their production, delivery, use and development shall be regulated by the State.

(Excerpted from the “Constitution of the Republic of Ecuador”)

While these types of texts may be few in number and mostly symbolic (potentially difficult to enforce) at first, and while market forces still undergird the most influential decision-making processes, laws that grant rights to natural communities are significant because they fly in the face of late capitalist values. Texts such as the above sections of the Ecuadorian constitution work as a system, and thus as a style, in that they all share a clear goal and follow a distinct pattern in pursuing that goal. The following are the four rhetorical features of RoNA that constitute that pattern.

### **Nature Cannot “Speak” For Itself in Public Forums**

RoNA argue that nature deserves a human voice within legal proceedings. Nature is in many ways, they say, like a child, alive but unable to communicate in the context of legal arguments. Certainly, young children have rights that they are mostly unable to defend, such as the right to life. Courts grant rights to children as non-speaking entities, essentially granting them

the right to life, the right to flourish and the right to be healed. Nature, the argument goes, is in a similar position of being unable to speak for itself in a court of law and should be granted similar rights.

For example, one of the stated goals of The Community Environmental Defense Fund (CELDF) is to “adopt new laws that change the status of natural communities and ecosystems from being regarded as *property* under the law to being recognized as *rights-bearing* entities” (CELDF). The statement clearly summarizes the primary aim of RoNA, which is to change the law in a way that grants *rights* to things like ecosystems and other natural communities, and works stylistically in that it is a public text around which an imaginary community can cohere. CELDF is a community of attorneys who travel to small towns (they also traveled to Ecuador during the process of drafting a new national constitution) that are resisting the proposals being made by mining corporations, or in other, similar cases where communities feel powerless to make their own decisions regarding how surrounding natural communities are to be treated.

Speaking with Jono Ruf and Jim Tripp, two Decorah, Iowa residents who are on the front lines of this new subculture’s opposition to frac sand mining,<sup>2</sup> CELDF has been instrumental in aiding communities in their efforts to grant rights to nature and to assert sovereignty of the people over the sovereignty of corporate law. The clear goals of CELDF are to help communities pass laws that grant rights to nature and assert the rights of people as sovereign, as explained by the mission statement on CELDF’s web page:

Our mission is to build sustainable communities by assisting people to assert their right to local self-government and the rights of nature. Established in 1995,

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<sup>2</sup> Frac sand is an essential component of the fracking process. So much so, that “Analysts estimate that fracking companies will require 95 billion pounds of sand this year, an increase of almost 30% from 2013 and 50% above initial forecasts” (Chapman, et al.).

CELDF has now become the principal advisor to community groups and municipal governments determined to transition from merely *regulating* corporate harms to *stopping* those harms by asserting local, democratic control directly over corporations. Through grassroots organizing, public education and outreach, legal assistance, and drafting of ordinances, nearly 200 municipalities in ten states have adopted CELDF-drafted Community Bills of Rights laws. (CELDF)

An example of a successful adoption of such a law can be found in Pittsburgh, Pennsylvania. Responding to proposal that would allow mining to take place within city limits, citizens, with the help of lawyers from CELDF, crafted an ordinance that grants rights to natural communities. Enough political pressure was applied, via media coverage, service announcements and, significantly, the stylization of collective bodies in public spaces, so that the ordinance passed. Relevant to this discussion is section (b), seen here:

(b) Rights of Natural Communities. Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems, possess inalienable and fundamental rights to exist and flourish within the City of Pittsburgh. Residents of the City shall possess legal standing to enforce those rights on behalf of those natural communities and ecosystems.  
(Home Rule Charter of the City of Pittsburgh)

By granting residents legal standing to enforce the rights of natural communities, Pittsburgh has essentially given those natural communities a voice. Brummett's theory of style reminds us that, within a market context, what counts as a good reason to do something is based primarily on aesthetics. By passing this ordinance the city of Pittsburgh has made an aesthetic

decision, one that speaks to its identity as a city. It is a city stylizing itself in general terms as independent and concerned about the environment. RoNA were the impetus for this decision and stand ready to speak for the natural communities within Pittsburgh's city limits when necessary.

### **People Have the Right to Benefit from the Environment**

RoNA seek to greatly broaden the scope of who may benefit not only from the extraction of natural resources but from a healthy environment in general. As the Ecuadorian constitution states in article 74, "Persons, communities, peoples, and nations shall have the right to benefit from the environment and the natural wealth enabling them to enjoy the good way of living" (Constitution of the Republic of Ecuador). While there may be various interpretations as to what "the good way of living" means, the fact that people and communities are granted the legal right to benefit from the environment is considered a milestone achievement by RoNA. "Benefit from the environment" could also be potentially difficult to define in a legal setting, but taken to its logical conclusion can mean something as routine as breathing clean air. Who gets to benefit from clean water is quickly becoming a major issue across the United States and the world; the fracking boom is partly responsible for increased awareness of clean water sources because fracking requires huge amounts of fresh water.

RoNA feel strongly that corporations benefit far more than local communities from natural resources. In the past, valuable resources and the natural communities in which they can be found were considered property. The United States' long love affair with private property is partly responsible for this fact, but more pertinent to this discussion is the fact that corporations have been able to influence lawmakers to craft legislation that essentially eliminates the rights of local citizens to object to what they view as harmful practices. Citizens who do object have been

neutralized by corporate law: the rights of the corporation to treat all parts of the environment as property supersede the rights of communities to decide what happens in their cities, towns, and villages. This is because in the United States, owning property allows for extensive legal authority over the natural communities and ecosystems that depend upon that property for survival (CELDF).

The concept of nature as property pervades America's national consciousness and frames the way in which environmental law is crafted. The people who wrote the United States Constitution were presumably influenced by the ethos of the Enlightenment, and our traditions of private property can at least in part be traced to the ideas of John Locke. Certainly, the notion of "mixing one's labor"<sup>3</sup> with property to create ownership of that property was essential to the spirit of the early American pioneers, and is the basis of the series of Homestead Acts passed in the 19<sup>th</sup> and 20<sup>th</sup> centuries. Currently, the Commerce Clause<sup>4</sup> is the binding legislation that treats nature as commerce, which has led to existing environmental law frameworks in the United States being based on the notion of nature as property (CELDF).

The style of rhetoric that RoNA employ pose a threat to these traditional notions of private property. The idea that a property owner can manipulate the land in any way the owner sees fit is being challenged by RoNA under the premise that the owner's actions may be of serious detriment to nearby ecosystems. An entity like an ecosystem is difficult to draw lines around, and granting such an entity legal rights is a new and interesting rhetorical maneuver. It is *this new legal premise* that is at the center of why RoNA represent an important rhetorical style. It is not that RoNA have developed something like a new environmental ethic. It is simply that

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<sup>3</sup> *Second Treatise of Government*, Ch. V.

<sup>4</sup> United States Constitution, Article I, Section 8, Clause 3.

for the first time in modern history, the rights of natural communities to exist and thrive—entities like rivers, marshes, and ecosystems—are being codified.

For RoNA, both optimism and urgency are communicated in texts with titles like “Why Law Can Save the World” and Why a Green Future is ‘Unconstitutional’ and What To Do About It.” Underlying these messages are concerns about corporations unfairly benefiting from the exploitation of natural resources, while average citizens often suffer the consequences of some of the byproducts of this exploitation (air pollution, water contamination, chemical or oil spills). Thus, a major part of the style of RoNA is to argue that all people have a right to benefit from the natural environment, and that corporations do not have the right to cause unreasonable harm to the communities in which they operate.

### **Re-Asserting Local Sovereignty and Shifting Discourses**

It would be difficult to overstate the importance of local sovereignty to RoNA. It is central in each and every ordinance that discusses the rights of nature. Granting rights to nature is closely linked to granting human communities decision-making authority in local contexts. Without self-governing rights, human communities have no authority under current law to enforce the rights of nature. Again, we can look to Pittsburgh to see an example of how rights-of-nature language is stylized as a legal document:

(c) Right to Self-Government. All residents of Pittsburgh possess the fundamental and inalienable right to a form of governance where they live which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent, and that corporate entities and their directors

and managers shall not enjoy special privileges or powers under the law which make community majorities subordinate to them.

(d) People as Sovereign. The City of Pittsburgh shall be the governing authority responsible to, and governed by, the residents of the City. Use of the "City of Pittsburgh" Municipal Corporation by the sovereign people of the City to make law shall not be construed to limit or surrender the sovereign authority or immunities of the people to a municipal corporation that is subordinate to them in all respects at all times. The people at all times enjoy and retain an inalienable and indefeasible right to self-governance in the community where they reside. (Home Rule Charter of the City of Pittsburgh)

What helps unite disparate groups is a belief that local communities should have a say in what happens within and near those communities. Those individuals that strongly identify with such a premise and employ community-rights rhetoric are thus signaled by and attracted to other like-minded individuals. As suggested by Brummett's theory of style, legal language that asserts rights of people to self-govern works stylistically to organize social groups such as RoNA. And while not all who identify with the subculture of RoNA will agree that nature has inalienable rights, "people as sovereign" advocates are often "rights of nature" advocates as well. This is because "people as sovereign" legal language always accompanies "rights of nature" legal language in the ordinances that RoNA seek to pass into law. Thus, "people as sovereign" language is a major part of the system that works to further the goals of the rights-of-nature subculture (RoNA) and helps communicate the values and identity of that subculture through a distinct style of legal language.

Some elaboration is necessary here. Why not discuss this group as “people as sovereign advocates”? While it is true that sovereignty is a vital issue for RoNA, I argue that it is the pursuit of passing legislation containing rights-of-nature language that is the singular distinguishing feature of this group’s rhetoric. People-as-sovereign legal language is not new. RoNA, however, appear to operate, at least in part, outside the existing paradigm. Introducing legal language that grants ecosystems inalienable rights is something new, a rhetorical tactic that represents a potential shift away from the traditional notion of natural resources as commodities.

In this way, arguing that nature has rights poses a direct challenge to the dominant ideology of late capitalism. And, as Darrel Enck-Wanzer argues in an article titled “Trashing the System: Social Movement, Intersectional Rhetoric, and Collective Agency in the Young Lords Organization’s Garbage Offensive,” scholars interested in analyzing the rhetoric of a particular movement should try to understand not just the discourses of a particular group, but to assess the contextual discourse at large. Enck-Wanzer suggests that a “*movement* is a measurement of the discourse itself; to talk about social movement is to talk about the ways in which a discourse represents a shift away from or challenge to a dominant social imaginary as evident in narratives, ideographs, and other rhetorics” [author’s emphasis] (177). RoNA shift the discourse by arguing that natural resources have *rights*, a direct threat to late capitalism’s notions of private property, of natural resources, of corporate rights. It is still early going for this movement, but such a rhetorical maneuver is important for rhetorical scholars to consider, particularly those grappling with questions of where and how much agency exists in our postmodern world.

## **The Power of Collective Bodies**

RoNA believe large groups of people gathering and participating in public forums has a rhetorical effect. Perhaps more compelling than the truly significant legal ramifications of granting rights to nature and asserting local sovereignty is the way in which RoNA are able to assemble large groups of people to participate in public forums. An example of such a forum would be a special public hearing, where a zoning committee engages in dialogue with the community after a sudden spike in public interest. Such a hearing took place in Decorah, Iowa, in the winter of 2013. Through the efforts of various local groups, such as the Winneshiek County Protectors (WCP) and the Community Rights Alliance (CRA), public interest in regard to a frac sand mining proposal by a large corporation rose to a level that demanded a hearing take place. The zoning committee would then make their recommendation on the proposal to the county board of supervisors.

It is within this forum that RoNA display a style of collective bodies. By filling a county courthouse, by gathering and chanting outside of the courthouse, by making and displaying signs that say “Our county/Our say,” by speaking with the support of hundreds of others in close proximity, collective bodies put pressure on the committee to recommend a county-wide moratorium on mining to the board of supervisors. The atmosphere in the room was quite intense in this hearing. At one point, Tripp recalls, a woman who helped organize the local CRA stood up to speak and, *breaking the hearing rules*, addressed an audience member directly: “Would you mind telling the board who invited you?” The addressee was one of only two people at the meeting to speak in favor of mining, and his answer was “Olson Explosives Company” (Ruf & Tripp). Out of the roughly twenty people who spoke at the hearing only two were in favor of the

proposal, and both worked in the mining industry. In opposition were farmers, pastors, teachers, young and old. In this way, RoNA stylize themselves as a polyvocal collective of bodies with different backgrounds.

Stylizing collective bodies in public forums results in diverse styles of spoken rhetoric when arguing why a certain proposal should be accepted or not, or why a moratorium should be enacted or not. At the special zoning hearing in Decorah, there was no plan as to who would speak and when: speakers participated on their own volition. Responding to an incredibly successful rhetoric that promises jobs, economic progress, American energy independence (“no more foreign oil!”) and environmental stewardship, collective bodies argue from a wide variety of perspectives. Offered as arguments against mining for frac sand include silicosis (a lung disease caused by silica sand), road damage, burial grounds, sacred sites, water quality, runoff, truck noise, property value decrease, erosion, runoff, earthquakes, truck noise, loss of tourism, and the aesthetic value of wilderness and scenery. These arguments are made via impromptu speech, and representative of a variety of discourses. Importantly, there is a theme that underscores all of these arguments: it is the belief held by this group that “We should get to decide how to treat natural communities at the local level.”

To even get a meeting took a mighty effort on the part of the WCP and their allies, the CRA. Speakers visited churches and local groups, spreading a message of “at least get informed on what these companies want to do in ‘our’ county” (Ruf & Tripp). These visits entail citizens assembling and participating in face-to-face discussions with speakers. The WCP raised money to fund these speakers and communicate with lawyers (not enough in this case, however, to actually hire any lawyers). Ruf and Tripp characterized these speakers as “retired government

teachers,” partly in jest but also in acknowledgement of the fact that it is often retired citizens who have the most time to organize into strategic groups, the most time to do legwork, driving across rural areas often at their own expense. Thus, RoNA assemble as collective bodies not only in situations like public hearings, but in the organizing process as well: fundraisers, meetings, informative speeches and discussions.

Part of the overall homology of this subculture, then, occurs within a recurring pattern whereby a mining proposal is submitted to a local governmental body and the nearest residents quickly organize to demand public hearings regarding the proposal. The ways in which the residents accomplish this small feat define their style. In this case, a tiny mob of mostly retired people give speeches, make announcements on the radio and in the paper, and organize fundraisers and other events that help raise awareness as to the issues at stake. Writing letters to newspaper editors is a major strategy of this style.<sup>5</sup> Collective bodies are rhetorical not only in legal settings, but in the morale-boosting effect on RoNA in settings like fundraisers and meetings. These strategies, or “responses,” as Hebdige refers to them, define the rhetorical style of RoNA.

### **How RoNA are Poly-Vocal and Able to Respond to Multiple Exigencies**

What do I mean when I argue that RoNA rely on “polyvocal rhetoric” to be effective arguers? Well-known amongst rhetoric scholars is Bakhtin’s description of “hypoglossia,” which posits the notion of one speaker, many voices. I am referring, however, to a notion of many speakers, many voices. The poly-vocal style of RoNA is noticeably egalitarian. In this way it is similar to the intersectional rhetoric Enck-Wanzer describes in “Trashing the System,” wherein intersectional rhetoric is “a *kind* of rhetoric wherein one form of discourse is not

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<sup>5</sup> For examples of these types of letters, see here: <http://www.communityrightsalliance.org/index.html>

privileged over another; rather, diverse forms intersect organically to create something challenging to rhetorical norms” (191).

RoNA “intersect organically” in a number of ways. Unplanned, impromptu public speaking results in diverse expressions of public discourse, both in legal settings and non-legal settings like fundraisers and meetings. Grass-roots responses to local exigencies bring disparate, and perhaps even previously adversarial, groups together. Further, any number of individually crafted efforts—things like letters to the editor or Facebook posts—can become public without anything like institutional review. Many speakers, many voices, and many types of discourse with access to the conversation: RoNA exhibit a polyvocal rhetoric.

The rhetorical situation that epitomizes the polyvocalness of RoNA is a court hearing, like the special hearing described above. In these situations, citizens from across the political, socio-economic, and educational spectrums *become RoNA* by speaking in public forums. As Enck-Wanzer argues, “the problem is that most critical rhetorical heuristics for examining movement discourse *do not account for the confluence of forms in a radically fragmented vernacular rhetoric* like that of the Youth Lord’s Organization [author’s emphasis] (180).<sup>6</sup> Moments of public discourse like speaking in a special hearing channel the various rhetorics that individual RoNA employ. These participants are not professional orators; often, speech is impromptu and emotional, other times it is researched and written in advance. But the fact that, in a situation like the above hearing, a sitting politician may hear 15-20 very different types of speech all arguing for the same outcome carries a rhetorical effect.

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<sup>6</sup> The YLO employed such a rhetoric in attempts to resolve a garbage crisis in “El Barrio,” East Harlem, 1969.

The scenario described above wherein a woman breaks the hearing rules to question an industry representative reminds us of Hariman's notion of "decorum." Was breaking decorum in this case an effective rhetorical strategy? It is difficult to be sure. Other RoNA in the room attest to being heartened by the display (Ruf & Tripp). There are other examples of RoNA violating traditional decorum, and while these are interesting stylistic choices, they raise a larger issue: how RoNA perceive "the system." "The system" represents the entrenched interests that make it difficult for groups like RoNA to make rapid change. Enck-Wanzer, in noting the YLO's distrust of "the system," describes it as the "assimilating machine that is able to keep the dominant group dominant and ensure the resistance can never be truly successful. The system keep the rich rich, the poor poor, and maintains inequality without critical reflection" (188). RoNA are wary of and rhetorically reactive to the possibility that "the system" is not functioning properly; their rhetoric includes language which suggests that activists may have to, at times, operate outside the system.

I had an experience recently that serves as an impressive example of such language. While driving through western Wisconsin, where exist huge amounts of the best silica sand, I stopped in a tiny town for coffee. The town is one of less than a hundred residents, situated on a bluff overlooking the Mississippi. The woman who owned the bakery and coffee shop told me – after I had mentioned seeing lots of "No Sand Mine" lawn signs on the way – that residents, herself most definitely included, would sooner lock arms and stand in front of the bulldozer than let mining begin in their town. Because of something in her voice and look of conviction, I believed her to be very serious. For RoNA, the playing field is not level, the "proper legal channels" are sometimes perceived as useless. If the brain of RoNA as a movement and as a

subculture is legal language that grants rights to nature, then a healthy skepticism of “the system” is its heart.

Excellent examples of the rationale RoNA provide for their distrust of “the system” abound. What follows a particularly poignant excerpt, taken from a statement made by Mora County Commissioner (New Mexico) John Olivas:

This legal system includes an ever-expanding set of rules that bestow constitutional “rights” onto corporations. For well over a century now, corporations have used those “rights” to stop efforts, like ours, which seek to use local lawmaking to protect our communities from harmful corporate activities. What’s worse is that most lawyers and judges regard this legal system as untouchable. By treating it as untouchable, they validate a system in which corporations prevail before they even set foot in a courthouse. Put simply, **that system says that our communities have no rights, but corporations do. And further, that when people within a community attempt to assert their rights collectively, that not only do they have no rights to assert, but their actions automatically violate the “rights” of corporations** [Author’s emphasis]. Not surprisingly, those corporate “rights” include the authority to wield our own state legislatures against us to preempt our local lawmaking. (Olivas)

We can see that RoNA highly value the notion of community. While legal systems tend to favor the rights of non-human entities like corporations, RoNA’s concern with the sovereignty of human communities is one reason why they are able to respond to multiple exigencies and avoid a “dogmatic civic pathos” (Vivian). RoNA believe that local sovereignty results in a wide

array of solutions to local problems, rather than generic dictates from centralized authority. Also, a skepticism towards the fairness of the current legal system encourages RoNA to be critical in their examination of discourses.

Currently, RoNA in Decorah are using many types of rhetorical strategies: letters to the editor, speeches at various local groups like churches and clubs, radio ads and service announcements, and a word-of-mouth rhetoric that Tripp and Ruf characterize as “gentle persuasion,” in an attempt to pass an ordinance that grants rights to nature and asserts people as sovereign. As late capitalism frantically (if unconsciously) strives to secure its primacy in the world, these types of rhetorical strategies offer spaces in which organized citizen-activists may push back, spaces in which market values are subordinate to the values of a coherent environmental ethic. Because they are inherently a collective effort, because they do not promote sanctioned leaders, and because their rhetorics are organic responses to local exigencies, RoNA employ a flexible, responsive rhetorical style.

### **“Access Routes”**

As citizen-scholars, we remind ourselves to be aware and reflect. Ellen Cushman points to a “self-reflexive rhetoric” (7) to address the question of how scholars, and writing instructors in particular, can affect positive social change. Simply making the classroom a place where political concerns are raised is not enough. We must, Cushman argues, find ways to promote civic engagement and empower communities other than classroom communities. Cushman suggests finding “access routes” (11) into local communities, places where the hierarchical structures of the university do not exist, and participating in purposeful activism.

The rhetoric and style of RoNA offer these types of “access routes.” Rights-of-nature language is essentially a move that gives a legally valid voice to an otherwise voiceless entity. Thus, possibilities for similar rhetorics exist anywhere the voiceless exist. Young people (particularly as K-12 students), drug addicts, homeless people, veterans, victims of conflict and abuse, minorities, endangered animals—all could potentially benefit from asserting the legal rights of otherwise voiceless communities. Thus, the possibilities for poly-vocal rhetorics like those of RoNA are clearly not limited to the fracking debate.

## Chapter IV

### FACEBOOK AS A SITE OF RHETORICAL STRUGGLE IN THE FRACKING DEBATE

This chapter attempts to contribute to an understanding of RoNA by examining how discourse surrounding the ongoing debate over fracking is constructed via Facebook, discourses that reveal competing cultural values. Focusing on the issue of fracking allows a glimpse of an issue rife with implications as to how democracy functions within the USA. For example, to what extent local governments can make enforceable decisions regarding the treatment of natural resources within their boundaries is of major concern to RoNA. It is also my hope that this analysis helps illuminate rights-of-nature rhetoric and leads to greater awareness as to how social-media sites and other online forums function as public spaces, and with what types of rhetoric groups with a particular political agenda fill those spaces.

RoNA, like any political-minded group, rely on a crafted aesthetic to help persuade audiences. Hariman reminds us that these aesthetics are consciously designed, and by examining them we can better understand how political persuasion works (195). I have argued that collective bodies are central to the aesthetic of rights of nature advocates: fundraisers, protests, and special hearings are not only made more meaningful for participants by the presence of collective bodies, but the messages distributed by the group are more effective rhetorically as well. Political persuasion may sometimes hinge on the presence of collective bodies.

To organize those bodies in the 21<sup>st</sup> century requires digital communications. And while stories of “retired government teachers” and letters to the editor are valuable to tell, and indeed a driving force of RoNA, my analysis of this subculture can benefit from looking at how it

operates in the digital world. Collective bodies consciously assemble themselves, but the resulting expressions are often unconscious and polyvocal, such as impromptu speech in public forums. Digital communications, however, are usually crafted to such an extent that they represent a consciously designed rhetorical style. A major part of both camps' digital aesthetic—and one that is fluid and accessible—is Facebook. Thus it is worthwhile to examine how RoNA and their opponents in the oil and gas industry stylize their rhetoric on Facebook.

Style, we recall, is something like sets of related images and texts that comprise a coherent signification system, in order to communicate identities and values (Brummett xii). Facebook is a convenient platform from which we can access related texts and images of self-described groups like RoNA. Facebook pages with names like *Community Rights Alliance of Winneshiek County* and *Boulder County United* are places where RoNA make announcements, share news and stories, and post a variety of media, such as photos, studies, and videos, in support of the movement. Supporters of fracking also use Facebook, but in a noticeably different way. For the latter, Facebook is most prominently a site where a team of writers hired by the industry writes and then posts a continuous stream of articles supporting all things oil and gas. They too use images, videos, and links to studies; the vast majority of the content on the most prominent pro-fracking Facebook page, however, is produced by paid professionals. Through these processes recognizable sign-systems are created, and identities and values are communicated.

Before reading into the particular texts created by these groups and exhibited via Facebook, however, it is imperative to describe the rhetorical situation in which we find these

groups operating. Thus I will now present a brief summary of the fracking debate, without which there may not exist in the United States anything at all like a subculture of RoNA.

### **The Rhetoric of Fracking**

The process of extracting natural gas from deep in the ground via hydraulic fracturing, or “fracking,” was developed in 1947 but did not see widespread use in the USA until the 21st century. The fracking boom has allowed the United States to increase its oil and gas production significantly; in 2007, the USA produced roughly 4 million barrels a day, while in 2014 that number rose to 12 million barrels a day (Baddour). Proponents of fracking include President Barack Obama, who has extolled the value of fracking in two State of the Union addresses. In January of 2014, Obama said,

The all-of-the-above energy strategy I announced a few years ago is working . . . and today, America is closer to energy independence than we’ve been in decades . . . one of the reasons why is natural gas—if extracted safely, it’s the bridge fuel that can power our economy with less of the carbon pollution that causes climate change. (whitehouse.gov)

Obama also refers to natural gas as a “clean energy source.” It is clear that very powerful interests shape the rhetoric around fracking. The terminology in Obama’s speech is reflective of the arguments the business community makes in favor of fracking and can be seen all over the pro-fracking webpages I analyze below. The term “energy independence” is an important part of pro-fracking rhetoric. This term carries ideas of nationalism, self-reliance, and domestic production; it is often used in concert with phrases like “less reliance on Middle Eastern oil” or “pay less at the pump.” Certainly, the phrase “power our economy” connotes jobs, growth,

profits, and strength. And as we shall see, pro-fracking rhetoric is consistently referring to job growth as a reason to embrace the fracking boom. One term Obama uses, however, is not as well-liked by the pro-fracking sites I analyze; “bridge fuel” refers to the idea that natural gas will be the fuel that helps get society to a point where reliance on fossil fuel is no longer necessary. This term is noticeably absent from the pro-fracking rhetoric I analyze.

As fracking becomes more widespread, it also becomes more controversial. The reasons for this controversy are several. Fracking uses hundreds of toxic chemicals, requires massive amounts of fresh water, requires tons of hazardous silica sand, and releases significant amount of methane during the process. These facts may have been kept mostly away from public view if not for a documentary entitled *Gasland*. This film became well-known after Pennsylvania residents were shown setting their tap water on fire. The film itself became controversial, as the oil and gas industry quickly responded by denouncing its legitimacy (Russell).

As the number of fracking operations began to quickly rise, more and more communities were faced with the realities of living near a fracking operation. For many communities, a “not in my backyard” attitude became the prevailing sentiment, and some have even secured moratoriums and/or bans on new fracking operations within their towns and counties. The city of Pittsburgh banned the practice (2010); so did the state of New York (2014), and the nations of France (2011), Bulgaria, (2011), Ireland (2012), and Scotland (2015).

Towns that pass bans on fracking may face legal challenges from the oil and gas industry and/or state officials. For example, the Democratic governor of Colorado, Mark Hickenlooper, promised to sue any municipality that banned fracking (Byers). In Denton, Texas, only hours after Denton residents voted to ban fracking, the Texas General Land Office and the state’s

biggest petroleum group filed separate legal challenges to the new rule (Malewitz). These types of aggressive responses to actions taken by local governments raise questions about how democracy operates in the United States. In some cases, towns opt to avoid huge legal fees and end up granting the requested permits. What RoNA want to know is, do corporations have more rights than people? Do local governments *really* have any say in what happens within their communities? These questions, asked in response to aggressive legal challenges to local bans, help us understand why RoNA are so concerned with re-asserting local sovereignty laws, and represent a critical approach to “the system” at large.

To illustrate the implications of a rhetorical situation that features various interpretations of local sovereignty, I quote from a recent article in the *Pittsburgh Post-Gazette*, regarding the ongoing legal tussles over fracking in Ohio:

The Ohio Oil and Gas Association is closely watching for a decision, said spokeswoman Penny Siepel. “Once that court case is decided, I think it will probably help . . . reaffirm that *the state ultimately has control over the oil and gas industry*, [emphasis mine]” Ms. Seipel said.

Shawn Bennett, senior vice president of the industry group, said his member companies answer solely to the Ohio Department of Natural Resources. “These bans are, and will remain, without any teeth,” Mr. Bennett said. “When (companies) submit their permit, that permit will go to the division [the State of Ohio’s Dept. of Natural Resources] and the division will choose whether to accept or deny the permit.” (Moore)

On the other side of the coin:

‘I’ve been asked a lot about what it means,’ Ms. O’Dell said. ‘What it means is that the residents passed a law in their community, and just like any other law, it’s on the books. If someone tries to violate the law, then it needs to be defended and enforced.’

The fracking ban is the law in the City of Athens. (Mr. Lang) has spoken with Mayor Wiehl, who ensures him that the city will enforce it. If challenged in court, the city will defend it, the statement reads. (Moore)

This snapshot of competing rhetorics highlights the implications for democracy present in the fracking debate. It sets up a rhetorical situation wherein competing cultural values vie for legitimacy. On one hand, supporters of the oil and gas industry value a legal system in which decisions about fracking are made at a state and national level, a system in which local communities do not have the legal authority to ban fracking within their borders. Persuasive arguments about job growth and energy independence are central to this rhetoric. On the other hand, anti-fracking groups value laws that grant rights to nature and rights to human communities to decide what happens within their own boundaries.

### **Facebook as Site of Rhetorical Struggle**

There are plenty of websites that deal with the topic of fracking, but Facebook has emerged as a site playing a role at the center of this issue. For many different communities, Facebook is instrumental in expressing their pro- or anti-fracking rhetoric. To understand Facebook as a public space, we must look beyond the Facebook pages themselves and into the articles and pages that are linked to via posts. Examining several different Facebook pages and the types of links posted by group members, I started to see rhetorical patterns emerge. What

follows is a discussion of the rhetorical style of four different Facebook pages and the patterns therein.

### ***East Boulder County United***

The *East Boulder County United* Facebook page spells out a clear anti-fracking agenda, calling for moratoriums on fracking in several Colorado counties. Coloradans created the page in response to the increasing presence of mining corporations within the state, and in response to Governor Hickenlooper's aggressive pro-fracking stance. *East Boulder County United* posted some celebratory rhetoric recently, however, given the fact that Boulder County commissioners voted to extend an about-to-expire moratorium on fracking for another 3.5 years (Fryar). This celebratory rhetoric is expressed by posting a link to a local article that details the extension, and a photo of the county courthouse with a caption that reads, "Boulder County commissioners extend moratorium on oil and gas development until June 2018" (*East Boulder County United*). This post received 94 "likes," was commented on 13 times and shared 21 times. This post received far and away more "likes," shares, and comments than any other single post I have seen on *East Boulder County United* Facebook page. Phrases like "We did it!" and "All right. Representing the people. And not dirty energy. Thank you commissioners!" and "Can this be challenged and overturned?" and "I don't understand how they can do that. Isn't the state in control of oil and gas?" communicate sentiments of relief, joy, and continued skepticism.

*East Boulder County United* is a site where group members post photos of local rallies, public meetings, and fracking operations. It is a site where people post links to various local news stories in places that are vying for similar legal outcomes, places like New Mexico, Pennsylvania, New York and North Dakota. *East Boulder County United* has 3,689 "likes" on

Facebook and is a forum for people all over the country to share stories, news, links, and information about where locals organize and talk about meetings. All of this adds up to a rhetoric of unity, solidarity, community rights, and environmental progressivism. One important fact to note is that while *East Boulder County United* does have administrators who post consistently, there is a polyvocal rhetoric expressed on its Facebook page. That is, individual Facebook users voluntarily post photos and links, ask questions and provide answers to other group members' questions. As we shall see, this voluntary, polyvocal rhetoric contrasts sharply with the compelled (by paying writers) and centralized rhetoric of the *Energy in Depth* Facebook page.

*East Boulder County United* uses a rhetorical style that is a bit more provocative than other anti-fracking sites I looked at. For example, a recent post made by one of the site's administrators has a photo of a small child on a playground. The playground is right next to a fracking operation, and the child is wearing a large pair of sound-blocking earmuffs. The child also appears to be crying and is visibly upset. The caption for this photo reads, "From Erie, this morning. Given all of the community pleas that have been ignored, it is time for civil disobedience?" (*East Boulder County United*). Clearly, the administrator who posted this image and caption is trying to capitalize on the pathos of a crying child in the shadow of a fracking rig. The provocative suggestion that civil disobedience is the only rational option at this point in the struggle reflects a serious doubt among members of this group as to the effectiveness of public deliberations.

### ***Community Rights Alliance of Winneshiek County***

Another page on Facebook that is designed to assist in the anti-fracking movement is *The Community Rights Alliance of Winneshiek County* (Iowa). This page played a role in helping

residents of Winneshiek County enact a moratorium on fracking in their county. In this case, as in the case of *East Boulder County United*, Facebook serves as a platform for local organizing. Like the *East Boulder County United* Facebook page, the *Community Rights Alliance of Winneshiek County* Facebook page is used also used to share news of similar struggles across the USA and abroad. Photos of local meetings and links to articles are once again the most prominent rhetorical moves. Many of the links are the same as on the *East Boulder County United*. For example, both pages have several links to articles that discuss the fracking ban that was passed in Mora County, New Mexico, which represents the first and only full-fledged county-wide ban. By referencing a success story, *Community Rights Alliance of Winneshiek County* expresses a “we can do it too” style of rhetoric.

The *Community Rights Alliance of Winneshiek County* has only 321 “likes.” While this fact can be explained by the smaller population of Winneshiek County as compared to Boulder County, it also manifests itself in interesting ways. First, there is noticeably less activity on the *Community Rights Alliance* Facebook than on the *East Boulder* page. The *East Boulder* page has multiple posts per day, while the *Community Rights Alliance of Winneshiek County* may have only a few posts per month. There is a distinct small-town feel to the *Community Rights Alliance* page, with photos of individuals putting letters in mailboxes and of meetings with only a handful of participants. The *Community Rights Alliance* page stylizes itself in a way that assumes everybody viewing the page knows each other, or at least knows of each other. This contrasts from the *East Boulder* page where a growing, nationwide, grass-roots movement is depicted alongside local concerns.

The *Community Rights Alliance of Winneshiek County* links to a community rights webpage that allows viewers to access the specific texts that define the group. Letters to county commissioners, the ordinance that proposes rights of nature and of local governments' sovereignty, and blog posts written by various members of the group are some of the texts that are accessible via the *Community Rights Alliance of Winneshiek County* Facebook page. A mission statement posted by the Community Rights Alliance more fully reveals this group's rhetorical style. It reads, "We peacefully assert our Constitutional right to local, democratic self-governance, for the purpose of protecting the health and integrity of our communities, our commonly shared natural resources, and our future" ("About Us"). This rhetoric attempts to persuade by appealing to notions of democracy, peace, community, and public health. This mission statement also seeks to legitimize the cause by referencing the Constitution.

Responding to a well-worn and amazingly successful rhetoric that promises jobs, progress, energy independence and environmental stewardship, the Facebook pages of *East Boulder County United* and *Community Rights Alliance of Winneshiek County* argue from a wide variety of perspectives. Importantly, there is a theme that underscores all of these arguments, a theme that helps define the rhetorical style of anti-fracking groups: it is the belief held by these groups that "We get to decide what happens within our towns and communities."

### ***Energy in Depth***

Of course, Facebook is also a platform for the rhetoric of industry and business. *Energy in Depth (EID)* is a well-funded group. *EID* was created by the American Petroleum Institute and the Independent Petroleum Association of America (IPAA), among dozens of other industry organizations to combat the growing anti-fracking movement. There is no secret about this

mission. In a letter written by Barry Russell, the President and CEO of IPAA, *EID*'s corporate logo is unveiled and a mission statement, in bold letters at the top of the letter, is given to describe *EID* as “*a state of the art online resource center to combat new environmental regulations, especially with regard to hydraulic fracturing.*” Russell goes on to thank the sponsors of this massive new effort, an effort that includes new offices all over the country and is described by Russell as “costly.” Those sponsors include XTO Energy, Occidental Petroleum, BP, Marathon, Chevron, Shell, IPAA, and Halliburton. Despite these heavy hitters, Russell goes on to ask the recipients of his letter to consider making additional contributions to the effort (“Hydraulic Fracturing Under Attack”). Clearly, *EID* is a well-financed Facebook page that is at all times crafting its rhetoric in terms that align with the values of the oil and gas industry.

Interestingly, the language used to describe *EID*'s mission is much less combative on *EID*'s actual webpage. According to the site [www.energyindepth.org](http://www.energyindepth.org), *EID* is mostly about research and education:

Launched by the Independent Petroleum Association of America (IPAA) in 2009, Energy In Depth (EID) is a research, education and public outreach campaign focused on getting the facts out about the promise and potential of responsibly developing America's onshore energy resource base—especially abundant sources of oil and natural gas from shale and other “tight” formations across the country. It's an effort that benefits directly from the support, direction and technical expertise of a broad segment of America's oil and natural gas industry, led in Washington by IPAA, and guided on the ground by IPAA's more than 6,000 members and affiliates in the states. ([energyindepth.org](http://energyindepth.org))

Thus, we see the basic rhetorical principle of audience influencing terminology. The very same network (*EID*'s online campaign) is described to insiders as a way to "combat new environmental regulations" but described to outsiders as a campaign of "research, education, and public outreach." To insiders, then, *EID*'s Facebook page becomes a rhetorical weapon to be used against opponents, and to outsiders it becomes a place to retrieve and share information.

As mentioned above, the rhetoric of "jobs" is central the pro-fracking camp, and this is evident from *EID*'s Facebook page. Links to articles with titles such as, "INFOGRAPHIC: Shale Development Supports American Jobs," and "Pennsylvania Counties See Low Unemployment Rate Thanks to Shale" are prominent. These articles are all written by *EID* staff writers. The rhetoric of job growth is perhaps the most influential, based on my experience in noticing that articles which detail job growth get the most "likes" and the most comments from individual Facebook users.

It would be a fascinating research project to conduct, using new digital technology, a distant reading of all the titles of articles written by *EID* staff writers. One common rhetorical move *EID* writers make is to put a word or phrase within the title in quotes. For example, articles like "Errors from Start to Finish in Center for Public Integrity's Barnett Shale 'Investigation'" and "Texas Foes use 'Setbacks' to Ban Drilling" are common titles. By putting quotes around "investigation" and "setbacks" the authors of these pieces exhibit a very clever rhetorical trick: they get to quote a source but frame the word in such a way as to regard the idea in a condescending manner; this somewhat mocking tone is, however, by design and seeks to diminish the legitimacy of any piece of news that may hurt the oil and gas industry. In this case *EID* argues against the legitimacy of a publicly funded investigation (Everly).

Indeed, *EID* writers are fond of rhetoric that labels opponents of fracking as childish or out of control. When anti-fracking organizers gathered to oppose a Colorado court decision, *EID* posted an article on its Facebook page that called the gathering a “tantrum.” When the *New York Times* published a comprehensive report on some of the negative results of North Dakota’s oil and gas boom, it was referred to by *EID* writers as “pretty silly.” One article’s title refers to California activists as “full of sound and fury” (Quast). These rhetorical maneuvers are in line with *EID*’s mission statement to actively repudiate each and every text that can be construed as supporting the anti-fracking movement.

A major difference between the *EID* Facebook page and the anti-fracking pages described above is the fact that the articles linked to on *EID*’s Facebook page are almost entirely produced by the staff writers of *Energy in Depth*, while the articles posted on anti-fracking pages such as *Community Rights Alliance* are mostly online newspaper articles. Thus, we can see that anti-fracking rhetoric is polyvocal and voluntary, while much pro-fracking rhetoric is essentially paid-for propaganda. There are comments on the *EID* page posted voluntarily by individual Facebook users, but they are few and far between, and they often amount to poking fun at anti-fracking groups. For example, one individual, in response to an anti-fracking article posted on the *EID* page, writes, “Your ‘dissenting position’ is invalid. Now, run along and play with your solar panels” (*EID*). Here, much like in the articles written by *EID* staff, the rhetoric of quoting a term to delegitimize it is combined with the tactic of equating opposition with childishness. On the one hand, *EID* staff writers are polished and polite when responding to opponents of fracking, on the other hand, pro-fracking rhetoric can be somewhat dismissive and condescending.

### *Some Patterns*

Both camps make use of what I call “the rhetoric of links.” Links allow the post’s author to say more, to say it more credibly, and in many cases to say it better. Also, links end up being more visually imposing than written text alone, due to the “pop-up screen” that emerges after posting a link. This screen serves as the link but is also large enough to make the title of the linked article appear in a larger font, along with an image that also dwarfs the standard Facebook font size. Thus, links have a way of legitimizing a post; posts without a link may be questioned as unsupported subjective opinion.

Another pattern that emerges from this analysis is the rhetoric of nationalism. Both sides rely on appeals to national pride, albeit in different ways. Pro-fracking groups consistently refer to “energy independence” and the fact that the oil and gas boom create “American jobs.” Anti-fracking groups refer to the Constitution and the sovereignty of local governments. Ironically, anti-fracking groups see fast-tracking oil and gas projects as “un-American.”

Finally, both camps are adept at expressing cultural values with visual rhetoric. Photos of job sites, men in hard hats working, and graphs depicting low unemployment rates and rising Gross Domestic Product are styled to appeal to the citizen who is primarily concerned with job growth and the strength of the United States economy. Photos of natural settings, children playing outdoors, and maps that depict a rapid proliferation of fracking operations appeal to the citizen who may place environmental health above economic growth. Thus, we can see that while the messages are vastly different, certain rhetorical maneuvers are practiced by both sides of the fracking debate.

*Is the Fracking Debate on Facebook Democracy in Action?*

Facebook and other online forums offer citizens a platform—however limited—to participate in democracy. We are best to keep in mind, however, that participating in democracy via the Internet is cumbersome to many and impossible for some. Thus, these spaces are *not compatible* with familiar concepts of public spaces such as Habermas’ “public sphere.” Nancy Fraser critiques Habermas’ analysis of public spheres and notes that Habermas makes unrealistic assumptions about public spheres as places that are equally accessible to all groups, or equally hospitable to all points of view. Fraser argues that Habermas’ public spheres “may be understood as culturally specific rhetorical lenses that filter and alter the utterances they frame; they can accommodate some expressive modes and not others” (Fraser 69). This type of social arrangement of the public precludes equal participation. Participation, Fraser says, “means being able to speak in one’s own voice, thereby simultaneously constructing and expressing one’s cultural identity through idiom and style” (68). While social media sites and political blogs can indeed serve as platforms for cultural expression, those expressions are not likely to be heard by political leaders who are charged with deciding matters of great social importance. Further, these sites are not equally accessible to all groups and thus cannot “accommodate” a full range of “expressive modes” (Fraser 69).

Despite their exclusionary potential, online forums can in fact serve as kinds of public spaces. They allow access to a global network of information, which can raise awareness of issues previously unnoticed by mass publics, and social media sites can indeed help organizers run successful “grass-roots” movements. Of course, sites like Facebook are also used by

powerful interests—like the oil and gas industry—who seek to frame the terms of social debates, and to actively denounce any forms of democratic action that oppose their agenda.

Despite its limitations, Facebook does work democratically, particularly if we regard people using Facebook from the perspective of Fraser's concept of democratic participation as being able to "speak in one's own voice" and express one's cultural identity "through idiom and style" (68). Facebook is perhaps most useful in helping concerned citizens organize and share information. Facebook is exclusive, however, despite its widespread use. It is good to remember that significant portions of the population are not using Facebook, or are unable to access the Internet. Also, the opinions expressed on Facebook are not likely to reach the people sitting in important decision-making positions.

Facebook should not be considered as a site that has somehow resolved the ethical question of creating a modern public space that allows for universal access, participation, and acknowledgement. It can, however, be considered as a space in which a certain brand of democracy functions, a space in which competing rhetorics vie for legitimacy. Groups use Facebook to express political views, and pages created in direct response to pending legislation can influence political outcomes by assisting groups who organize to support or oppose that legislation. Thus, we see the value in Ackerman's suggestion that rhetorics involved in the "policy sphere" may be more effective than other rhetorics. While Facebook may not be a substitute for public meetings and face-to-face deliberations, it does serve as an important new kind of public space, and it has potential to influence public policy.

### *Exigencies for Rhetorical Study of Facebook as Democratic Action*

By analyzing how social media sites are used rhetorically by groups participating in public political discourse, scholars can begin to unpack an important new feature of American democracy. The debate over fracking has motivated thousands of Americans to take democratic action, and they do so in a continuously engaged fashion on Facebook, a level of engagement that far exceeds simply voting at hearings. I define “democratic action” as any activity that argues regarding legislation or other legal outcomes—in the broadest sense of those terms. An inclusive notion of democratic action includes, among other things, participating in public meetings, speaking to others about matters of public importance, voting, rallies, protests, boycotts, public political writing such as political blogs or letters to editors, or any public activity that expresses a genuine opinion on public matters.

The action that is most commonly associated with democracy is voting, which is an unfortunate fact of American culture. Even though voting qualifies as a democratic action in a strict sense, it represents only a tiny fraction of the possibilities for citizens to engage in democracy. Voting is an uncontested expression of political desires, yet its mechanics allow citizens to vote in secret. And while it is democratic, the larger the election, the smaller the impact of each individual’s vote.

Given the non-stop, high-stakes lobbying that occurs in Washington, D.C. (and in state capitols), there are questions about how realistic it is to assume that average citizens have the ability to affect change simply by voting different candidates into office. Voting seems especially inadequate within Fraser’s concept of participation in publics as “expressing one’s cultural identity through idiom and style.” That said, voting is certainly not to be written off entirely.

Voting does offer a relatively easy opportunity for political expression, and can be particularly impactful at local levels.

Voting, however, is decreasing in popularity among citizens, as are other democratic practices. J. Michael Hogan details the decline of political participation in America in “Rhetorical Pedagogy and Democratic Citizenship.” Fewer and fewer Americans take part in the kind of grass-roots democratic action that fueled the Progressive era of the early 20<sup>th</sup> century (78). Some of the statistics are rather disheartening. Things like attending public meetings, writing a letter to the editor, or even the simple act of signing a petition used to be common among average Americans; but by the mid-1990’s most Americans did not engage in a single civic activity (79). As fewer and fewer Americans attend public meetings, vote, and in general make their culturally genuine voice heard in public ways, the influence of market forces on decisions of public importance becomes stronger. Public schools are evaluated as if they were businesses, candidates equate running the government with running a business, and within the academy, administrators phase out tenured instructors in favor of much cheaper adjuncts and graduate assistants.

Therefore, an exigency is present to investigate how rhetorics of democratic participation function within new public forums like Facebook. John Ackerman, in his article “Rhetorical Engagement in the Cultural Economies of Cities,” attempts to clarify what civic engagement means. We should, Ackerman suggests, consider civic engagement as the way citizen-scholars make rhetorical investments in the public life of their cities (77). Subsequently, rhetorical engagement should be reframed in political and economic terms, and those who engage the policy sphere may end up wielding more political influence than those who participate in other

areas of public life because the policy-making world is usually not burdened with considerations of engaged citizens (90). Thus, we can look at democratic action as rhetoric intending to engage the policy-making world, and should strive to understand its rhetorical influence in political and economic terms. The fracking debate on Facebook is a narrow but informative sample of competing rhetorics, with the ultimate goal of both sides being to influence public policy.

Other exigencies for better understanding democratic rhetorics online exist. For example, the rise in non-profit groups over the past thirty years could be viewed as a positive sign that Americans are finding new outlets for political expression. This trend, however, coincides directly with a serious decline in voting, attending public meetings and writing letters to editors (Hogan 79). It is true that by donating to one group over another, individuals are, to some extent, signifying their political desire. But that donation does not result in a seat at the meeting table, and the special interest group is free to use that money in ways that the individual may find objectionable. Worthy causes become sloganized and commercialized, and individual citizens may feel content that a donation is akin to raising their voice in a public forum.

Further, “participating” in politics from the comfort of an individual internet bubble isolates us from the vital task of negotiating meaning in a public forum via dialogue. Hogan writes, “Not only do blogs and chat rooms lack the personal accountability of face-to-face interactions, but they tend to attract only like-minded participants and reinforce rather than challenge existing beliefs” (79). Besides blogs and chat rooms, social media sites such as Twitter and Facebook often turn into echo chambers where opposing views are silenced or ignored, and Google filters search results based on our preferences. So, while it is true that many types of connections are possible via the Internet, even connections to people with opposing or radically

different viewpoints, citizens tend to connect with like-minded people, and none of those connections require “the personal accountability of face-to-face interactions” that deliberations of great public importance demand.

New technologies are often sold to the public as democratizing forces, when in reality new technologies can be used to suppress democratic action. As Hogan reminds us, Americans were told that television would broadcast “public interest” programs and even allow citizens to somehow speak directly to their leaders; alas, television has instead become a public-interest desert, filling the airwaves with meaningless trivia, endless sports coverage, celebrity gossip, and entertainment masquerading as serious news. Hogan goes on to compare television to the Internet:

In the 1990’s we heard similarly optimistic predictions that the Internet would revive grass-roots democracy by providing ordinary citizens with unprecedented information resources and a powerful new tool for interacting with their fellow citizens. Instead, the Internet has become too often a refuge for for purveyors of political misinformation, bizarre conspiracy theories, and the rhetoric of hate. Even mainstream political websites reek of ideological parochialism and rhetorical excess. (82)

Thus, concerned citizen-scholars must make a distinction. On one hand, we can see the people-organizing potential of social media and how access to global information can help raise awareness of serious issues. On the other, we see stifling forms of political “participation” fostered by the mechanics of the Internet and by idealizing it as a tool that will lead to an

informed electorate, and how the isolating nature of discussion boards, blogs, and mainstream media news consumption too often serves to divide and distract.

Trying to understand how rhetorics of democratic action (like those of RoNA) function online is an important task. We should keep in mind, however, that too much focus on what constitutes democratic action can impede scholarly inquiry into matters of social justice. As Candice Rai argues, “Concern over whether something is or is not democratic obscures the more important question of whether various social investments do or do not produce just social consequences” (51). By describing the features and effectiveness of RoNA, and by examining the digitally produced rhetorics surrounding the fracking debate, I hope I am not only addressing questions of how democracy is functioning through these rhetorics but also moving towards a discussion of how the “social investments” made by proponents and opponents of fracking lead to particular social outcomes that may or may not be in the public interest.

### **Conclusions and Perspectives**

Style carries rhetorical weight (Hariman, Brummett, Vivian). RoNA stylize themselves as concerned with environmental sustainability, public health, and community rights. Understanding RoNA’s style may assist citizen-scholars in locating and understanding how agency functions in the postmodern world. At the heart of RoNA as a subculture is the legal language found in the ordinances described above and in the Ecuadorian constitution. Trying to codify that language unifies them in shared purpose. While various interpretations of what precisely those rights entail exist, the basic notion that ecosystems and natural communities have a right to exist and flourish is intuitively simple to understand, thus easy for imaginary communities to cohere around.

RoNA use style to organize themselves into communities. They argue not only for the rights of natural communities, but for granting decision-making power to local citizens rather than to some outside institution, such as a mining corporation. Citizens might support RoNA for a variety of reasons, including (but certainly not limited to) concerns about property value decrease, silica sand, water quality and road damage. Part of how we see this style working as a system, however, is in the fact that these various concerns serve to *bring people together in public forums*, and by assembling as a collective of bodies citizen-activists like RoNA are able to put pressure on political officials. Questions of who can and should make decisions about extracting natural resources are at stake, and RoNA are particular about the people's rights not being subordinate to corporate rights.

RoNA have seen hundreds of successful (success being passing an ordinance or other legislation, like a moratorium) rhetorical campaigns, but many others have failed. It is true, though, that when Ecuador passes a constitution with rights of nature legal language, when Pittsburgh residents successfully argue for local sovereignty and to grant ecosystems "rights to exist and flourish within the City of Pittsburgh" ("Home Rule Charter of the City of Pittsburgh"), and when small towns and municipalities do the same (and news spreads), RoNA gains momentum as a subculture and as a movement.<sup>7</sup> Further, it is an interesting fact that legal challenges to rights of nature language occurs in fewer than 5% of such cases (CELDF). According to rights of nature advocate Jim Tripp, however, RoNA believe that this number will begin to rise as corporations develop more effective arguments in response to the rhetorical combination of rights of nature and people as sovereign legal language.

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<sup>7</sup> "List of places that ban fracking keeps growing" (Baddour).

Assembling as a unified collective of bodies is vital to the effectiveness of RoNA. For example, packing a special board-of-supervisors meeting to maximum capacity carries a rhetorical message to politicians, far different than merely submitting a legal document for review. Speech is stylized in public forums not by authentic individual agents, but collectively. In 2013, in Decorah, Iowa, residents used collective bodies and poly-vocal rhetoric to persuade a zoning committee to recommend a moratorium on frac sand mining.

The type of polyvocal speech that RoNA employ is similar to the “intersectional rhetoric” of the YLO (Enck-Wanzer). In rhetorical situations that require public speech or public writing, no particular discourse is privileged, and a wide array of vernacular is employed. Further, RoNA are radically skeptical about “the system,” which may allow them to resist being co-opted by the larger capitalist culture. RoNA is better equipped, then, to avoid dogmatic tendencies because particular discourses are not inherently privileged, and their rhetorics are organic responses to local exigencies.

RoNA pose a challenge, however miniscule at this point in time, to the dominant ideology. RoNA display a style that may offer hope for communities desiring new models of argument to push back against the encroaching power of late capitalism. Rather than recognizing the market context as the “frozen floor of meanings” (Brummett), RoNA argue for a new ethic to be present during public discourse. Within this new ethic an intersectional, poly-vocal rhetoric can operate.

Facebook is one of many new public spaces; it has become a very useful site for both sides of the fracking debate and affords scholars an opportunity to analyze how groups taking democratic action stylize themselves online. Several exigencies for examining online sites as

public spaces exist, including the overall decline of democratic participation (voting, attending public meetings, letters to editors) in America. The fracking debate on Facebook reveals a competition of cultural values, and RoNA create and distribute texts that allow individuals to recognize those values and cohere into imaginary communities.

Marilyn Cooper reminds us that in a postmodern world, intellectuals have constructed a new model of human beings as subjects. These new subjects “are assumed to be so fragmented that they are incapable of coherent intentions or actions, and agency is merely a position into which they are interpellated” (Cooper 423). For rhetoric to exist, however, and for rhetorical theory to be of any importance, individuals must possess agency. Cooper defines agency in terms of neurophenomenology: agents change their structure in response to the world around them and to the imagined potential results of their actions. Human beings assimilate into their surroundings but do so with unique intentions, goals and histories. In Cooper’s words, “individual agents are determinate, but not determined” (428). Agents can be responsible by listening to others in a mind that is open to new ideas, and recognize the fact that truths exist in minds other than their own.

I agree with Cooper: agency exists, and it is indeed necessary for rhetorical theory. Individuals act with particular intentions and goals as they assimilate into their surroundings, and when individuals come together to form groups they are, in some cases, able to exert rhetorical influence, even as “the system” works to minimize the effects of rhetorics that challenge the dominant ideology. The belief that 21<sup>st</sup>-century subjects are inherently fragmented informs scholarly arguments that suggest late capitalism is entrenched and utterly secure. What I hope to have shown in this paper, however, is that by *unifying* with other individual subjects to form

collectives, by filling public spaces and pressuring politicians, and by speaking in a wide range of voices that span across the political spectrum, fragmented subjects are able to make coherent, effective rhetorical decisions.

As our postmodern subject position becomes increasingly apparent it is vital to examine the potential of poly-vocal rhetorics, and to strive for an understanding of the possibilities and limitations of collective agency. RoNA employ a rhetoric that, while still very new, has shown itself to be an effective means of shifting discourse away from the dominant ideology of late capitalism and influencing important political decision-making processes.

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