

Opposition to corporate legal rights has become more visible in recent years. Activists seek ways to address the influence of corporations on the state and its ancillary institutions. The most well-known tactics range from Occupy's embrace of anarchic, leaderless horizontalism to the Mayday PAC raising money to elect representatives who support a campaign finance amendment to the United States Constitution (Ennis 2014, Kloc 2014). The spectrum of political efforts between these two approaches speaks to how the problem of corporate power resonates with many people in the United States. It also, however, demonstrates how "democracy," as the ostensible other of corporate politics, can be interpreted as everything from radical protest to electoral processes. At one end of the spectrum between horizontal and representative politics, certain kinds of leftism rejects the notion that the modern state has any democratic potential. Democracy, in this view, is a concept that is only legitimately meaningful in the context of leaderless or quasi-anarchic movement. For horizontalist political philosophy, democracy is purely "other" to a state-based politics of managing populations through vertical, hierarchical, and representational liberal governance that partakes in ongoing inequality and exploitation.

Jacques Rancière's work on politics is both an extension of and a departure from an anti-statist and horizontal vision of democracy (1999, 2010). Although thinkers of anarchist politics like Todd May have claimed Rancière's work for the cause of pure horizontalism, others like Samuel Chambers have argued that Rancière's perspective is more complex (2008, 2013). For Rancière, democracy is a political event that interrupts the expected order of what he calls "the police," including representation established by liberal government. Democracy is, by Rancière's definition, not a politics that has been institutionalized in an apparatus of management. Rancière's vision of democracy, however, requires an understanding of the interplay between political action and the political order. Unlike horizontalist definitions of democracy striving for

a politics pure of all the corruptions of government based on representation and liberalism, Rancière describes democracy as an impure event that happens in relation to the state and its ways of speaking, writing, ordering, and governing. As Samuel Chambers argues, for Rancière politics is “an act of impurity” that complicates and undermines philosophical and empirical givens but does so using the terms of what is given (2011, 305).

Beyond his allowance for political impurity, Rancière brings an important innovation to strongly horizontal and anti-statist accounts of democracy. He critiques democratic “theory” and what he terms “metapolitical” explanations of how democracy inheres in immanent forms of social life, echoing long-standing concerns of rhetoricians about excessively idealistic visions of political community (Foust 2006, Cloud, Macek, and Aune 2006). In doing so, he offers a fresh approach to what scholars of rhetoric, following Plato and Aristotle, call democratic *doxa* or the commonsense language of democracy (1999, 10). While some rhetoricians have embraced the democratic potential of *doxa* such as “rights” or “equality,” others have demonstrated suspicion of the ways *doxa* occludes the truth of the distribution of power. Metapolitical critics of vertical, institutional politics see democratic *doxa* as part of governing techniques that rigidly maintain inequality. For metapolitical critics, explaining the hidden power-supporting operations of political *doxai* is an attempt to counteract their undemocratic operations. Rancière, on the other hand, sees the same common sense language as a vehicle for expressing the equality of those who have been excluded from the political order by those very same *doxai*. Political subjects appear or come into being *as* political subjects by asserting their equal ability to speak through this same common sense language or *doxa*. To that extent, according to Rancière, democratic *doxai* are *performed* in moments when the equality of subjects is being demonstrated.

Rancière's account of the commonsense language of politics departs from political theories that condemn *doxa*, especially political theory claiming metapolitical purity as it explains the machinations of *doxai*. What has yet to be fully extrapolated from his work, however, is Rancière's conceptualization of the *method of equality* and how it guides the task of something like "research" on democratic *doxa*. Rancière disavows the metapolitical scholarly task of "explaining" political and rhetorical phenomena according to the tenets of a political theory that is fundamentally a sociology of political community (Rancière 1999, 2006, 2010, 2016). Rancière's own "research" identifies and intensifies historical moments when democracy happened as subjects took up the common political language of rights by describing how they had been wronged. This means that, for Rancière, research requires giving up "explanatory distance" and seeks to remove political speech from its "status as evidence or symptoms of a social reality" (2012, *xi*). Instead, Rancière has sought to "reaffirm that the motivations of the philosopher and the scholar are cut from the same common cloth of language and thought as are the inventions of" writers and speakers of many kinds, including those who seek inclusion as political subjects in the sensible order (2012). This "common cloth of language" is the *doxa* that shapes writing and speaking by activists, citizens, and philosophers alike. Unlike philosophical metapoliticians, Rancière does not offer a "theory" of democracy that stands above such *doxa*. Describing the political activities of subjects who make claims to be counted is not a matter of explaining the reality of what lies behind or beneath such claims. Nor is it a matter of philosophizing about the pure and perfect political collective. Instead, the "method of equality" acknowledges and intensifies the operations of democratic politics as they happen in and through doxastic material common to politics and scholarship alike.

Because Rancière rejects the metapolitical commitment to critical methods that invert the surfaces and depths of language, Rancière's work fits loosely into the "post-critical" turn in the humanities (Chambers 2013).¹ There is, nonetheless, a persistent uneasy sympathy between Rancière's account of politics and metapolitical thinkers of surface and depth such as Michael Hardt and Antonio Negri. This sympathy is the result of a shared refusal of the possibility that the state itself can be democratic. For certain critics of liberal democracy, including Hardt and Negri, genuine democracy is something that occurs in protest, in demonstration, and in the pure practices of horizontal self-organizing rather than in voting, legislating, representation, and in the vertical hierarchies of state institutions (2000, 2004, 2009). Rancière's approach, on the other hand, embraces the surface appearance of common political language in democratic events rather than explaining what lies beneath it (2010).

What if, however, democratic *doxa* performed by political actors includes the common gesture of critiquing undemocratic appearances of *doxa* and explaining what lies beneath? Rancière rejects the metapolitical gesture of inverting surfaces and depths when it is done by credentialed philosophers, but what about when it is done in town halls in rural municipalities? How can the method of equality, which acknowledges how all might share political language and its common materials, embrace non-philosophers who take up the metapolitical rhetoric of inversion? What if the metapolitical style is sometimes part of the event of democratic subjectivity as otherwise defined by Rancière? What are the implications of such critiques of democratic *doxa* for the pursuit of a post-critical account of democratic politics?

This essay takes up an example of democratic politics that employs the metapolitical gesture of critiquing the surface appearance of things and exposing their depths: Community Rights Ordinances (CROs) that legally establish the rights of communities while critiquing the

rights of corporations. CROs have two lessons to teach us and Rancière about the democratic demonstration of equality through metapolitical *doxa*. These lessons can only become clear, however, through an important set of methodological techniques for conducting political philosophy in concert with democratic events. The rhetoricity of philosophy, including political philosophy, has been thoroughly discussed in the pages of this journal. Philosophy, rhetoricians are fond of claiming, has a rhetorical agenda. Rancière's project is sympathetic to the suspicions of rhetoricians in that he famously rejects the mission of "political philosophy" when it is conceptualized as the theoretical project of explaining and managing social behaviors and forces (1999). Rancière's insights about equality as a *method* suggest how democratic rhetoric can contribute to a political philosophy that embraces political stories and language common to all and equally available to all. The political philosophical language of "rights," is part of a common language that can be taken up by entities across the United States who are seizing it to demonstrate their status as political subjects. The incursion of politics on philosophy works much like what Rancière has more recently called "unexplaining," in that it claims that [disciplines] must borrow their presentations of objects, their procedures for interaction and their forms of argument from language and common thought. A poetics of knowledge is first a discourse which reinscribes the force of descriptions and arguments in the equality of common language and the common capacity to invent objects, stories and arguments. In this sense it can be called a method of equality (2006, 11-12).

This essay demonstrates how such a "method of equality" can be enacted as a scholarly method that goes beyond simply "asserting the equal dignity of all producers and consumers" of

political practices and then drawing those practices into the logic of explanation proper to social scientific theory by studying popular cultures (Rancière 2016). Instead, this essay argues that equality can be demonstrated outside of philosophical institutions *through metapolitical argumentation strategies that rely on a philosophy of immanence*. CROs are not important to democracy because they are a new example of genuine local town hall democracy. Nor are they important because of their capacity to establish a robust environmental management system. They are important because they teach us something philosophical about the interrelationship of critiquing and demonstrating democracy. By enacting the *doxai* of immanent community and a critical inversion of rights *doxai*, CROs demonstrate themselves as philosophical equals. In so doing they show that while Rancière's "critiques" of political philosophy, especially metapolitical philosophy, might be "correct," the methodological implication of that critique is not to reject metapolitics but to embrace its role in the demonstration of democratic political philosophical equality.

Political Philosophical *Doxai* of Rights and Community

This essay takes certain liberties with Rancière's thought and writings. Rancière has admitted his discomfort with the position that nonhuman entities can be political subjects and specifically critiqued metapolitical philosophy; both of these positions receive pressure from the political-philosophic work done by CROs (Bennett 2010, Rancière 1999, 2010, 2013). As a larger principle, however, Rancière offers the implicit invitation to inhabit his thought in order to perform unexpected iterations of it (Chambers 2013). In an essay on Gilles Deleuze, for instance, Rancière claims "To understand a thinker is to displace him, to lead him on a trajectory where his articulations come undone and leave room for play" (2004, 1). This sense of play is the seeming prerogative of the interpreter of Rancière and it meshes well with the method of equality

he presumes. Moreover, Rancière argues, “The method of equality—or the politics of knowledge—returns descriptions and methods to their status as weapons in a war between discourses” (2009, 282).

Rancière’s sense of the war between the discourses of philosophy and rhetoric is effectively exemplified by the work of Hardt and Negri, who he accuses of dismissing the democratic importance of appearance through language (2010). Critics of the modern state like Hardt and Negri argue that the primary problem with political representation in the state is that it falls short of creating a responsive hierarchy in which the “interests” of the many can be spoken for by the powerful few. As political theorists have also argued, part of the process of representational “speaking for” is deploying democratic commonsense language such as “the rights of the people” and “public opinion” that bolster and legitimize claims to effective representation (Saward 2006, Disch 2011). Hardt and Negri (much like thinkers such as Jodi Dean and Wendy Brown) critique such *doxai* by arguing that they merely generate fantasies of democratic unity that mask racism, and imperial plutocracy (Brown 2006, Dean 2009, Montañó and Bloom 2014). Hardt and Negri argue that these problems have plagued the nation-state since its inception:

The identity of the people was constructed on an imaginary plane that hid and/or eliminated differences, and this corresponded on the practical plane to racial subordination and social purification. The second fundamental operation in the construction of the people, which is facilitated by the first, is the eclipse of internal differences through the *representation* of the whole population by a hegemonic group, race, or class (2000, 103-4, emphasis original).

For Hardt and Negri, absolute democracy is integrally connected to the recognition of the “representational failures” of “the pretense of democracy” that have resulted from the way that “the forces of wealth and finance have come to dominate supposedly democratic constitutions” (Hardt and Negri 2011, np). The appearance of democracy *qua* rhetorical representation is, for Hardt and Negri, only mere appearance because it is not a manifestation of *absolute* democracy immanent to forms of life. Such absolute democracy would involve “the active and autonomous self-rule of the multitude as a whole” (Hardt and Negri 2009, 372).

Hardt and Negri’s conviction that claims to “represent the people” mask the true relations of power implies a need for an *explanation* of that which operates below the surface of political representation. Scholars of rhetoric such as M.R. Greene-May take up Hardt and Negri’s critique of the nation as a political unit in order to point out how it corrupts the common with “hierarchy and exclusion” that would presumably choke or derail absolute democracy (2011, 345). The metapolitical gesture Rancière takes issue with, however, is what Chambers calls critique through the logic of “inversion” (2013). Metapolitics, according to Rancière, describes the truth of politics as being “beneath or behind” political representations (1999, 82). It is the “discourse on the falseness of politics . . . by marking, every time, the gap between names and things” things such as the gap between claims to represent “the people” and the actual totality of the social body (1999, 82). Hardt and Negri’s metapolitics, according to Rancière, relies on a neo-Platonic critical inversion between liberal democratic *doxa* and the deeper reality of the immanence of the multitude and empire (2010).

Rancière argues that metapolitical critiques of *doxa* and explanations of social and political phenomena operate in a way that is analogous to the police. In assigning an order to things and assuming the existence of certain formations by accounting for all of power and

politics with a unified conceptual apparatus, metapolitics *explains* in order to produce and affirm a certain distribution of the sensible. This posture of *explaining* is perhaps, for Rancière, the primary problem with metapolitics, which poses itself as being the *correct* account of politics. For Rancière, the police order is not reducible to the apparatus of government. It is also a distribution of the sensible that permits us to see and know certain things and not others. The police order implies a certain way of seeing the world, a language and set of concepts that *explain* the orders and hierarchies of government. Explanations, whether metapolitical or otherwise, rely on the assumption of inequality between explainer and explainee and the goal of consensus on the meaning of language (Rancière 2016). Unexplaining, alternatively, is something like a moment of interruption in an order of management (for instance, the regulatory management of environmental resources through the Environmental Protection Agency). Unexplaining calls the definitions of words into question. Rancière's account of democratic events is that they are impure because "the dissensus produced by politics is indissociable from its introduction of a supplement where there is supposed to be none" (Chambers 2013, 72). For Rancière, disputes over words like "rights" operate by performing perpetually impure and compromised political language.

Readers of Rancière in rhetorical studies have embraced this sense of political language as being "public" and having a certain "material exteriority" that allows it to be taken up by anyone; this is language's *doxastic* dimension (Bruce 2014, Ewalt 2016). As something publicly available and exterior to anyone who uses it, language can be taken up and acted out in order to redistribute our sensibilities about who is entitled to lay claim to political subjectivity and interrupt the distribution of sensibility about the proper referents of "materially exterior" or "public" language. A "consensus" about the meaning of language like "rights," is available to be

interrupted when those who have unequal “rights” (for instance) stage the scene of dissensus through publicly available language.

Doxa, as an ancient Greek concept, has traditionally been translated as *opinion*. For those who embrace the concept, *doxa* is a matter of appearance, regard, reputation, practices, or *sensus communis*—*doxai* are the cultural resources available to be enacted, critiqued, and re-enacted in the course of generating political change and stabilization (Havelock 1963, Ricœur 1997, Barthes 1977, Bourdieu 1977, Bourdieu and Eagleton 1994, Thimsen 2015). Rancière traces the distinction between appearance and reality found in the practice of critical inversion to Plato’s identification of the *demos* with *doxa* (1999). Rancière agrees with the standard interpretation of rhetoricians: Plato understood *doxa* as mere appearance manipulated by rhetoricians and sophists for the pleasure of the masses (1999, 10). Plato’s tendency to see a strict (if dialectically productive) division between *doxa* and knowledge highlights an aspect of the concept of *doxa* Rancière would rather avoid. Although Rancière is a great champion of the political potential of appearances produced by common political languages, he is suspicious of the way that the concept of *doxa* might transport Plato’s metaphysical baggage. Because Rancière considers the term *doxa* primarily in the context of Platonic philosophy, *doxa* seems to immediately raise the specter of an other; that which does not merely *appear* but instead *is* or can be *known*.² Heidegger explains the richness of this classical concept of *doxa* in a way that encompasses and surpasses the Platonic definition Rancière is suspicious of:

The term *doxa* names various things: 1) aspect, or respect, as glory; 2) aspect as the sheer view that something offers; 3) aspect as merely looking-so, “seeming” as mere semblance; 4) a view that a person constructs for himself, opinion. This multiple meaning of the word is not a

looseness of language but a play with deep foundations in the mature wisdom of a great language, a multiplicity that preserves the essential traits of Being in the word. In order to see correctly from the very start here, we must guard ourselves against cavalierly taking seeing as something just “imaginary,” “subjective,” and thereby falsifying it. Instead, just as appearing belongs to beings themselves, so does seeming (2000, 110).

This multifaceted explanation of the classical concept describes “*doxa*” in a way that suggests a far closer match with the way Rancière conceptualizes “appearance” throughout his body of work. Robert Hariman’s reading of Heidegger’s conceptualization of *doxa* points to how this more complex definition of the concept enables us to see *doxa* as naming the dynamic of concealing and revealing in the attribution of status and marginality, which is precisely the role of political *doxa* in democratic politics (1986).

In his well-intentioned push to provide a counterpoint to metapolitics, Rancière too quickly excises what Heidegger lists as the third definition of *doxa*, “aspect as merely looking-so, ‘seeming’ as mere semblance” (Heidegger 2000, 110). As Hariman and others describe, this is the most Platonic definition of *doxa* (1986). Heidegger expresses caution about it, but it is an inextricable part of the complexity of “appearance” Rancière attempts to avoid. The paradoxes of *doxa* require an appreciation for how appearances can be “mere” as well as “being itself.” While Heidegger lists the various distinct definitions of the concept of *doxa*, it is in the interplay between them that the best insights about democratic *doxai* lie.

Rancière’s problematizing of metapolitical philosophy is convincing in many respects, but it is complicated by one key factor: The distinction between real and false democracy often seems to motivate the very forms of political action Rancière and others laud. Political

demonstrations of equality draw crucial strength from the assumption that their claim to democratic *doxa* is more *genuinely* democratic than the pretense of democracy projected by the plutocratic state. Because of this, pointed critiques of “false democracy,” fueled in part by immanentist ontologies, idealisms, or promises of democratic community often seem like essential components of democratic political action. Activists protest by claiming to defend their own vision of democracy while using the failures of state representation as a foil.

The constant appearance of critiques and explanations of *doxa* even within demonstrations of equality indicates that each of Heidegger’s definitions of *doxa* must be taken alongside each other to fully grasp the significance of political philosophical concepts such as “rights” or “community” that are drawn from common language. CROs demonstrate an approach to *doxa* that is critically explanatory while embracing democratic commonplaces. The discourse of “rights,” for instance, is central to how they construct the scene of the appearance of the “community.” A metapolitical explanation of democracy like Hardt and Negri’s vision of absolute democracy has a difficult time accounting for political actions like CROs in which the public language of liberalism (like “rights” or “the people”) expresses deep critiques of the corporate state *as well as* a vision of immanent horizontal democratic community. Hardt and Negri claim that concepts derived from hierarchical state formation like “the people” largely facilitate the reproduction of biopower (2004).

Rancière, of course, emphasizes the performative possibilities of *doxai* such as rights almost exclusively. Dissensus is accomplished first and foremost by acting out the appearance of “the people” who have “rights” rather than through claims that current applications of such terms are misguided, misused, or false. There is no point, for Rancière, in treating democratic *doxai*

such as “rights” as illusions or masks on reality—even when they are elements of the police order (2004). He argues,

The inscriptions of equality that figure in the Declaration of the Rights of Man or the preambles to the Codes and Constitutions . . . are not “forms” belied by their contents or “appearances” made to conceal reality. They are an effective mode of appearance of the people, the minimum of equality that is inscribed in the field of common experience. The problem is not to accentuate the difference between this existing equality and all that belies it. It is not to contradict appearances but, on the contrary, to confirm them (1999, 87-8).

The *doxai* of democracy are more like miniature scripts for Rancière, who says that politics “acts in the places and with the words that are common to both [politics and the police], even if it means reshaping those places and changing the status of those words” (1999, 33). Rancière argues that “rights” are a mechanism for acting out a dissensual dispute over who is included in the political order and the shape of the world in which “rights” are meaningful: “Not only do [political subjects] bring the inscription of rights to bear against situations in which those rights are denied but they construct the world in which those rights are valid, together with the world in which they are not. They construct a relation of inclusion and a relation of exclusion” (2010, 69). As political subjects appear and claim rights, they act out the method of equality in the sense that they invert the sensible order’s explanation of the rights.

Rancière insists on the following point: “radically” critical political theory is anything but; it is merely another affirmation of inequality operating through the metapolitical logic of explanation to authorize how some people invert surface *doxa* with deeper truth. What if,

however, as philosophers of rhetoric we were to truly unlearn not just metapolitical habits but also our habits of philosophizing only in dialogue with other scholars? What if the inersive metapolitical gesture is available to all? Rancière himself argues that the language of philosophy “may have a certain number of specific words, but it remains everybody’s language” (2016b, 80). This “language” is not just words and terms, but a style of speaking and writing; metapolitical critique of *doxa* is just such a style.

The challenge of recognizing the democratic “method of equality” in philosophy is that it may suggest an important role for precisely the technique of critique requiring the inversion of surface and depth—because that is the method used by the democratic actors who are also philosophizing. Rancière, along with much of the scholarly humanities, is concerned about the pitfalls of critical inversion, especially as it stylizes the habits of uncovering perpetual hidden power among scholars ensconced in institutional and intellectual privilege and tasked with replicating that privilege in their students’ speech and writing. But the part that has no part may not share Rancière’s concerns with metapolitical rhetorical style. Democratic *doxai* are most powerful when they are performed alongside a critique of the failures of an existing regime to live up to its own claims to be democratic. This is where the significance of CROs becomes the most vivid; they look underneath the *doxa* currently institutionalized to turn the law against itself and claim their place as philosophical equals.

Community Rights Ordinances: Enacting Political Philosophical *Doxai*

CROs are raucous, rebellious local laws that assert the rights of small-scale government bodies, citizens, and nonhuman entities, including the right to self-govern, right to water, rights of natural communities, rights of ecosystems, and civil and political rights (CELDF 2013b). They establish a political scene in which entities appear as subjects claiming rights that they are

not broadly entitled to. Nearly 200 CROs have been passed across the U.S. (CELDF 2015a). The fate of these CROs is varied; some stay on the books and succeed in deterring corporate incursions, some are repealed by new town councils with corporate backers, others are overturned or blocked on procedural grounds in litigation (Price 2016). The ordinances claim to express the rights of an essential political collective, but in such a way that claiming those rights necessarily involves critiquing corporate influence on state and federal law. The ordinances, in other words, are democratic mechanisms that facilitate the appearance of what Rancière might call the subject position of the *demos* through the collective persona of “community” that can be enacted only through a critique of existing power relations.

CROs stage the appearance of communities with rights by charting an effective path between critiquing and enacting *doxai*. The ordinances oppose “corporate rights” as part of a rejection of the possibility that plutocratic government can ever be democratic. CROs embrace critiques of ossified *doxai* based on a vision of immanent democratic community with rights. Advocates of CROs argue that regulatory systems are flawed and they only legitimize the infliction of corporate harm on local communities (CELDF 2013a). Because of the failures of regulatory systems such as the Environmental Protection Agency, they argue, communities need to re-assert their right to self-govern and legislate against destructive corporate actions (CELDF 2013a). CROs respond to these problems by denying corporations all legal rights within the town or city limits while simultaneously asserting the sovereign right of the community to make law within those borders. In doing so, they demonstrate how the metapolitical style of critiquing of democratic *doxai* operates within the event of the appearance of the democratic subject Rancière describes. Corporate rights preserved in state and federal law make the codification of *critique* of

those same institutionalized *doxai* a necessary counterpart to the way CROs advocate for community rights.

CROs are developed with the assistance of coordinated legal aid and are part of a broad-based dialogue about the effects of corporations on the environment (CELDF 2013a). There are certain types of clauses, therefore, that re-appear in nearly every ordinance and were easily identified by reading approximately twenty ordinances from across the United States, including ordinances from Pennsylvania, Ohio, New Hampshire, New Mexico, Washington, Alaska, California, and Virginia (CELDF 2013b).³ There are two types of clause that recur consistently. First, the clauses described in the next section perform and inhabit the conceptual *doxai* of an immanent collective with “rights” in order to stage the appearance of a new democratic subject that includes nonhuman and immanent entities: the community. This is done in a type of clause containing what I call a “statement of sovereignty” that declares the rights of the collective entity passing the ordinance. The second type of clause, described in the subsequent section, critiques the *doxai* of rights in a metapolitical and explanatory fashion that calls into question the apparently democratic procedures of environmental regulation through corporate rights. The CROs argue for a conceptualization of rights that contains the gesture of metapolitical critical inversion at its core in the sense that they reveal hidden truths about the environmentally destructive practices and rhetorics of corporations.

Together, these two clauses of the ordinances demonstrate how political philosophical *doxai* can operate both as the object of metapolitical critique and as the expressive substance of political collectivity. The ordinances perform the *doxai* of “community” and “rights” as part of a philosophizing gesture of “grounding” or “founding” the legitimacy of the law in the material immanence of the autochthonous collective. At the same time, the ordinances *also* codify the

gesture of critiquing the undemocratic way some of those *same doxai* protect and consolidate the power of corporations in state institutions. In other words, CROs treat political philosophical concepts like “rights” and “community” as having the oscillating complexity of the classical concept of *doxa*. They provide us and Rancière with a lesson in how equality can be performed by entities that include nonhumans. Describing CROs also shows how the method of equality suggests a role for the metapolitical style of critical inversion within the performance of our common political language.

The Appearance of the Rights of the Community

CROs attempt to create a durable mechanism enabling the perpetual reappearance of the collective entity they name. The ordinances’ version of this mechanism relies on a claim to express an absolute communal collectivity that is inclusive of the material world. Referring to “the community” or “the people” as an immanent and unified totality is part of how the ordinances create a mechanism for the diverse constituents in that common material totality to stake claims to rights in instances of democratic events.

Rancière, however, takes polemical aim at the neo-Platonic political philosophical conceptualization of “community” as a unified social body that is ordered according to the proper aptitudes of its parts (1999, 2009). His position shares sympathies with other critics of “community” such as Jean-Luc Nancy in arguing that a unified account of social totality fails to mark the fault lines of power and disagreement over who is counted and in what capacities (1991). He describes this conceptualization of community as:

consensual community, not one in which everybody is in agreement, but one in which sense is ‘in agreement’ with sense. The consensual community is a community in which the spiritual

sense of being-in-common in embedded in the material sensorium of everyday experience (2010, 81).

Rancière describes democratic politics as the interruption of this community sense in order to demonstrate a wrong at the heart of the sensible order. When CROs identify themselves as the expression of the rights of a unified and immanent body, are they not also assuming a consensus on the naturalness of the total political entity?

CROs enact the concept of “community” to tell a different kind of story about the arc of democratic politics and how it should include consideration of the natural world and its entities. The story they tell about the importance of water, animals, plants and their interrelation with human well-being suggests a version of the rights of nature that takes complex collective entities as political subjects. This story about “community” challenges Rancière’s rejection of the political philosophy of community by flattening the philosophical and rhetorical realms in the articulation of immanence as the basis for democratic collectivity. Rancière rejects the *doxa* of community in the context of the purely philosophical register (2010). But in CROs “community” also operates rhetorically and performatively to enable the enactment of equality.

CROs are negotiating a variation of what some scholars refer to as Rousseau’s paradox of politics: Which comes first, a democratic people or the laws that codify a democracy (Rousseau 1987)? Rancière argues that the rights and authority of a people are held in and as they are claimed to be held, suggesting that the solution to Rousseau’s paradox is to see sovereignty as performatively constituted. Foundational claims to political collectivity are performatively *enacted* in the types of democratic events that Rancière is interested in. Such foundational claims to community as the essence of a sovereign political collective are also a way to understand the

political role of what Hardt and Negri call the “absolute democracy” of social existence. While Rancière expresses concern about the metapolitical qualities of such claims from theorists of the multitude, the style of such philosophical claims follow the same performative trajectory as the assertion of the existence of “the people” he is looking for. The possibility of an absolute democracy of the multitude, immanent and without representation, is the condition that makes possible the critique of the failures of existing states to be democratic. As we will see in the next section, a similar dynamic is at work in the CROs, wherein the critique of the corporate state is enabled by the vision of an immanent entity composed of humans and nonhumans.

The collective persona of *community*, unlike *the people*, is flexible enough to encompass a range of living entities beyond human beings and facilitates one of the goals of CROs, which is to establish the rights of nature (CELDF 2015b). In the ordinances, the persona of “community” establishes a synecdochic equivalence between the concept, the names of its instantiations, and a series of additional entities. The ordinances further establish a specific relationship between the Town of X that enunciates the ordinance, the people of the Town of X, and the *community*, which is not co-extensive with the Town of X or the people in it. The cornerstone of the relationship between these entities is a “statement of sovereignty” that can be found in many of the ordinances, especially the ones that address environmental problems. This “statement of sovereignty,” which changes remarkably little from ordinance to ordinance, reads as follows:

The Borough of North Plainfield shall be the governing authority responsible to and governed by the residents of the Borough. Use of the "Borough of North Plainfield" municipal corporation by the sovereign people within the Borough's boundaries 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 inalienable right to self-governance in the community where they reside (North Plainfield 2007).

This passage begins by marking out the distinction between the *municipal government* of North Plainfield and the *residents* of North Plainfield – a sensible and unmysterious distinction that is usually understood to mean that the government should synecdochally represent the residents. The next sentence, however, abandons “residents” and takes up “the sovereign people” within “the Borough’s boundaries” and a contradiction begins to take shape along the outlines of Rousseau’s paradox. In the ordinances the paradox is expressed in terms of territory and people – the “boundaries” of the Borough define the people who are sovereign. This version of the paradox sets up a logical tautology in which the people and the place are entities that mutually define each other and the municipal corporation called “Borough of North Plainfield.” The final sentence of the passage resolves the question of which entity is the Borough (the people or the territory?) by conflating people and place in and as *community*. The rights of the people are not located in their status as individual persons, residents, or citizens. The rights are derived from “the community where they reside,” an immanent entity that encompasses both people and bounded territory. By positing and enacting an immanent political collective—the community—the ordinances performatively resolve the paradoxical tension at the heart of political founding.

At first blush, this ontology of immanent community is very much at odds with the Rancièrian conceptualization of democracy as the eventual appearance of the *demos* in and through common political language. What the CROs demonstrate, however, is how equality can be staged with a language of immanence that includes nonhumans. Not only does the turn to the

doxastic collective persona of “community” resolve Rousseau’s paradox of politics in this instance, the statement of sovereign authority enables the perpetual reassertion of the written law’s protections and rights as being from and for a range of nonhuman entities that might potentially be included in “the community” that grounds any given municipality. Most of the ordinances also include additional, more descriptive statements of the specific rights of entities. For instance, in addition to making statements about the inalienable and fundamental rights of residents, the Borough of Wilkesburg ordinance declares that all “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 Borough” (2012). While the wording of the statements of the rights of nature varies somewhat between ordinances, the phrase “natural communities and ecosystems” is found in all of them that assert such civil rights. Terms such as “natural communities” seem broad enough to perpetually be re-litigated to include additional entities.

Rancière eschews the political philosophical position that democracy is the expression of a pre-existing social totality or community (2014). The way many CROs craft their political language, however, employs precisely the language of immanent community, inclusive of nature, animals, and ecosystems as the foundation of the political subject emergent in the enactment of rights. The political philosophy of democracy founded on “community” that Rancière takes issue with is re-enacted by CROs to enable the appearance of a democratic collective political subject. CROs’ enactment of “community,” a concept whose language is available equally to philosophy and politics, suggests that Rancière’s commitment to the method of equality may also prompt a revision of his evaluation of the democratic possibilities of communities inclusive of nonhumans.

Codifying Critiques of Corporations

The enactment of immanent “community” is dependent on the critique of corporate rights at the heart of CROs. Most of the ordinances contain a provision whereby the rights enunciated are “self-executing and these rights shall be enforceable against corporations and governmental entities” (Baldwin 2012). This means that the critique of how “rights” *doxai* have been institutionalized at the state and federal levels to support for-profit business entities is the core of the demonstration of “community.” The ordinances stage the appearance of political collectivity through metapolitical critique of the institutionalization of democratic *doxai* in the state. The critique of “corporate rights” *doxai* enables the demonstration of “community rights” *doxai*. This means that CROs also suggest that Rancière’s perspective on the metapolitical gestures of inverting the surface and depths may be in need of revision; this political philosophical *explanation* can be made by emergent democratic actors.

Opposition to corporate rights is articulated in the ordinances in part through a type of clause that re-appears almost without fail in every ordinance. This type of clause both critiques corporate claims to the *doxai* of rights and explains why they are bad for environmental sustainability. For instance, an ordinance passed in 2011 by Mountain Lake Park, Maryland that describes the extraction of natural gas through fracking, states:

Meaningful regulatory limitations and prohibitions concerning Marcellus Shale natural gas extraction, along with zoning and land use provisions, are barred because they conflict with certain legal powers claimed by resource extraction corporations. The Mayor and Town Council recognizes that environmental and economic sustainability cannot be achieved if the rights of municipal majorities are routinely overridden by corporate minorities claiming certain legal powers. The Mayor and Town Council also recognizes that sustainability cannot be achieved

within a system of preemption which enables those corporations to use state governments to override local self-government, and which restricts municipalities to only that lawmaking specifically authorized by state government (Mountain Lake Park 2011).

This statement, and others like it in all of the ordinances, critiques the impact of corporate claims to be rights-bearing entities. By describing legal powers as being merely “claimed” by corporations, the statement highlights the contingency and artificiality of such claims as “mere” *doxa* that masks the underlying operations of corporate actors.

Some of the substance of these failures is explained in the passage of the ordinance immediately preceding the one quoted above. The preceding passage describes how hydraulic fracturing “violates the rights of residents and neighborhoods” and endangers “their health, safety, and welfare by allowing the deposit of toxins into the air, soil, water, environment, and the bodies of residents within our Town” (Mountain Lake Park 2011, 2).

There are three full sections of the Mountain Lake Park ordinance dedicated to critiquing how the *doxa* of rights has been undemocratically appropriated by corporations and redefining corporations as non-rights-bearing entities. These sections declare that,

Corporations engaged in the extraction of natural gas shall not possess the authority or power to enforce State or federal preemptive law against the people of Town of Mountain Lake Park. . . . No permit, license, privilege or charter issued by any State or federal agency, or Board to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the prohibitions of this Ordinance or deprive any Town resident(s), natural community, or ecosystem of any rights,

privileges, or immunities secured by this Ordinance, the Maryland Constitution, the United States Constitution, or other laws, shall be deemed valid within The Town of Mountain Lake Park (2011, 4-5).

In effect, these sections declaratively strip corporations engaging in natural gas extraction of their state-based authority. The rights of the immanent community, including the ecosystem, are asserted against the rights of any “limited partnership, limited liability partnership, business trust, or limited liability company” and their representatives (Mountain Lake Park 2011, 3). Severing the *doxa* of “rights” from “corporations” and other business entities constitutes a significant shift in the legal definition of the corporation as well as a profound critique of state and federal governmental authority.

This ordinance, like many others, attempts to invalidate the very basis of the legal organization of a corporation if that entity engages in natural gas extraction as prohibited by the ordinance. The goal of this type of ordinance is unmistakable: by announcing that “no permit, license, privilege or charter” of anyone who violates the rights of the community in Mountain Lake Park “shall be deemed valid” the ordinance declares any and all corporate charters themselves to be facially invalid according to the law of the town (2011, 5).

The implications of such a declaration are not immediately apparent from reading the text of the Mountain Lake Park ordinance. Older ordinances, however, often explained in detail exactly what elements of a corporate charter were objectionable and therefore invalid. The primary target of the critique levied in these ordinances is the legal institution of corporate limited liability. The difference between a business partnership and a limited liability corporation is that the shareholders, owners, investors, and employees of a limited liability corporation (the

type of corporation that is typically referred to by the word “corporation”) cannot be held personally liable for any damages inflicted by the corporation or for the corporation’s debts. This corporate legal form insulates all of the owners and employees of the legal entity from prosecution for wrongs committed by “the corporation.” If the corporate charter and the authority that grants it (for instance, the State of Maryland) are effectively deemed invalid, then such employees and owners would be suddenly liable for the damaging actions of the legal entity.

This is an attempt at almost a flat-out dissolution on the local level of the authority of state government to charter corporations and the way “rights” *doxa* operates in the law. CROs perform a critique of *doxa* that operates *as if* a metapolitical explanation of the disjunct between words and things is essential to allowing “the community” to appear and claim its rights. In so doing, CROs contribute to redefining the political philosophical concept of “rights” — not simply by claiming them, but by calling into question how the police order attributes them to another class of entities. CROs critique democratic *doxai* for falsely representing collective entities in the state while simultaneously enacting the horizontal political potential of democratic commonsense in the way Rancière champions.

CROs codify a concept of “rights,” however, that has proper referents (humans and natural nonhuman community entities) and false referents (limited liability business corporations). They do not simply take up the doxastic concept of rights and claim to possess them. Instead, they claim that rights are not for everyone—they are only properly held by certain entities, and not the corporations who have been claiming them for over 150 years. This gesture goes beyond seizing *doxa* and performing it in the way Rancière argues that democratic politics occur. In fact, the ordinances codify a critical mechanism whereby claiming rights must always be against established state and corporate entities.

Much like the conceptualization of community seen in “statements of sovereignty,” the metapolitical narrative about rights enacts the assumption that political philosophy does not have an exclusive hold on these *doxa*. CROs share a common language and argumentative style with political philosophy. While Rancière might critique the ways that political philosophy establishes its authority over such *doxa*, CROs take up the same *doxa* to demonstrate the emergence of a collective political subject that does not necessarily look or argue like the ones Rancière has held up for us before.

Conclusion

CROs perform a type of democratic politics that is impure in the sense that they offer a deep critique of the state while attempting to work with its mechanisms and tools. They enact a vision of “community” that suggests a possible place for the *doxa* of sovereignty and based on immanence within the event of the appearance a democratic subject. CROs also embrace the metapolitical argumentative style of critiquing undemocratic institutionalizations of political *doxai*. Their assumption is that democratic politics must be exercised against corporations and larger state entities. There are two important conclusions that can be drawn from this analysis.

The first is that the common language of democracy should not be theorized simply as formal mechanisms for the enactment of protest, as Rancière posits, nor as misrepresentations that produce inequality through the state, as metapolitical critics argue. CROs demonstrate how *doxai* such as rights and community are politically relevant in both these capacities. By conceptualizing such terms as *doxai*, it becomes clearer that these two roles for democratic commonsense oscillate in way that reflect the complexity of the classical concept as both mere surface and the substance of politics. Although Rancière argues that the common language shared by politics and philosophy can be enacted to demonstrate the equality of anyone,

conceptualizing such language as *doxa* suggests that the metapolitical style of philosophizing can also be taken up to perform political equality.

A second conclusion flows from the first. CROs suggest that democratic *doxai* have the potential to be institutionalized or even legally codified in ways that facilitate the ongoing production of dissensual critique. In the process of enacting the assumption that sovereignty is based on immanent community that includes non-human actors and that metapolitical critique is a necessary component of dissensus, CROs pose a counterpoint to Rancière's positions on both of these issues. One of the most interesting aspects of the ordinances is that critiques of the corporate/state nexus are produced in part by juxtaposing the use of *doxai* already in that nexus that are more properly the province of local communities. Such collectives, whether they be called the multitude or the community, are a democratic immanence that operates as the *basis* for critiques of its absence in "mere rhetorics" of democracy that legitimize the corporate state.

Rancière argues that the method of equality requires an understanding of the way that common or publicly available language, or *doxa*, can be taken up to demonstrate the equality of the subject who does so. As CROs enact metapolitics, including a philosophy of sovereignty based on immanence, they buy into a set of political philosophical assumptions and inversive gestures Rancière assiduously resists. These political philosophical assumptions are channeled by the *doxa* of community rights in CROs as they performatively and declaratively interpret political philosophical *doxa*. If we assume the *equality* of CROs with political philosophy, it brings into view a significant contribution Rancière has to make to describing the relationship between philosophy and rhetoric in democratic politics. Their shared language provides the opportunity to conceptualize *doxa* as part of an ongoing oscillation between critique and demonstration in which political actors philosophize.

Notes

1. Samuel Chambers employs the term “post-critical” in reference to Rancière’s approach to the “critiques of critique” offered by figures such as Peter Sloterdijk and Jean Baudrillard. These thinkers critique the modern task of critique based on the actual absence of hidden truths to be revealed. Chambers characterizes such “post-critical” arguments in this way: “In rejecting a critical dispositif based on inversion, that is, in announcing its demise, we only sustain that very same critical dispositif by reasserting its central logic of inversion” (2013, 146).
2. Plato discusses *doxa* and its others (*episteme*, *aletheia*) extensively in the *Republic*, the *Meno*, the *Theaetetus*.
3. The community rights ordinances referenced throughout this essay were formerly publicly available in an archive on the website of the Community Environmental Legal Defense Fund. After a complete overhaul of this organization’s web presence in 2015 the ordinances are no longer available to the public. All ordinances cited in this essay were archived by the author prior to 2015.

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