FINAL WORD BY A. BARTON HINKLE

By Any Other Name

The English language, George Orwell wrote, "becomes ugly and inaccurate because our thoughts are foolish, but the slovenliness of our language makes it easier for us to have foolish thoughts." In support of that statement, consider a recent decision by California's Third District Court of Appeal, which ruled that, under California law, bumblebees are fish.

The court reached this unanimous (!) conclusion based on the state's endangered-species law, which stipulates that "fish" means "a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals." Note the term "invertebrate." The state's Fish and Game Commission "has the authority to list an invertebrate as an endangered or threatened species," the court ruled. "We next consider whether the Commission's authority is limited to listing only aquatic invertebrates. We conclude the answer is, 'no.'" Hence, bumblebees are fish. *Q.E.D.*

Lest you think this linguistic loopiness is a one-off, the U.S. Food and Drug Administration has been debating whether to forbid labeling beverages made from almonds, oats, and other plant products as "milk." Also, lawmakers from dairy states have introduced legislation to ban terms such as "almond milk," terminology that Wisconsin Sen. Tammy Baldwin deems "unfair" and Vermont Rep. Peter Welch calls "misleading."

Please. Nobody thinks for a second that tiny-fingered almond farmers with miniature stools and itty-bitty pails rise before dawn to milk the mammary glands of countless almonds. But non-dairy milk beverages do pose a threat to the dairy industry's market share, which explains why Washington wants to weigh in on the matter. Perhaps, once the federal government has settled this pressing issue, it can ask the textile lobby how to protect consumers from being duped into thinking that they are meeting their dietary fiber requirements by eating "cotton" candy.

Efforts to regulate the names of foods extend well beyond the Beltway. Several states have sought to prevent the use of meat-related terms for non-meat food such as "veggie burgers." In July, France published a decree forbidding the use of "steak" and "sausage" to describe plant-based products. Examples multiply.

And nomenclature is just one part of the broader problem. Being told that a bee is a fish or that the sellers of almond milk want people to think it comes from a cow is easy to laugh off. Other forms of linguistic foolishness are more insidious.

When the U.S. Supreme Court ruled at the end of this year's term that the Environmental Protection Agency needs explicit congressional authorization to regulate carbon pollution, Justice Elena Kagan objected. "The Court appoints itself—instead of Congress or the expert agency—the decision-maker on climate policy," she lamented. So, the Court's ruling that Congress should set climate policy *really* means that it is usurping Congress's power to set climate policy? This is silly.

And such silliness must be contagious, given media reporting on the decision. "Supreme Court Strips Federal Government of Crucial Tool to Control Pollution," blared the *New York Times*. The ruling "hobbles government power to limit harmful emissions," declared *The Guardian*. "Supreme Court Kneecaps Federal Government's Ability to Fight Climate Change," claimed *Vice News*.

The EPA ruling wasn't the only one to provoke inventive use of language. During congressional testimony following the court's reversal of *Roe v. Wade*, Catherine Glen Foster, head of Americans United for Life, dismissed concerns that the ruling could lead to rape and incest victims and women with life-threatening pregnancies being blocked from having an abortion. "If a 10-year-old became pregnant as a result of rape and it was threatening her life, then that's not an abortion," she insisted. Regardless of what one thinks about abortions in such conditions, they're still abortions.

In a television interview, CBS host Robert Costa raised the possibility of the Court also reversing its protection of gay marriage. "Will you," he asked Virginia Gov. Glen Youngkin, "take any steps to codify same-sex marriage in Virginia?" Youngkin replied that "we actually do protect same-sex marriage in Virginia. That's the law in Virginia." Except it isn't: a state constitutional amendment prohibits same-sex marriage. The amendment remains on the books, so if the Supreme Court were to reverse its ruling in *Obergefell v. Hodges*, same-sex marriage in Virginia would be *verboten*. Asked later to explain this contradiction, Youngkin replied that same-sex marriage in Virginia really is legally protected ... by the Supreme Court's ruling in *Obergefell*.

These disparate examples might not seem related, but a common thread runs through them. In each case, humbug is deployed to serve the cause of expanding government power in ways that cannot be justified by arguments that are clear, simple, and true. As Orwell illustrated so brilliantly, malarky is the enemy of freedom. R

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