redefining rape not only may result in empowering married women but also can call attention to the ways in which the legal system affects the sexes unequally. Regarding the efforts in Australia to remove the marital rape exemption, one advocate noted: “We knew that much of the social value of the rape-in-marriage reform lay in the debates, arguments and discussions that follow up public debate—in pubs, in front of television, in buses, in the corner deli, between husbands and wives, between wives and wives, in discussions between men in the workplace, between women in the workplace. I now believe that this process has had some lasting effect” (Treloar 1980, 193).

Once metaphysical and linguistic absolutism are set aside, definitions can be appreciated as part of our creative and ever-changing efforts to make sense of the world. Once in place, definitions become “institutional facts” that guide our understanding of the world. Members of the legal profession “see the world in terms of categories which have meaning within their culture” (Bessmer 1984, 357). To the extent that definitions of rape encourage denotative conformity, they encourage a common understanding of what rape is and what ought to be done in response. Thus, even if attitudes cannot be eliminated overnight, changes in legal definitions are important because they “act to socialize” members of the legal profession; they also “act to enforce conformity in those who disagree with the assumptions and values which lie behind the rules” (Bessmer 1984, 354). Because definitions affirm or deny specific interests and encourage particular linguistic and nonlinguistic behaviors, the choice of definitions is always normative and prescriptive. Put another way, the choice of definitions is always political: “Definitions are tools, not truths, their value determined in use, not in terms of their approximation of some transcendent ideal. This pragmatic view of definition highlights its essentially political function: successful definition shapes mutual response and thereby helps to establish and maintain communities of shared meaning. Disputes over appropriate definitions are thus political conflicts” (Sederberg 1984, 94). For lexical definitions no less than real definitions, we can agree with Stevenson’s point that “to choose a definition is to plead a cause” (1944, 210) and Chesebro’s proposition that “definitions are a form of advocacy” (1985, 14).

5

When Are Definitions Political?
Always: The Case of “Wetlands”

This chapter extends the thesis that disputes over definitions are political conflicts by examining a controversy over the appropriate definition of “wetlands.” My argument is that all definitions are political, specifically in two respects: first, definitions always serve particular interests; second, the only definitions of consequence are those that have been empowered through persuasion or coercion. The latter point does not say that “Might makes meaning” but rather that for a particular definition to be shared, people must be moved to adapt their linguistic and nonlinguistic responses according to the understanding instantiated in the definition (Sederberg 1984, 56). Such responses “may be shaped through the application of various forms of power from logical or moral suasion, through bribery, to coercion” (7).

A sweeping generalization that all definitions are political should be qualified if it is not to be dismissed out of hand. Obviously, not all definitions are equally important. Some definitions involve life and death decisions, others are trivial, and most fall somewhere in between. Usually, picking up a dictionary to look up a definition is not seen as equivalent to political activism, but it would be a mistake to think that inaction or trivial actions that leave the status quo unchallenged are politically irrelevant. If we look hard enough, all definitions serve some sort of interests, even if those interests are as simple as coordinating our linguistic behav-
ior so we know how and when to use a word in a socially acceptable manner. Defining what is or is not part of our shared reality is a profoundly political act (Frye 1983). The establishment of authoritative definitions by law or custom requires a political process involving persuasion or force that generates political results by advancing some views and interests and not others.

Definitions devised by scientists usually are not thought of as “political.” Scientific definitions usually are described as more “objective” (that is, more real) than nonscientific definitions and as informed by “rational” and “neutral” criteria rather than by value-laden political factors. I believe that such distinctions are misleading and unproductive. Just as what is “really” rape differs from one theory of human interaction to another, what is considered “objectively real” varies from one scientific theory to the next. A growing number of philosophers, sociologists, and rhetorical theorists agree that there is no compelling theoretical or practical reason to treat definitions by scientists as more “objective” or “real” forms of knowledge than definitions by nonscientists (see, for example, Barnes 1982; Gilbert and Mulkay 1984; Gross 1996; Latour and Woolgar 1979; Rorty 1991, 21–62). Accordingly, I avoid using the usual rubric “scientific definitions” and instead refer to definitions “by scientists” to emphasize that social practice, not metaphysics, distinguishes definitions offered by one group or another.

The belief that scientific definitions are different from and more stable than nonscientific definitions often is based on the idea that the referents of scientific analysis are objective and, thus, can be classified into “natural” kinds. As Jerry Fodor describes this belief, “Science discovers essences, and doing science thereby links us to natural kinds as such” (1998, 158). The natural sciences in particular are assumed to be relatively immune to the problems of category change and redefinition: “Their truths (and falsities) are thought to transcend the ravages of temporal, cultural, and linguistic change” (Kuhn 1989, 23). Accordingly, if scientists have done their job correctly, scientific terms are “rigid designators” that necessarily correspond to natural kinds. To borrow an example from philosopher Saul A. Kripke, “[P]resent scientific theory is such that it is part of the nature of gold as we have it to be an element with atomic number 79” (1980, 125). In light of such scientific knowledge, gold “is a rigid designator, whose reference is fixed by its ‘definition’” (136; cf. Norris 1997, 156). Such an account of scientific language has been challenged directly by Kuhn. Although he agrees with Kripke that “gold” is “among the closest approximations we have to an item in neutral, mind-independent observation vocabulary,” he insists that all so-called rigid designators are vulnerable to revision because the theoretical beliefs that make such terms meaningful may change (1990, 309). He notes that the concept of an atomic number is a term from the lexicon of atomic-molecular theory, and only while such a “system endures do the names it designates designate rigidly” (315). Kuhn’s position is that, viewed historically, the referents of linguistic categories change in science just as they do elsewhere: “Planet” and “star” now categorize the world of celestial objects differently from the way they did before Copernicus, and the differences are not well-described by phrases like ‘marginal adjustment’ or ‘zeroing in.’ Similar transitions have characterized the historical development of virtually all referring terms of the sciences, including the most elementary: ‘force,’ ‘species,’ ‘heat,’ ‘element,’ ‘temperature,’ and so on (313). Precisely because our categories are always open to revision, philosopher Nelson Goodman has suggested that we think of language as sorting the world, not into “natural,” but into “relevant” kinds (1978). That is, we sort out the world not from a God’s eye point of view but in order to meet various relevant human needs and interests.

Indeed, even within science the world may be classified and understood in different ways to meet the relevant needs of particular groups. Kuhn provides an anecdote that illustrates this point. Two scientists were asked whether a single atom of helium is or is not a molecule: “Both answered without hesitation, but their answers were not the same. For the chemist the atom of helium was a molecule because it behaved like one with respect to the kinetic theory of gases. For the physicist, on the other hand, the helium atom was not a molecule because it displayed no molecular spectrum” (1970, 50). These were two different theory-driven answers to the question “What is a molecule?” What counts as a molecule differs according to the current needs and interests of chemistry and physics. It is pointless to ask which answer is “really” correct because the implicit definitions involved are theory dependent, and, of equal importance, what may be the most appropriate conceptualization for one group of specialists may not be for another. The question of what ought to count as X for a particular language community is a normative and prescriptive question; what we consider X “really” to be is the result of our answer, not its cause.

In a similar line of thought, linguistics theorist George Lakoff notes that a chair “can be viewed correctly in many ways. From the molecular point of view, it is an enormous collection of molecules and not a
single undifferentiated bounded entity. From the point of view of wave equations in physics, there is no chair, but only wave forms. From a human point of view, it is a single object (1987, 262). Of course, all three points of view are “human” in the sense that molecular theory and wave theory are human creations, but the point Lakoff is making is that there is no reason to treat a “scientific” point of view as any more “real” or “correct” than the nonscientific description.

Definitions proffered by scientists may serve different interests than those put forth by nonscientists, but they serve interests nonetheless. Typically, “scientific” interests can be described as those “internal” to the language community to which a scientist belongs. How well a definition serves the shared purposes of the community might be discussed in terms of coherence with other concepts, clarity, amenability to quantification, or other predictive and explanatory interests. Intentionally or otherwise, “external” interests also are served by scientific definitions, from deciding what is death to determining who is male or female to delineating what should be called rape. Both internal and external interests are involved in the dispute over the authorized definition of wetland.  

Although words such as “bog,” “marsh,” and “swamp” have been in use for centuries, the collective term “wetland” came into broad usage only during the late 1960s and early 1970s (Golet 1991, 635). Generally speaking, the term denotes areas “sufficiently saturated by water that only specially adapted plants can grow there. Saturation with water prevents oxygen from working its way into the soil and therefore creates conditions of no oxygen” (Tripp 1991, 203). Only hydrophytes, vegetation that has adapted to such anaerobic conditions, can survive in wetlands. Furthermore, because the soil in such areas is periodically or permanently saturated with water, it has higher than average moisture content and is classified as hydric soil. The degree or type of water saturation of an area is known as its hydrology. These three factors—hydrology, hydric soil, and hydrophytes—are the traditional defining characteristics of wetlands.

Wetlands are “open systems.” That is, wetlands interact with other ecological systems, such as groundwater tables and rivers, in a way that enhances the overall environment and, in particular, water quality. When water flows in and out of the wetland area, “sediments and other pollutants tend to remain, and the nutrients are converted into plants” (Tripp 1991, 195). Wetlands produce vegetation that photosynthesize at much higher rates than nonwetlands, which creates material vital to the aquatic food chain. A wide variety of plant and animal life flourishes in wetlands. U.S. Representative Robert Davis summarizes the value of wetlands as follows:

Long perceived as wastelands with few redeeming characteristics, wetlands today are being recognized as valuable natural resources. They provide habitat for a wide variety of plants and animals, probably the most commonly recognized value of wetlands. But they have been shown to provide many other valuable functions such as the maintenance of water quality. They can retain, at least temporarily, nutrients that would otherwise reach streams, rivers, or lakes and contribute to increased growth of algae. Sediments that are suspended in running water can also be removed by wetlands. Wetlands interconnected with the groundwater table can recharge groundwater while in other areas discharge groundwater. Wetlands also provide a valuable function by reducing the severity of floods. They are effective as a storage basin during times of heavy rainfall and ease in the flooding of rivers. Finally, wetlands provide a multitude of uses for recreational activities; hunting, fishing, and a number of nonconsumptive uses of wetlands are enjoyed by many Americans. (in U.S. Congress 1992, 2)

So-called drier wetlands are areas that are saturated for relatively short periods of time but still perform some of the important ecological functions of wetlands. Ironically, drier wetlands are among the most valuable of wetland areas from an environmental perspective: “Many have a powerful intuition that the wetter the wetland the more valuable it is. This intuition is false” (Tripp 1991, 201). Among the valuable functions of drier wetlands are the following: (1) They are particularly effective natural flood controls: “Their relative dryness gives them greater capacity to absorb floodwater. Their strong vegetation slows down floodwaters and limits their destructive force” (201). (2) They are especially useful filtration systems because they “trap and absorb pollutants before runoff can mix with deeper waters. Scientific studies have confirmed that many drier wetlands provide the most effective treatment of water quality” (201). (3) Certain animals can live in shallow wetland areas when the “wetter” wetlands become too deep: “Loss of these areas leaves these animals nowhere to go in periods of high water” (201). (4) During dry periods, a good deal of plant and tree growth occurs. Then, during seasonal or temporary periods of saturation and flooding, certain plant material is carried into deeper waters where it becomes an important food supply for various fish species. In sum, certain wetlands
appear to be “dry” much of the time. Nonetheless, the saturation they receive is sufficient to facilitate valuable ecological functions that distinguish them from nonwetlands.

Specific definitions of wetlands differed somewhat from state to state when the term first became popularized in the late 1960s. It was not until the mid-1970s that efforts were made to produce a standardized definition that could be used nationwide (Golet 1991, 635). Virtually from the beginning, those most interested in defining wetlands were interested in identifying and preserving their ecological functions. In strictly academic settings, conflicting definitions can coexist without serious problem, for example, in rival textbooks. It is assumed that there is sufficient overlap in the competing definitions that no harm results from a lack of strict uniformity. Besides, normally no one in academic settings has the authority to declare one specific definition to be the one that everyone in a given discipline must follow. Public laws, on the other hand, are aimed at precisely this sort of denotative conformity. Section 404(f) of the 1977 Clean Water Act was designed to halt widespread wetland destruction. The subsequent definitions put into service by the relevant federal agencies at that time were backed by the power of federal law. In 1979, a standard ecological definition was published by the U.S. Fish and Wildlife Service: “[W]etlands are lands where saturation with water is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface. The single feature that most wetlands share is soil or substrate that is at least periodically saturated with or covered by water. The water creates severe physiological problems for all plants and animals except those that are adapted for life in water or in saturated soil” (Cowardin et al. 1979, 3). Such a definition includes all three factors mentioned previously: hydrology (wetness), hydric soil, and hydrophytes. Although the temporary or permanent presence of water is what makes a given area a wetland ecology, the total amount of water on and in the soil varies tremendously over the seasons and is difficult to document directly. Accordingly, the 1979 definition, like most of those that have followed, defines wetlands as areas that have any one of three features—wetland vegetation, soil, or hydrology: “For the purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year” (Cowardin et al. 1979, 3). Because the amount of water necessary to produce wetlands is highly variable and difficult to measure, most efforts to define wetlands throughout the 1980s focused on hydric soil and hydrophytes. Hydric soils have been defined as those that receive sufficient saturation to produce anaerobic conditions—conditions that sharply limit the types of vegetation and animal life that can live in or on the soil. Hydrophytes are those plants that have adapted to such anaerobic conditions. A specific list of hydrophytes was drafted by the U.S. Fish and Wildlife Service in 1977 and has been reviewed and updated many times since (Golet 1991, 637).

Based on these early ecological definitions, it has been estimated that wetlands in the contiguous states are being destroyed by natural and human causes at a rate of nearly 300,000 acres annually. An additional 4,250,000 acres of wetlands were predicted to be at risk between 1990 and 2000 (U.S. Department of the Interior 1990, 13), although national data for that time period still are not available. Given that approximately 56 percent of wetlands has already been lost over the past two centuries (Dahl 1990), the cumulative losses are enormous: “Society pays for the loss of wetlands in very direct ways. Wetland losses increases the need for water treatment facilities and multi-billion dollar flood control projects. Wetland losses also represent the loss of habitats of animals and plants of aesthetic, commercial, recreational, and medicinal value. Society pays for the loss of wetlands that had helped replenish and cleanse bays, estuaries, and rivers that contribute significantly to the spawning and rearing of hundreds of estuarine, anadromous, and oceanic species valued by commercial and recreational fishermen” (U.S. Department of Interior 1990, 15).

During the 1980s, four different federal agencies had jurisdiction relevant to the regulation of wetlands: the U.S. Fish and Wildlife Service (FWS), the Environmental Protection Agency (EPA), the Army Corps of Engineers (CE), and the Agriculture Department’s Soil Conservation Service (SCS). All four had the legislative or administrative power to define wetlands according to their respective needs and interests. As noted by Max Peterson of the International Association of Fish and Wildlife Agencies: “At one time Fish and Wildlife Service had a habitat classification. Soil Conservation Service had a soils classification, and other agencies had a definition based on water presence” (U.S. Congress 1992, 43; emphasis added). Each of these regulatory bodies had the statutory or administrative power to designate specific areas as wetlands and to affect people’s behavior accordingly. For example, the “Swamp-
buster provision of the 1985 Food Security Act required farmers wishing to sell wetland acreage to commercial developers first to obtain a federal permit. If the acreage is classified as wetlands, according to federal definitions, the permit can be denied.

Just how disparate the different federal regulatory agencies' definitions of wetlands were prior to 1989 is a matter of some dispute. Although some contend that the various agencies used "very similar approaches" (Tripp 1991, 199), others complain that the lack of standardized methods resulted in inconsistent determinations of wetland boundaries (Environmental Protection Agency [hereafter EPA] et al. 1991, 40449). To ensure a reasonable degree of uniformity, the four responsible federal agencies began a series of meetings beginning in early 1988 to produce a standardized manual for delineating wetlands. In January 1989, the Federal Interagency Committee for Wetland Delineation published the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (hereafter Manual). According to Francis C. Golet, a professor of natural resources science who has been involved in wetlands research for over twenty years, "[T]he 1989 Manual represents the culmination of nearly 17 years of efforts by wetland scientists, soils experts, and land managers from throughout the country. It also represents a consensus of the four leading wetland management/regulatory agencies" (1991, 639).

Like most federal regulations, the 1989 Manual received both praise and criticism from those most directly affected. Critics charged that the Manual significantly broadened the definition of wetlands such that millions of acres previously not considered wetlands would now be so designated (EPA et al. 1991, 40450). Those who defended the Manual pointed out that it did not "initiate a significant revision to prior existing standards. Like the other manuals, it most heavily emphasized evidence of soil types and vegetation, and used the limited available evidence of hydrology (of wetness) primarily as a means of verifying the evidence provided by soils and vegetation" (Tripp 1991, 199). Defenders of the Manual agreed that there had been problems implementing the relevant federal regulations but argued that the definition of wetlands was consistent with years of experience and needed no revision (Environmental Defense Fund 1992). The implementation of federal regulation concerning wetlands, like all public policy procedures, required an ongoing process of negotiation and mutual adjustment between regulators and those regulated. If not for the campaign rhetoric of George Bush during the 1988 presidential election, hammering out the details concerning the appropriate regulatory definition of wetlands very well might have remained a matter of interest solely to specialists. As a result of campaign promises made in the fall of 1988—promises repeated after Bush took office—how to define wetlands became a controversy attracting nationwide attention and interest.

As part of a bid to be known as "the environmental president," Bush promised in the 1988 presidential election that he would commit his administration to the goal of "no net loss" of wetlands. In October of 1988, as part of a candidate forum in the magazine Sports Afield, Bush stated: "My position on wetlands is straightforward: All existing wetlands, no matter how small, should be preserved" (in Paugh 1988, 15). Following his election, in a speech before members of Ducks Unlimited in June of 1989, Bush proclaimed that "any vision of a kinder, gentler America—any nation concerned about its quality of life, now and forever, must be concerned about conservation" (1989, 860). Noting that "our wetlands are being lost at a rate of nearly half a million acres a year," Bush reaffirmed his commitment to "no net loss": "You may remember my pledge, that our national goal would be no net loss of wetlands. And together, we are going to deliver on the promise of renewal, and I plan to keep that pledge. . . . Wherever wetlands must give way to farming or development, they will be replaced or expanded elsewhere. It's time to stand the history of wetlands destruction on its head. From this year forward, anyone who tries to drain the swamp is going to be up to his ears in alligators" (861). Bush described the protection of the environment as "a moral issue. For it is wrong to pass on to future generations a world tainted by present thoughtlessness" (862). Encouraging his audience to judge their actions in light of the verdict of future generations, Bush asked those present to imagine what might be said in forty years: "It could be they'll report the loss of many million acres more, the extinction of species, the disappearance of wilderness and wildlife. Or they could report something else. They could report that sometime around 1989 things began to change and that we began to hold on to our parks and refuges and that we protected our species and that in that year the seeds of a new policy about our valuable wetlands were sown, a policy summed up in three simple words: 'No net loss.' And I prefer the second vision of America's environmental future" (862).

The efforts to codify the different federal definitions of wetlands began in early 1988, well before Bush was elected president. Nevertheless, by making "no net loss" a centerpiece of his administration's environmental policy, Bush energized governmental efforts to protect wetlands. As Congressperson Gerry E. Studds noted, "[T]his is the first
instance I know of where campaign rhetoric rises to the level of statutory law. No loss of wetlands originated in a campaign speech; to my knowledge, it is not the law” (U.S. Congress 1992, 31). In his 1990 budget statement, Bush reiterated the goal of no net loss. The U.S. Department of the Interior and the U.S. Fish and Wildlife Service published a “wetlands action plan” in 1990 that was titled Wetlands: Meeting the President’s Challenge; the publication prominently quoted the above-cited passages from Bush’s speech before Ducks Unlimited. Congressional hearings were held in part to explore ways in which to meet the economic needs into consideration.

The Bush administration found itself in a dilemma: Either Bush could modify his commitment to no net loss, thereby breaking a highly visible and useful campaign promise, or he could stand by the promise and risk alienating pro-business, pro-development constituents. Bush’s “solution” was simple and, had it worked, politically ingenious. In January of 1990, White House press secretary Marlin Fitzwater announced that “[a]t the President’s direction, the Domestic Policy Council, which has created a task force on wetlands, is in the process of examining how best to implement the President’s goal of no net loss” (Bush 1990b, 73). “How best to implement the President’s goal of no net loss” turned out to be a proposed redefinition of wetlands. By sharply narrowing the scope of the regulatory agencies’ definition of wetlands, Bush would be able to claim that he kept his promise of no net loss of wetlands while allowing the development of areas previously designated as wetlands.

In August of 1991, the four agencies charged with protecting wetlands published in the Federal Register a document entitled “Federal Manual for Identifying and Delineating Jurisdictional Wetlands; Proposed Revisions” (EPA et al. 1991). Although bearing the name of the relevant regulatory agencies, the document was produced under the direction of the vice president’s task force on wetlands and was intended to be codified as a Presidential Executive Order with the force of law. The “Proposed Revisions” were presented and explained as a clarification and refinement of the 1989 Manual, but in effect the revisions represented a major departure from the Manual’s procedures for delineating wetlands. The practical result of the proposed redefinition, if implemented, would have been to decrease dramatically the amount of acreage that could be designated as protected wetlands. The most modest estimate was that “as much as a third of the 38.4 million hectares (95 million acres) of wetlands in the lower 48 states will be considered wetlands no more and thus will be vulnerable to development” (Lemonick 1991, 53). The Environmental Defense Fund’s extensive study of the effects of the proposed changes to the Manual suggested that an even larger percentage—50 percent or roughly 50 million acres of land previously designated wetlands—would be excluded by the proposed redefinition (1992, x). That estimate corresponds to that by the National Wetlands Technical Council, a group of “independent wetlands scientists” (U.S. Congress 1992, 661–63).

There are two primary differences between the 1989 Manual (which represents the traditional practices of delineating wetlands) and the Bush administration’s proposed redefinition. First, whereas the 1989 Manual
allowed an area to be designated a wetland if any one of several criteria were met clearly, the 1991 redefinition required that all three criteria (hydrology, hydric soil, hydrophytic vegetation) be met and proved independently. Second, the specific standards by which each criterion was judged were made more stringent. For example, the 1989 Manual required seven consecutive days of inundation or saturation “at or near the surface,” while the 1991 redefinition more than doubled the length of time necessary (fifteen to twenty-one days) and specified water at the surface, not just near it.

The codification of definitions of wetlands in the 1989 Manual was implemented by the relevant federal agencies without additional authorization by the White House or Congress and without inviting public comment. The Manual was considered a “technical guidance document which is not required by law to go through Administrative Procedure Act rulemaking procedures” (EPA et al. 1991, 40446). In other words, the relevant federal agencies were empowered to enforce the Manual’s definition of wetlands without additional authority, because the power to regulate wetlands was given already under current federal law. Opponents of wetland regulation responded in two ways. First, a rider was successfully attached to the Energy and Water Development and Appropriations Act of 1992 that cut off funding for further delineation of wetlands using the 1989 Manual. The action temporarily disempowered the federal agencies from requiring conformity to the Manual’s definition. Second, opponents criticized the agencies for creating and enforcing the “new” definition without inviting public comment. The Bush administration could have enforced the proposed 1991 redefinition by Executive Order or through the same input-free process by which the 1989 Manual was adopted. However, having criticized the federal agencies for having acted without inviting public comment, the administration felt compelled to extend such an invitation regarding the proposed redefinition (EPA et al. 1991, 40446; see also Hilts 1991, A10). The response was overwhelming. Over ten thousand documents were sent to the EPA, requiring the agency to hire an outside consulting firm to collate the input provided.

Although not without supporters, the proposed redefinition was met mostly with intense opposition and condemnation. Sierra magazine claimed that the administration’s “evisceration of existing wetlands policies demonstrates—more conclusively than any previous actions in this arena—the abandonment” of the no net loss pledge (Pope 1991, 22). The Bush administration’s proposed redefinition “broke his most spe-
cific campaign pledge” (23). The redefinition was seen as a cynical ploy: “A teensy redefinition of what constitutes a wetland, and presto—the administration jeopardizes 30 million acres of them, an area about the size of New York state” (Dworetzky 1992, 9). The Associated Press reported that “[g]overnment wetlands experts have concluded that the Bush administration’s proposed redefinition of the term is unworkable, unscientific and would leave ‘many obvious wetlands’ unprotected” (“Papers” 1991, 7). By late November of 1991, criticism from inside and outside the administration had grown so intense that a spokesperson for the president’s Competitiveness Council admitted that the proposed redefinition would have to be revised “to honor President Bush’s 1988 campaign pledge” (Hilts 1991, A1).

Before discussing the specific arguments lodged against the administration, I want to draw attention to a rhetorical strategy that emerged in the criticisms that is particularly relevant. The proposed redefinition was branded “political” and contrasted to the current “scientific” definition. Representative Lindsay Thomas complained that policy makers had no business defining wetlands: “The problem is not how to define wetlands. That is a science” (U.S. Congress 1992, 24). Similarly, scientist Francis C. Golet suggested that “the definition of wetland is wholly a scientific issue.” Although political input is unavoidable, “in matters of science, such as the definition of wetland, scientific arguments must prevail” (U.S. Congress 1992, 640, 654). The image of an objective, bias-free science was invoked frequently to help justify continuing the 1989 Manual’s definition as opposed to the administration’s proposed redefinition. James T. B. Tripp, general counsel to the Environmental Defense Fund, ended his testimony to Congress as follows:

The attack on wetlands programs has proceeded from a number of factual misconceptions. The proposed revisions to the manual represent this callous approach to science taken to an extreme—as nonscientists believed they could draw up a manual that would be usable and would accurately cross off some unarticulated category of wetlands that did not perform important functions. The need for more dispassionate, unbiased science has rarely been greater on any environmental issue. I urge this Committee to make an important priority the assurance that accurate science guide public policy on this issue. (U.S. Congress 1992, 208)

Because few, if any, scientists engaged in environmental studies were willing to support the administration’s proposed redefinition, it is tempt-
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In the case of wetlands, the competing interests are fairly easy to identify and to contrast. In the simplest of terms, the 1989 Manual's definitions represent the interests of ecologists; in contrast, critics argue that the proposed redefinition of wetlands is "devised by developers, timber companies, and highway departments" (Pope 1991, 23). Just how fair and accurate such a simple contrast may or may not be is illustrated by looking at the specific interests identified in arguments for and against the proposed redefinition. The most thorough critique was provided by the Environmental Defense Fund (hereafter EDF). Together with the World Wildlife Fund, the EDF published How Wet Is a Wetland?: The Impacts of the Proposed Revisions to the Federal Wetlands Delineation Manual in January of 1992. According to the EDF, forty scientists and specialists were involved in preparing the 175-page report. The EDF claims that "an estimated 50 percent of America's remaining wetlands" would be excluded by the proposed redefinition (1992, x). The long-term result would be "severe environmental and economic impacts." The report identifies five specific areas of harm: flooding, water quality, biological diversity, waterfowl, and fisheries. In each area, the EDF directly challenges the administration's belief that only "wet" wetlands deserve protection. As noted earlier, "drier" wetlands sometimes protect the most important ecological interests. The EDF notes that the proposed redefinition's criteria for determining hydrology have "virtually no relevance to flood control." In fact, "compared to the more permanently flooded wetlands, the wetlands excluded by the proposed manual actually have greater capacity to detain floodwaters because they are less likely to be filled with water before the flood event" (x). A specific example demonstrates the costs of the new definition: "In the eastern portion of DuPage County, Illinois, the loss of wetlands has led to frequent severe flooding that cost $120 million in damages in 1987 and will cost up to $50,000 per damaged residence to remedy. The proposed manual would exclude 86 percent of the similar kinds of wetlands in the western portion of the county—an area that today retains many wetlands and suffers from little flooding" (x–xi). The report proceeds to document similar harms to water quality, biological diversity, waterfowl, and fisheries. In each area of harm, the report specifies the sort of damage that would occur if the new definition were utilized. The problems described are precisely those identified in documents such as the Department of the Interior's Wetlands: Meeting the President's Challenge and discussed by Bush himself in addresses such as the one given to Ducks Unlimited in 1989. The difference is that the EDF documents in detail how much of the damage from loss of wetlands comes from the loss of so-called drier wetlands that the proposed redefinition was designed to exclude.

The arguments set forth by the EDF are openly pragmatic. There is little or no effort to invoke the sort of circular rhetoric typically associated with "real definitions." Although chapter 1 is titled "What Are Wetlands?" the answer is pragmatic and functional. The EDF notes that "because wetlands are diverse, few generalizations about them are always true" (1992, 2). Instead of looking for unchanging qualities or an
essential nature of wetlands, the EDF identifies the valuable ecological functions that various sorts of wetlands serve. The current definition, fueled from the beginning by ecological interests, ought to be preserved because the consequences of the proposed redefinition are undesirable. The EDF rejects what they call “the misconception that only areas that are wet at the surface for extended periods are ‘real’ or ‘valuable’ wetlands” (xiii). In the process of defending the claim that “wetter wetlands are not better wetlands,” the EDF does not adopt the position that there are real versus apparent wetlands but instead focuses on the many valuable functions such lands perform and notes that surface hydrology—the primary defining characteristic of the proposed revisions—has little to do with such functions.

Interestingly enough, both sides in the wetlands definition controversy were interested in producing a definition that would delineate wetlands accurately, consistently, and predictably. Both sides wanted, in other words, denotative connotivity with respect to the word “wetlands” in order to enforce current statutes. Accuracy, consistency, and predictability are often considered “scientific” values (Kuhn 1977, 320–39). Indeed, in the proposed redefinition, the Environmental Protection Agency claims that “[o]f paramount importance to us...is to maintain and improve the scientific validity of our delineation methods” (1991, 40446). In a general sense, then, both sides were interested in their definition being considered “scientific.” When critics of the proposed redefinition called it “unscientific,” as they often did, to what were they referring? The scientists who charged the administration with being “unscientific” were not merely interested in accuracy, consistency, and predictability. They also wanted to continue to study and protect wetlands for their ecological significance. Being “unscientific” in this context translates as “abandoning what scientists have been doing with respect to wetlands.” Accordingly, when a scientist such as Francis Golet charges that the redefinition “disregards more than 15 years of scientific research” (U.S. Congress 1992, 639), I believe his criticism is best understood as a complaint that the redefinition breaks faith with those responsible for many years for our understanding of the ecological importance of wetlands and abandons the values and interests that current statutes were drafted to protect. The EDF’s studies concerning the amount of loss of wetlands protection suggest that the EDF, in fact, is able to utilize the new definition to delineate wetlands accurately, consistently, and predictably. The problem with the new definition is not so much that it is “unscientific” but rather that it abandons the values and interests of scientists traditionally associated with the study of wetlands. If this constitutes a flaw, it is a social one, not a metaphysical one.

The interests pursued by those in favor of the proposed redefinition were fairly straightforward. Organizations such as the Tidewater Builders Association, the Forest Farmers Association, the National Association of Homebuilders, Weyerhaeuser Company, Associated Builders and Contractors, and the National Association of Realtors testified before Congress in favor of the administration’s proposed redefinition. The National Association of Realtors noted that they had advocated in early 1989 the policy “that all three parameters (which include hydrophytic vegetation, hydric soils and hydrology) be utilized in delineation of a wetland”—precisely the policy proposed by the Bush administration (U.S. Congress 1992, 368; emphasis in original). The arguments offered by such organizations boil down to one basic complaint: the 1989 Manual prevents people from developing land in the manner of their choosing. As a result, the right to use one’s property profitably is obstructed by federal regulations that these developers feel “go too far.” A representative of the Tidewater Builders Association complained that real estate “estimated at $50 billion” potentially met the Manual’s criteria for wetlands and thus could not be developed (U.S. Congress 1992, 60). A county commissioner from Georgia claimed that “economic growth has been drastically curtailed” by the 1989 Manual: “Engineers, architects, home builders, developers, contractors and their employees were impacted” (U.S. Congress 1992, 226).²

A related and persistent justification for the proposed redefinition was that the 1989 Manual drastically expanded the amount of land regulated as wetlands. The argument is controversial; as noted earlier, environmentalists as well as government officials claimed that such accusations were ungrounded and were the result of misunderstandings that subsequently had been clarified (EDF 1992, 13–18). Nonetheless, advocates of the proposed redefinition consistently argued that the 1989 Manual expanded protection to far too many areas that are not “true” wetlands. Robert W. Slocum of the North Carolina Forestry Association argued that “identifying dry land that has no resemblance to true wetland ecosystems as ‘wetlands’ only confuses the public and the landowners and hinders protection of true wetlands” (U.S. Congress 1992, 109; emphasis added). Slocum praised the administration’s proposal as offering “a more realistic definition” that protects “true wetland ecosystems” (113). Similarly, the National Association of Realtors stated that they were “pleased with the consensus definition of protected wetlands
reached by the Bush administration, which more accurately and clearly defines a *true* wetland" (366). More often than not, advocates of the proposed redefinition expressed their belief that “true” or “real” wetlands still would be protected (see, e.g., U.S. Congress 1992, 336, 367, 386). Explicitly or implicitly, the 1989 *Manual* was condemned for protecting lands that are not “really” and “truly” wetlands.

I have argued previously that such dissociative claims in defense of a definition are circular and unhelpful. To claim that one definition is superior to another because it captures what is “really and truly” a wetland simply avoids the pragmatic question of what ought to count as a wetland for the purposes of federal regulation. Typically, advocates of the proposed redefinition relied on a “wetter is better” logic. The Delaware Council of Farm Organizations, for example, argued that “farmers are not, in general, opposed to protecting wetlands; that is, land that is *truly wet*” (U.S. Congress 1992, 409). The problem with such arguments is that they fail to clash with the case offered by ecologists concerning the value of so-called drier wetlands. Rather than invoking the dichotomies of “true” versus “false” wetlands, or “scientific” versus “political” definitions, a more productive discussion would focus on the relative costs and benefits of protecting the lands included by the 1989 *Manual* and excluded by the proposed redefinition. Such a discussion is precisely what the EDF offers in *How Wet Is a Wetland?* The pragmatic question, therefore, is whether the benefits of protecting the disputed lands are considered more important or valuable than maintaining the property rights of those who own and wish to profit by developing them. So far, the values and interests expressed and implied by existing legislation would warrant the conclusion that the answer be “yes.”

Even setting aside the question of which interests are more important to protect, the Bush administration’s attempt at redefinition was logically inconsistent as well as ethically suspect. Bush’s early declarations about wetlands, in his role as “the environmental president,” depended on traditional definitions of wetlands. For example, in his statements about the quantity of wetlands being lost each year, he relies on statistics that utilize a definition of wetlands codified in the 1989 *Manual*. Yet his later statements clearly retreated from those definitions. While insisting that “I am committed to no net loss of wetlands,” Bush also said, “I am not committed to decisions that take productive land out of production.” He complained that “you’ve got zealots in various levels of the bureaucracy” that require control “from the top on down” (1990a, 632). Bush effectively abandoned his identification with the agencies charged with protecting wetlands who had been working toward a consistent definition of wetlands for over a dozen years. In so doing, he rejected his previous alignment with the interests those agencies represent. Not surprisingly, Bush relied on the rhetoric of real definition to defend the revised policy. When speaking to an agricultural organization with pro-development sentiments, Bush made his interests clear: “My direction to Vice President Quayle’s Council on Competitiveness was to protect environmentally sensitive wetlands and protect the property rights of landowners. I’ve asked the board [of the Farm Bureau Federation] to send in specific recommendations during this hearing period. Our new guidelines will distinguish between genuine wetlands which deserve to be protected and other kinds of land, including your farmlands” (1992c, 83; emphasis added). Noting that “the extreme environmentalists are not happy” with his new wetlands policy, Bush claimed that the answer is “to try to balance all of these interests” (1992b, 1177). Yet by dramatically narrowing the standard definition of wetlands, Bush clearly tipped the balance away from environmental interests. Complaining again that “we were too far over between the Corps [of Engineers] and EPA on the regulatory side,” Bush warned that we must “be wary of the extremes” (1177). His own definition was simple and direct: “I’ve got a radical view of wetlands. I think wetlands ought to be wet” (1177).

By identifying himself with the “wetter is better” criterion espoused in the proposed redefinition, Bush explicitly distanced himself from the environmental interests reflected in the traditional definition upon which his pro-environmental statements depended. It is ironic but fitting that Ducks Unlimited—the organization before which Bush gave his most important and influential wetlands address—came to oppose the proposed redefinition (U.S. Congress 1992, 88–90, 311–27). That Bush’s attempts to balance interests were unpersuasive is suggested by a steady decline in approval ratings of his handling of environmental issues (although it is impossible to know how much of this had to do directly with wetlands policy). In March of 1991, at the peak of his popularity as president, Bush had a 52 percent approval rate for his handling of environmental issues. By June of 1992, that rate had fallen to 29 percent with 58 percent of those polled expressing disapproval (Saad 1992, 1).

I conclude with two comments about the wetlands controversy. First, the dispute is a useful case study because it throws into relief that definitions are interest-driven and saturated with questions of power and persuasion. What makes wetlands unusual is the amount of media coverage the controversy received, but the fact that definitions *matter*—that
there are pragmatic and political results of our choices of definitions—is not unusual at all. Power to define is power to influence behavior. All proposed definitions are devised for specific purposes that can be evaluated according to the interests that they advance. The success of any definition depends on how effectively its advocates persuade (or coerce) members of a given community to conform and use the term “properly.” In the case of wetlands, the Bush administration was unable to persuade enough regulators and citizens to support the proposed redefinition and was unwilling to coerce them to do so. Such disputes over the scope of government regulation highlight the political dimension of defining that is, I believe, ubiquitous.

Second, note that none of the interests identified so far need be classified as exclusively “scientific” or exclusively “political.” Scientists constitute a specific social group that is identifiable, in part, by their common interests and values (Longino 1990). Accordingly, it sheds little light to describe such interests and values as “nonpolitical.” As noted in the cases of defining death and rape, a variety of social interests are advanced by achieving a level of denotative conformity with certain words. Thus, politicians and scientists share the goal of denotative conformity with respect to wetlands. The dream of escaping politics altogether and letting experts define tough concepts for us is a powerful one, but the dream potentially ends in a technocratic nightmare. If one considers the outcome of this particular wetlands controversy a happy ending, it is because one identifies with the interests of the winner. The results could have been otherwise; politics is responsible for what we now call wetlands and for what we will treat as wetlands forty years hence. Interests always are served by definitions; the only question is whose interests. Prudence requires that, as a society, we learn to tell the difference between the definitional disputes that are exclusively “scientific,” in the sense that the outcome only affects the community of scientists, and those disputes that involve us all—scientists included. Both sorts of conflicts are political; recognizing them as such may prompt us to take greater responsibility for defining the reality we impose on ourselves and others.

Reformulating the “What Is X?” Question: The Case of “Person” vis-à-vis the Abortion Debate

In this chapter, I review some of the arguments made in earlier chapters and point to some specific ways that definitional questions can be productively reformulated. In particular, I suggest that when we hear questions of the form “What is X?” that we distinguish between “gap” and “rupture” situations, and that ruptures be addressed in part by re-asking such questions as “How should we use the word X?” As noted earlier, definitional gaps can be filled by referring to current beliefs about X. So, if we hear an unfamiliar word or are faced with an unfamiliar stimuli (say an odd noise), a question such as “What is that?” can be answered without the need to revise our current beliefs. If I have never heard the word “ephod” before, I can learn something about it by looking it up in a dictionary, where I would find that it is a kind of Hebrew priestly vestment. Unless I had previous beliefs about Hebrew vestments, it is unlikely that learning about ephods will change any current beliefs; I only add a little about ephods to the total sum of my knowledge. Similarly, if I had never seen a particular species of bird—say, a puffin—my first reaction upon seeing one might be to ask, “What is that?” Learning that it is a puffin is unlikely to require me to change many of my current beliefs but takes what is common knowledge for others and adds