



Written by [James Murphy](#) on August 16, 2024

Arizona Supreme Court Approves Term “Unborn Human Being” for Abortion Document

This week, the Arizona Supreme Court said that the term “unborn human being” did not violate a state law that requires nonpartisan language on pamphlets explaining ballot initiatives in the state. The Court’s ruling reverses a lower court’s decision that said the pamphlet explaining Arizona’s Abortion Access Act was biased for referring to the “products of conception” as an “unborn human being” rather than a fetus.

Supreme Court Rules the Term is “Impartial”

In July, Maricopa County Superior Court Judge Christopher Whitten [ruled](#) that the term was “packed with emotional and partisan meaning,” and ordered that state documents explaining the ballot measure be changed to more “neutral” term. The state’s Supreme Court [disagreed](#), ruling that the language “substantially complies” with the impartiality requirement being that the term is already used in state law.



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“We conclude that the Analysis provides the information required by A.R.S. § 19-124(C) and ‘substantially complies’ with the statute’s impartiality requirement,” the court ruled.

The state’s referendum looks to enshrine abortion throughout the entire pregnancy. Currently, abortion is legal up to 15 weeks’ gestation under the terms of a law passed this year. After *Roe v. Wade* was overturned, abortion was banned under the terms of an 1864 law. The new law does have an exception if the life of the mother is endangered.

Both Sides React

Supporters of the referendum were appalled by the ruling. Arizona for Abortion Access (AAA) is the group that challenged the language of the referendum’s explanatory brochure. They [said it would](#) subject voters to “to biased, politically-charged words developed not by experts but by anti-abortion special interests to manipulate voters and spread misinformation.”

“This decision is beyond disgraceful,” said Athena Salman of Reproductive Freedom for All Arizona. “But no matter what type of dirty tricks they try to pull to slow down our momentum, we know Arizonans will show up and vote for their freedoms this November.”

Arizona Right to Life, on the other hand, argues that the referendum shouldn’t even go forward. They claim that the those who circulated the petition to put it on the ballot were deceptive in garnering signatures. Arizona Right to Life is challenging the signatures in court. [According to their website:](#)



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Arizona Right to Life maintains that many of the paid circulators were deceiving and misleading the public with their varied explanations of what the Initiative was about. Specifically, there were incongruous statements made about when abortion would be limited as well as the inability to articulate the language surrounding fetal viability.

Much of the controversy surrounding this issue in Arizona appears to be over the grammar used regarding abortion. Shouldn't it be about whether killing a baby is a good idea or not?



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