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MEDICAL TERMINATION OF PREGNANCY IN INDIA: THEOLOGICAL REFLECTION AND SOCIALLY SENSITIVE RESPONSES

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ABSTRACT



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For any society, the most critical moral issue is always related to life and death. This study attempts to address such one issue, i.e. the practice of Medical Termination of Pregnancy (MTP) in India. This study particularly looks at the question of what the Bible says concerning the practice of MTP especially (i) when a raped woman wants to end an unwanted pregnancy and (ii) when a pregnant woman's life is at risk—due to medical reasons—if she continues the pregnancy or delivers her baby. After studying selected biblical passages exhaustively, this paper proposes that the Bible is silent concerning MTP, particularly in relation to the two cases selected for this study. Thus, it may sound ideal for the Church not to impose a particular theological dogma as a rule for all cases of MTP. At the same time, it suggests five socially sensitive responses for the Indian Churches.

Keywords:

*Abortion, Choice,
Exceptional, Fetus,
Medical Termination of
Pregnancy (MTP),
Metaphorical,
Pregnant/cy, Rape/d,
Victim, and Woman.*



1. INTRODUCTION

For Christians, the Bible serves as the primary deciding factor when dealing with issues pertaining to life. Concerning the questions of whether to *consider or reject* Medical Termination of Pregnancy (MTP) (i) when a victim of rape¹ wants to end an unwanted pregnancy and (ii) when the life of a pregnant woman—due to medical reasons—is at risk if she continues the gestation or delivers her baby, people—including Christians—have *diverse opinions*. Considering this reality as significant, this study *aims* to critically analyse selected biblical passages. The *purposes* are (i) to find out what the Bible says concerning MTP in relation to the cases specified above and (ii) to give socially sensitive responses accordingly.

In this paper, the first section precisely elaborates on how MTP² is practised in India.³ Then the second part informs people's attitudes and responses towards abortion, meaning, who is for and against abortion (likewise, MTP). The third section analyses selected biblical passages which are often quoted while dealing with the issue of abortion. The chosen passages are categorized under three headings: Harming a Pregnant Woman (Exod 21:22–25), Metaphorical Expression about God's Work (Psalm 139:13–16), and Exceptional Cases of God's Work Before Birth (Jer 1:5; Gal 1:15; Luke 1:36, 41). After that, the fourth part gives a theological reflection on MTP, particularly in relation to the chosen cases. In light of the exegetical studies and theological reflection, this paper suggests that the Bible does not directly address the issue of MTP. Finally, this paper proposes five socially sensitive responses that the Indian Churches can incorporate while addressing the two cases selected for this study.

2. MTP AND LEGAL PROVISIONS IN INDIA

Being a Hindu-dominated country, Indian terms for abortion, as mentioned in the Hindu Scripture are *garbha batta* and *bhrUNaghna*. The former refers to “womb killing,” and the latter, “killing the undeveloped soul or embryo slayer.”⁴ Despite such strong scriptural assertions against terminating the fetus, abortion—MTP—is rampant in India. Until 2015, for

¹ This paper does not focus to answer various questions which can be asked in relation to the issue of rape. For instance, it will not attempt to answer questions like: How should all the biblical references which talk about rape be interpreted? Why does rape happen? Is it partly because of the problem of gender imbalance or something else? How can we punish rapists? How can rape be prevented? Note: The paper's emphasis is on the question of what the Bible says when a raped woman wants to end an unwanted pregnancy.

² The issue of MTP strongly raises the age-old question of when the life of a person begins as it becomes crucial in deciding whether or not the fetus should be terminated. However, this paper does not focus on this question. Harry J. Gensler highlights six various positions related to this question. See Harry J. Gensler, “An Appeal for Consistency,” in *The Ethics of Abortion*, ed. Robert M. Baird and Stuart E. Rosenbaum (New York: Prometheus, 1993), 235.

³ This paper does not specify the data on how many raped victims and pregnant women with medical complications undergo an abortion. In India, normally such cases—especially the former—are not discussed openly. One of the primary reasons can be because the matter strongly relates to people's diverse moral preferences and then invites strong judgements from several people (see section 3). So, what is done in this article is just giving the reality of abortion.

⁴ Hindu Human Rights, “Hindu Texts on Abortion,” archive.li, November 25, 2014, <http://archive.li/p347Y>.



the last 15 years, the annual national data on abortion was given as 7 lakhs, excluding feticides done in private hospitals and through non-surgical/medical abortions.⁵ Another source claims that about 6.4 million abortions happen every year and perilous procedures cost the lives of 13 women daily.⁶ The Lancet Global Health gives a far higher number claiming that 15.6 million feticides occurred in 2015 alone.⁷ Some experts consider this figure as the approximate number that happens annually.⁸ Here, the purpose is not to trace out the exact figure but to argue that abortion is pervasive in India.

In India, abortion is practised under the provision of the MTP Act. The Act is applied in cases like (i) when, due to medical reasons, the life of a mother is at risk if she continues the pregnancy, or (ii) when a woman gets conceived of an unwanted baby because of rape.⁹ As PRS Legislative Research mentions, initially, as per the MTP Act of 1971, a pregnancy could be terminated in the first 12 weeks with the approval of one Registered Medical Practitioner (RMP). In the case of 12 to 20 weeks of pregnancy, two RMPs gave the approval for the abortion. Abortion was prohibited post-24 weeks of pregnancy. But, “[a]ny time during the pregnancy,” one RMP could still perform an abortion immediately if it was to save the life of the pregnant woman.¹⁰

Now, as Drishti IAS mentions, the MTP (Amendment) Act 2021 permits to perform an abortion in the case of up to 20 weeks of pregnancy under the advice of one RMP. For 20 to 24 weeks of gestation, two RMPs’ consent is required. For over 24 weeks of pregnancy—particularly in case of foetal deformity—the state-level medical board gives the approval.¹¹ However, if there is an urgent need to perform an abortion to save the life of the pregnant woman, an RMP can still do so irrespective of the duration of the pregnancy.¹²

⁵ Malathy Iyer, “1.6 Crore Abortions a Year in India, 81% at Home: Study,” *The Times of India*, December 12, 2017, <https://timesofindia.indiatimes.com/india/1-6-crore-abortions-a-year-in-india-81-at-home-study/articleshow/62030066.cms>.

⁶ Aarzo Snigdha, “13 Women Die in India Every Day Due to Unsafe Abortions,” *India Today*, July 26, 2018, <https://www.indiatoday.in/india/story/13-women-die-in-india-every-day-due-to-unsafe-abortions-1296850-2018-07-26>.

⁷ Susheela Singh et al., “The Incidence of Abortion and Unintended Pregnancy in India, 2015,” *The Lancet Global Health* 6, no. 1 (January 1, 2018): e111–20, [https://doi.org/10.1016/S2214-109X\(17\)30453-9](https://doi.org/10.1016/S2214-109X(17)30453-9).

⁸ Jyoti Shelar, “The Ratio of Doctors and Abortions Is Totally Skewed,” *The Hindu*, June 10, 2019, sec. Mumbai, <https://www.thehindu.com/news/cities/mumbai/the-ratio-of-doctors-and-abortions-is-totally-skewed/article27707406.ece>.

⁹ “226130.Pdf,” accessed June 7, 2021, <https://egazette.nic.in/WriteReadData/2021/226130.pdf>.

¹⁰ “The Medical Termination of Pregnancy (Amendment) Bill, 2020,” PRS Legislative Research, accessed June 7, 2021, <https://prsindia.org/billtrack/the-medical-termination-of-pregnancy-amendment-bill-2020>.

¹¹ “Medical Termination of Pregnancy (MTP) Amendment Act, 2021,” Drishti IAS, accessed March 24, 2023, <https://www.drishtiias.com/daily-updates/daily-news-analysis/medical-termination-of-pregnancy-mtp-amendment-act-2021>.

¹² “The_medical_termination_of_pregnancy_act,_1971.Pdf,” 3, accessed March 24, 2023, https://www.indiacode.nic.in/bitstream/123456789/15389/1/the_medical_termination_of_pregnancy_act%2C_1971.pdf.



3. SOCIAL ATTITUDES/RESPONSES TOWARDS ABORTION

The discussion below explains how certain people look at abortion differently and how they expect the larger society to perceive abortion. Sayings from selected individuals, Bollywood movie dialogues, and the positions of the Catholic Church are mentioned below because they seem to have a significant influence on Indian society.

3.1 Against MTP

The remarks from India's influential figures like Mahatma Gandhi and Mother Teresa speak against abortion. Gandhi said, "It seems to me clear as daylight that abortion would be a crime."¹³ Teresa asserted, "We must not be surprised when we hear of murders, of killings ... If a mother can kill her own child, what is left but for us to kill each other."¹⁴ Also, in relation to MTP Act, K. Kannan, a former judge, proposes to give better respect and protection for the fetus/unborn baby.¹⁵

The same message is explicitly communicated in Bollywood too, a movie industry that markedly influences several Indians.¹⁶ In *Salaam Namaste* (2005), the male protagonist, Saif Ali Khan bellows, "Get rid of it, let's kill it." To this Preity Zinta replies, "The word is abortion, we need an abortion, don't say kill it." As the movie continues, Zinta refuses to abort the fetus. She says, "I can't kill it." Similarly, in *Raazi* (2018), Alia Bhatt, the female protagonist, makes a powerful statement in Hindi, *Mujhse ek aur Qatl nhi hoga*. It means, "I cannot commit another murder" while refusing to terminate her unborn fetus.¹⁷ The terms "kill" and "murder" used in Bollywood movies imply the idea that terminating an unborn fetus is equal (at least similar) to taking someone's life.

3.2 For MTP

As elucidated in section 2, India legally permits MTP under certain circumstances. Nozer Sheriar, a gynaecologist who also worked for the "Federation of Obstetric and Gynaecological Societies of India" (FOGSI), contently states that practising MTP is a way of showing care for women, that is, "to protect and promote women's health." He goes on to say that more than 98.6% of FOGSI members perform the abortion. Such a number starkly stands

¹³ Mahatma Gandhi, *All Men Are Brothers: Life and Thoughts of Mahatma Gandhi as Told in His Own Words*, ed. Krishna Kripalani (Ahmedabad: Jitendra T Desai, 1960), 186.

¹⁴ To refer to more sayings of Mother Teresa, see "Pro Life Quotations of Mother Teresa," Faithful Catholics, accessed January 28, 2019, <https://sites.google.com/site/faithfulcatholics/Home/pro-life-quotations-of-mother-teresa>. As mentioned in the introduction, this paper deals with only the first two.

¹⁵ K. Kannan, "A Tricky Debate on Abortion," *The Hindu*, August 3, 2016, sec. Lead, <https://www.thehindu.com/opinion/lead/A-tricky-debate-on-abortion/article14547721.ece>.

¹⁶ For some, besides entertainment, movies are "almost a religion." "Impact of Bollywood on Indian Culture," DESIblitz, January 15, 2014, <https://www.desiblitiz.com/content/impact-bollywood-indian-culture>.

¹⁷ For more examples, see Ishmeet Nagpal, "6 Bollywood Films That Mention Abortion, But It's Not What You Think," *Feminism In India*, June 6, 2018, <https://feminisminindia.com/2018/06/07/6-bollywood-films-mention-abortion/>.



against the global figure. He believes that such practice “can never be immoral or wrong.”¹⁸ And the given figures in section 2—the first paragraph—indicate that several Indians seem to be tolerant (if not, comfortable) of practising MTP. This is not to say that all happily practise MTP as there can be people doing it out of helplessness for various valid reasons.

3.3 Catholics’ Positions

Generally, the Catholic Church opposes abortion as its doctrinal belief (article 5) professes that human life should be valued from the time of conception.¹⁹ As Digal reports, “Sister Talisha Nadukudiyil, the executive secretary of Catholic Bishops Conference of India Council for Women questions, How can one who ignores the silent cry of the fetus of one’s own blood listen to the cry of the fellow beings? In such a situation can we expect any decrease in the crimes against the vulnerable?”²⁰

Nevertheless, as Basheer K.P.M. reports, still Catholic Christians in Kerala—the largest Catholic group in India—largely practise MTP for birth control.²¹ Basheer records the statement of Fr. Paul Thelakat, who represents the Synod of Bishops of the Syro-Malabar Church, “the Church considered abortion a sin. But abortion could take place while treating the mother to save her life. This is surely not sinful.”²²

What Fr. Paul Thelakat says directly relates to the second case of this paper, i.e. unhealthy pregnant woman whose life is at risk if she continues the pregnancy or delivers her baby. Others’ remarks given in sections 3.1, 3.2 and 3.3 do not particularly talk about abortion directly in connection with a raped woman who wants to end her pregnancy and an unhealthy pregnant who wants to terminate the fetus to save her life. However, those comments—from certain influential individuals, movie dialogues, and a certain church—still strongly communicate how abortion/MTP is understood by them. And their opinions are stated in this study because they have the potential to influence many others who are battling to decide whether to terminate or not terminate the fetus when they face the two cases selected for this study.

4. ANALYSING THE SELECTED PASSAGES

There is no direct biblical reference that says, “You shall or shall not practise MTP/abortion.” As Norman L Geisler specifies, frequently quoted passages while talking about abortion [likewise, MTP] are (i) Exodus 21:22–24: both the lives of adult and fetus are protected by the same penalty of harm/death; (ii) Psalm 139:15–16: God knows the unborn personally;

¹⁸ Nozer Sheriar, “Right to a Safe Abortion,” *The Hindu*, January 22, 2017, sec. Columns, <https://www.thehindu.com/opinion/columns/Right-to-a-safe-abortion/article17074832.ece>.

¹⁹ “Catechism of the Catholic Church-The Fifth Commandment,” accessed January 29, 2019, http://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a5.htm.

²⁰ Santosh Digal, “Indian Church: Women Need Medical Care, Not,” *Asianews.it*, January 26, 2017, <http://www.asianews.it/news-en/Indian-Church:-Women-need-medical-care,-not-safe-abortion-39767.html>.

²¹ This paper does not deal with the issue of “birth control” in specific.

²² K.P.M. Basheer, “Kerala Catholics at Ease with Abortion,” *The Hindu*, November 28, 2012, sec. Kochi, <https://www.thehindu.com/news/cities/Kochi/Kerala-Catholics-at-ease-with-abortion/article15618040.ece>.



(iii) Jeremiah 1:5: personal pronouns are used for the unborn; (iv) Galatians 1:15: unborn are called before their birth; and (v) Luke 1:41: unborn are called “children”/babies.²³ The following sections critically examine the cited passages.

4.1 Harming a Pregnant Woman

For Christians, Exodus 21:22–25²⁴ is the most commonly quoted passage while talking about abortion. Roger A. Paynter goes to the extent of saying, though this text “is not the noblest form of jurisprudence, it is the only passage in the Bible *directly applicable to the abortion issue*”²⁵ [italic added].²⁶ The mentioned reference talks about harming a pregnant woman and the necessary penalty required for the injurer. Here, penalties are specified for two situations: (i) when causing a “miscarriage” or “premature birth”²⁷ but with “no serious injury” (NIV) or “no further harm follows” (NRSVue), the injurer should pay fine (v. 22); (ii) when “there is serious injury” (NIV) or “any harm follows” (NRSVue), the injurer is supposed to give “life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise” (vv. 23–25). The next two paragraphs give two different interpretations—for clarity’s sake, the first one is termed camp A, and the second one is called camp B—of the mentioned passage.

²³ Norman L. Geisler, *Christian Ethics: Contemporary Issues & Options*, 2nd ed. (Grand Rapids, MI: Baker Academic, 2010), 148–49. Though there are numerous references, due to limited space and time, only the cited ones are interacted in this paper.

²⁴ “22 If people are fighting and hit a pregnant woman and she gives birth prematurely but there is no serious injury, the offender must be fined whatever the woman’s husband demands and the court allows. 23 But if there is serious injury, you are to take life for life, 24 eye for eye, tooth for tooth, hand for hand, foot for foot, 25 burn for burn, wound for wound, bruise for bruise” (NIV).

²⁵ Roger A. Paynter, “Life in the Tragic Dimension,” in *The Ethics of Abortion*, ed. Robert M. Baird and Stuart E Rosenbaum (New York: Prometheus, 1993), 190.

²⁶ Words in the square brackets are inserted to add clarity.

²⁷ Concerning the meaning of יָצָא—יִלְדֶּיהָ, some understand the term as referring to a “miscarriage,” and some interpret it as “premature birth.” English translations like NRSVue uses the former and NIV and NET use the latter. E. A. Speiser, S. M. Paul, T. B. Dozeman, C. Cohen, and S. Greengus advocate the former. On the other hand, H. W. House, W. C. Raiser Jr, John I Durham, R. du Preez, and John Makujina vouch for the latter and argue that when יָצָא is observed syntactically and semantically, the term says nothing about the status—as injured ... death—of the fetus but primarily indicates the coming of a fetus from the womb. E A. Speiser, “The Stem PLL in Hebrew,” *JBL* 82, no. 3 (September 1963): 301–6. S. M. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* (Leiden: E.J. Brill, 1970), 70–73, 108–9. Thomas B. Dozeman, *Exodus, ECC* (Grand Rapids: Eerdmans, 2009), 534–35. C. Cohen, “The Ancient Critical Misunderstanding of Exodus 21:22-25 and Its Implications for the Current Debate on Abortion,” in *Mishneh Todah: Studies in Deuteronomy and Its Cultural Environment in Honor of Jeffrey H. Tigay*, ed. N. Sacher Fox and et al (Winona Lake, IN: Eisenbrauns, 2009), 437–58. Samuel Greengus, *Laws in the Bible and in Early Rabbinic Collections: The Legal Legacy of the Ancient Near East*, 2011, 141–47. H Wayne House, “Miscarriage or Premature Birth: Additional Thoughts on Exodus 21:22-25,” *WTJ* 41, no. 1 (1978): 108–23. Walter C. Kaiser, *Toward Old Testament Ethics* (Zondervan, 1991), 168–72. John Durham, *Exodus*, vol. 3, WBC (Waco, TX: Word Books, 1987), 323–24. Ron du Preez, “The Status of the Fetus in Mosaic Law,” *Journal of the Adventist Theological Society* 1, no. 2 (January 1, 1990): 5–21. John Makujina, “The Semantics of יָצָא in Exodus 21:22: Reassessing the Variables That Determine Meaning,” *Bulletin for Biblical Research* 23, no. 3 (2013): 305–21.



Camp A

In this camp, Robert Alan Cole observes that for the case of a “miscarriage, monetary compensation must be paid.” Also, he goes on to say that this passage does not necessarily talk about abortion. For him, the main emphasis is on the “injury of the woman.”²⁸ Correspondingly, Bernard S. Jackson contends that the penalty specified in verse 22 applies to the loss of an embryo, and the one in verse 23 is intended for causing physical injury to the mother. He writes, “The remedy for a lost foetus is substitution, but that for the mother is *talionic* [*italic added*]: if she is merely struck, a blow must be struck in return (against the offender’s wife, since women are weaker than men); if she dies, the offender must die in return (death affecting men and women equally).”²⁹ Similarly, Paynter posits that if a fetus is injured, “a fine is imposed; if the mother dies,” the offender has to pay even at the cost of his life.³⁰ Parallely, Brueggemann Walter construes that the assumed situation in verse 22 is causing a miscarriage. And if the mother “is not bodily injured, a fine must be paid, as much as the husband requires.”³¹ Also, he observes that the term *’āsôn*—“harm” (v. 23)—refers to physical injury causing death only to the mother. In this case, a “severe and exact retaliation” should be given to the offender. But “the loss of the pregnancy in and of itself is not judged serious enough to evoke retaliation.”³²

Jackson, Paynter, and Walter seem to have construed the penalty specified in verses 23–25 in a literal sense. Nevertheless, it is difficult to consider such a possibility. The reasons are; when Exodus 21:23–25 is taken literally, it contradicts—at least in some ways—what is instructed just in the previous chapter, “You shall not murder” (20:13). Furthermore, if it is taken literally, it denotes that the Bible—at least in some ways—promotes the philosophy of taking revenge even at the cost of someone’s life. Then, such an understanding strongly devalues the teaching given in the next book (of Exodus) which says, “Do not seek revenge ... but love your neighbor as yourself.” (Lev 19:18, cf. 19:34).³³ Of course, according to the Middle Assyrian Laws, a life was required for the loss of a fetus.³⁴ But at the same time, in the ancient world, as per the Code of Hammurabi, “ten shekels of silver” were required—not life for life—to compensate for the loss of an embryo.³⁵ When it comes to Israelites in particular, it is possible that as Exodus 21:26, 27, and 30 hints, Israelites probably did not literally practise what is mentioned in verses 23–25. So, what they did was perhaps

²⁸ Robert Alan Cole, *Exodus*, TOTC (Downers Grove, Ill: Inter-Varsity Press, 1973), 169.

²⁹ Bernard S Jackson, “Problem of Exod. XXI:22-5, (Ius Talionis),” *VT* 23, no. 3 (July 1973): 290–97. For a different perspective—which is not considered here due to limited space—see Samuel E Loewenstamm, “Exodus XXI:22-25,” *VT* 27, no. 3 (July 1977): 352–60.

³⁰ Paynter, “Life in the Tragic Dimension,” 190.

³¹ Walter Brueggemann, “Exodus,” in *NIB*, ed. Leander E. Keck and others, vol. 1 (Nashville: Abingdon Press, 1994), 864.

³² Brueggemann, 864.

³³ Concerning Jesus’s teaching on retaliation and revenge, see Matthew 5:38–42.

³⁴ James B. Pritchard, ed., *Ancient Near Eastern Texts Relating to the Old Testament with Supplement*, 3rd edition (Princeton, NJ: Princeton University Press, 1969), 184:50.

³⁵ Pritchard, 175:209.



compensating the appropriate amount. Richard Coggins puts it, “injunction [given in vv 23–25] was never taken literally in Jewish custom; [instead,] appropriate monetary compensation was the usual penalty.”³⁶

Also, the interpretations of Cole, Jackson, Paynter, and Walter imply that the fetus is inferior to the mother because a heavier penalty is given only when “serious injury” or “further harm” is done against the mother. This then indicates that miscarriage is not harmful enough compared to the harm done to the mother. But it is difficult to be conclusive about the lower status of the fetus. Here, the approach of the next camp is helpful.

Camp B

According to Samuel Waje Kunhiyop, in Exodus 21:22–25, both the mother and her fetus are involved in the incident and each of them is “unique and important.” Likewise, it seems unlikely that the text implies a lighter punishment (v. 22) when the fetus is harmed and a heavier penalty (vv. 23–25) when the mother is injured.³⁷ Similarly, John I Durham³⁸ and Walter C. Kaiser³⁹ consider the possibility of Exodus 21:22–25 attributing equal value to both the fetus and the mother. According to Durham, first, when causing a premature birth without injuring “either the mother or the newborn child,” the defendant should compensate the required amount.⁴⁰ Second, in the case of a “permanent injury,” caused either to the mother or her child, the same harm is to be given to the injurer. Moreover, he assumes that this law might be a later addition for monetary compensation when inescapable or “inevitable” injury occurs.⁴¹

It is difficult to overlook the position of camp B because its proposition is in sync with the Jewish attitude towards the unborn baby. As Cole remarks, Jews considered killing the unborn child as “the most barbarous cruelty,” invoking even divine judgement.⁴² Also, Amos 1:13 talks about the Lord strongly condemning Ammon who “ripped open the pregnant women” just to extend its territory (cf 2 Kgs 8:12; 15:16). Such barbarity is not attributed to any king of Israel.

To recapitulate, camp A gives greater emphasis on the pregnant woman as a heavier penalty is given when she is harmed. Simultaneously, it gives at least some value to the fetus as some sort of penalty is applicable when harming the fetus. On the other hand, camp B gives equal value to both the fetus and the mother as equal punishment is given when either

³⁶ Richard Coggins, *The Book of Exodus*, Epworth Commentaries (Peterborough [England]: Epworth, 2000), 88.

³⁷ Samuel Waje Kunhiyop, *African Christian Ethics* (Grand Rapids, MI: Hippo Books, 2008), 339–40.

³⁸ Durham, *Exodus*, 3:324.

³⁹ Walter C. Kaiser, “Exodus,” in *EBC*, ed. Frank E. Gaebelein, vol. 2 (Genesis to Numbers) (Grand Rapids, Mich: Zondervan, 1990), 434.

⁴⁰ Also see Speiser, “The Stem PLL in Hebrew,” 301–6.

⁴¹ Durham, *Exodus*, 3:323–24. Also see, J. J. Finkelstein, “Ammisaduga’s Edict and the Babylonian Law Codes,” *JCS* 15 (1961): 98–104., and Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law*, 70–79.

⁴² Cole, *Exodus*, 169.



of them is harmed. Then, in light of the above deliberation, one can infer that what is primarily indicated in Exodus 21:22–25 is a certain value being attached to both mother and her fetus, and when either of them is harmed, at least some sort of penalty is given to the offender.⁴³ And the context of this passage is, “[w]hen people who are fighting injure a pregnant woman” (v. 22, NRSVue) by accident. Cole calls the situation accidental,⁴⁴ Durham calls it inadvertent,⁴⁵ and Kaiser terms it unintentional.⁴⁶ So, if the assumed context is *not intentional*, then it is difficult to directly relate this passage with the issue of MTP for the two cases selected for this study. The reasons are; when someone rapes a person, the act is always done *deliberately*. Also, the termination of a fetus—in cases of (i) when a raped woman wants to end an unwanted pregnancy and (ii) when a woman’s life is at risk due to medical reasons—is normally done *deliberately* and not accidentally or inadvertently or unintentionally. Hence, it is difficult to treat this passage as a direct reference to either advocate or prevent MTP. If that is so, Paynter’s assertion of this text as the only one that directly deals with abortion becomes unconvincing.

4.2 Metaphorical Expression about God’s Work

Psalms 139:13–16⁴⁷ talks about God forming the Psalmist’s inner parts, knitting him in the womb ... intricately weaving in the depths of the earth. J. Clinton McCann assumes that the phrase “depths of the earth” (v. 15b) is metaphorical. The Hebrew word *gōlmî*—unformed substance/body (v. 16a)—is found only here in the OT. And he goes on to say that it is difficult to be conclusive about the specific meaning of the imagery/meaning and relate it to the issue of abortion.⁴⁸ Such caution in interpreting the metaphorical text is plausible. After all, Psalm 139:13–16 is not a scientific description that needs to be construed literally. As Paul D. Simmons sensibly contends, this passage is more of a “poetic” expression that explains “God’s love for people,” that is, “God’s love surrounds the person in every corner or dimension of existence.” Likewise, “the purpose of the passage is to capture the celebrative mood of joy and wonder in being for those who can reflect upon their origins and contemplate what it means to be before God.” Therefore, the Psalmist is not directly addressing the issue of abortion here.⁴⁹

⁴³ In the first paragraph of section 5, this point is extended by relating it to Genesis 1:26–28, Exodus 20:13 and Luke 10:27.

⁴⁴ Cole, *Exodus*, 169.

⁴⁵ Durham, *Exodus*, 3:323.

⁴⁶ Kaiser, “Exodus,” 434.

⁴⁷ “13 For you created my inmost being; you knit me together in my mother’s womb. 14 I praise you because I am fearfully and wonderfully made; your works are wonderful, I know that full well. 15 My frame was not hidden from you when I was made in the secret place, when I was woven together in the depths of the earth. 16 Your eyes saw my unformed body; all the days ordained for me were written in your book before one of them came to be” (NIV).

⁴⁸ J. Clinton McCann, “Psalms,” in *The New Interpreter’s Bible*, vol. IV (Nashville: Abingdon Press, 1996), 1236.

⁴⁹ Paul D. Simmons, “Personhood, the Bible, and Abortion,” in *The Ethics of Abortion*, ed. Robert M. Baird and Stuart E. Rosenbaum (New York: Prometheus, 1993), 175.



4.3 Exceptional Cases of God's Work Before Birth

Jeremiah 1:5⁵⁰ appears to be a typical personal and exceptional case. Here, God clearly affirms that he “formed,” “knew,” “consecrated,” and “appointed” Jeremiah for his purpose. This is where Jeremiah’s prophetic credibility gets established. Peter C. Craigie puts it well; God’s call to Jeremiah “to be a prophet was not simply the consequence of divine whim but the expression of firm purpose.” Here, we see a particularity in assigning the role with a specific purpose.⁵¹ Similarly, Galatians 1:15⁵² is exclusively about Paul and his specific call to serve God. F. F. Bruce writes, “Before ever he [Paul] was born⁵³ ... God had his eye on him and set him apart for his apostolic ministry.” He goes on to differentiate between God’s general call to “all his people” and a “special call” to certain individuals. Bruce observes that the former can be included in Galatians 1:5 but at the same time, Paul’s case in this reference certainly includes a “special call.”⁵⁴ Hence, it sounds absurd to take these exceptional references as a universal principle to explain how God destined all fetuses. For instance, when a woman gets raped and becomes pregnant, it will be inappropriate to say that God is the prime cause of forming and destining the fetus in that woman’s womb. The truth is, in this case, of course, the fetus’s appearance is a result of the pattern of creation but the rapist/s is/are the prime cause.

Another reference is Luke 1:36, 41⁵⁵—ἐσκήρτησεν τὸ βρέφος ἐν τῇ κοιλίᾳ αὐτῆς—which talks about a baby leaping inside Elizabeth’s womb (cf. v. 44). Concerning this text, Joel B. Green identifies the unborn baby’s leaping with the intervention of the Holy Spirit. He states, “here is the purpose of his [John’s] prenatal experience of the Spirit, embodied in his joyful leaping: Even from the womb he prophesies, implicitly transferring the designation of ‘Lord’ to Mary’s unborn baby, recognizing in this baby the eschatological coming of God.” In this context, it is the Spirit that prompts Elizabeth’s unborn baby to recognize Mary’s unborn baby, Jesus.⁵⁶ Such observation is conceivable as the passage itself clearly talks about the Spirit actively working (vv. 35 ... 41). After all, as per verses 15–17, John the Baptist is already filled with the Spirit even prior to his birth. As Simmons credibly observes,

⁵⁰ “Before I formed you in the womb I knew you, before you were born I set you apart; I appointed you as a prophet to the nations” (NIV).

⁵¹ Peter C. Craigie, *Jeremiah 1-25*, vol. 26, WBC (Dallas: Word Books, 1991), 10.

⁵² “But when God, who set me apart from my mother’s womb and called me by his grace, was pleased” (NIV).

⁵³ Concerning the expression, ἐκ κοιλίας μητρός μου—translated as “from my mother’s womb”—Richard N. Longenecker opines that it “is a Septuagintalism that may mean either ‘from my birth’ or ‘from before my birth.’” Here, he suggests “to allow a measure of ambiguity” but prefers to translate it as “from birth.” Richard N. Longenecker, *Galatians*, vol. 41, WBC (Dallas: Word, 1990), 30. Note: his interpretation does not talk about God destining a person before birth. Thus, it is difficult to quote this text while dealing with the MTP issue in relation to the two cases selected for this study.

⁵⁴ F. F. Bruce, *The Epistle to the Galatians: A Commentary on the Greek Text*, NIGTC (Grand Rapids, Mich: W.B. Eerdmans Pub. Co, 1982), 92.

⁵⁵ “36 Even Elizabeth your relative is going to have a child in her old age, and she who was said to be unable to conceive is in her sixth month ... 41 When Elizabeth heard Mary’s greeting, the baby leaped in her womb, and Elizabeth was filled with the Holy Spirit” (NIV).

⁵⁶ Joel B. Green, *The Gospel of Luke*, NICNT (Grand Rapids, MI: Eerdmans, 1997), 95.



the emphasis of the text is theological. It focuses on the distinct “role and authority of Jesus.” Of course, John is “a special servant of God, but was subservient to Jesus, a point emphasized at Jesus’ baptism (Matt. 3:13-17; Jn. 1:29-34).”⁵⁷ Again the incident of Luke 1:36, 41, 44 is person specific. So, it sounds irrational to generalize all conceptions with such a peculiar incident.

Note that the purpose of sections 4.2 and 4.3 is not to say that Psalm 139:13–16; Jeremiah 1:5; Galatians 1:15; and Luke 1:36, 41 (also Isaiah 44:2, 24; 49:5) do not talk about how a fetus is mysteriously formed inside the womb. As argued in “Female Infanticide and Foeticide in India: Theological Reflection,” all those references clearly affirm that conception and childbirth are patterns of God’s creation. Thus, they certainly affirm the sacred status of a fetus. Likewise, demeaning such a status is immoral. For instance, the practice of female foeticide is a deliberate act. Thus, such a murderous act directly contradicts God’s pattern of creation.⁵⁸ Here the point is, those passages do not talk about the inferiority or superiority between the fetus and the mother. So, based on those references, it is difficult to formulate a specific theology of MTP for the cases of a raped woman and a pregnant woman whose life is at risk due to medical reasons.

5. ENGAGING WITH THE MTP THEOLOGICALLY

Psalm 139:13–16 gives a figurative description of how God forms a fetus. Also, Jeremiah 1:5; Galatians 1:15, and Luke 1:36, 41 talk about three exceptional cases where God destined certain individuals before birth for certain purposes. But based on those passages, it is difficult to say that a fetus is inferior or superior to a mother. Hence, based on those passages, it is difficult to formulate a theology of MTP. The maximum one can argue is Exodus 21:22–24 does imply that a fetus has (at least) a certain value. To reinforce this, speaking from the creation standpoint, it is arguable that as much as a mother bears God’s resemblance, her unborn baby also does (Gen. 1:26–28). The reason is, a fetus is not a random product of matter/time/chance but an outcome of the Creator’s creation.⁵⁹ And if the fetus, whose origin lies in the pattern of God’s creation and has (at least certain) value, then it needs to be given (at least certain) credibility. Then, if a fetus has (at least some) value, the sixth commandment—“You shall not murder” (Exod. 20:13)—and Jesus’s instruction—“You shall love your neighbour as yourself” (Luke 10:27)—becomes critical for the justice of the fetus too. So, the above references certainly affirm the sacredness/value of human life, and so implicitly imply that the human fetus too is sacred or at least has some sacred element. However, still, the difficulty is that those passages do not explicitly state whether the life of a

⁵⁷ Simmons, “Personhood, the Bible, and Abortion,” 176–77.

⁵⁸ See K. Worrying, “Female Infanticide and Foeticide in India: Theological Reflection,” *Journal of Asian Evangelical Theology* 18, no. 2 (September 2014): 85.

⁵⁹ It is not to say that every conception occurs through God’s will. Conception is a pattern of how God’s creation works. Nonetheless, in certain cases, the “instrumental cause” seems to primarily lie in humans. For instance, in cases of rape or incest or the couple who irresponsibly have sexual intercourse with no commitment to get married, it seems ludicrous to identify the outcome with God.



pregnant woman is more important than that of her fetus or vice versa. Also, as argued in the last paragraph of section 4.1, it is difficult to directly relate the assumed context of Exodus 21:22–25 to the practice of MTP which is normally done deliberately.

If a victim of rape wants to terminate her unborn baby, opposing “her will” would be equal to forcing her to do something which she is not really accountable for. In the case of a raped woman, Joseph Fletcher proposes to terminate the fetus. For him, “the embryo is no more innocent, no less an aggressor or unwelcome invader.”⁶⁰ His greater emphasis on the mother’s life seems ideal because she was made pregnant against her will. Nonetheless, his perception of the fetus is still questionable. After all, there is no scriptural reference that validates his assertion. Here, the point is not to propose that the fetus is inferior to/less human than the mother. Rather, it is to respect the will of the mother as a person because she is innocent about the consequence she is facing. Related to this, as Suchitra Dalvie puts it well, women should have the liberty to make “choices about their health and lives. It is their body, it should be their choice.”⁶¹ Hence, it seems ideal to give the first choice to the mother whether or not to terminate her fetus based on her understanding of God—what she believes to be moral. The rest of the concerned individuals—relatives, friends, and religious leaders—can perhaps suggest what they believe would be the best but without imposing it on the mother of the unborn baby.

Furthermore, concerning the question of pregnancy or delivery of the baby at the cost of the mother’s life due to medical reasons, it is difficult to be conclusive about whether the mother’s life is more important than that of the fetus or vice versa. If a mother wants to save herself by terminating her unborn baby, it would be more of a self-defence and not a deliberate murder. If a mother chooses to continue the pregnancy or delivers her baby at the cost of her life, she is also taking the chance to take her own life. In that case, while trying to avoid homicide, she is heading towards committing some sort of suicide directly, if not indirectly. Concerning this Bajema Clifford E. observes that losing the unborn baby with the intention to save the mother’s life during critical situations “*is definitely not murder.*” And he considers the motive as not sinful for it is the situation that gives the option of saving only one life.⁶² This study does not aim to theologically justify what Clifford E. considers as not sinful. Despite the pros and cons one can identify from Clifford E’s observation, still, such a position could be practically helpful, particularly for the concerned individuals—e.g. husband, children, parents, and close relatives—related to the unhealthy pregnant woman.

⁶⁰ Joseph Fletcher, *Situation Ethics: The New Morality* (Philadelphia: Westminster Press, 1966), 39. For Dietrich Bonhoeffer, “The life of the mother is in the hand of God, but the life of the child is arbitrarily extinguished. The question of whether the life of the mother or the life of the child is of greater value can hardly be a matter for human decision.” See Dietrich Bonhoeffer, *Ethics*, ed. Eberhard Bethge (New York: The Macmillan Company, 1955), 131—footnote 2.

⁶¹ Suchitra Dalvie, “It Is Time We Value The Right To Safe Abortion,” <https://www.outlookindia.com/>, October 4, 2018, <https://www.outlookindia.com/website/story/it-is-time-women-in-india-speak-for-themselves-it-is-time-we-value-the-right-to-safe-abortion/317670>.

⁶² Clifford E. Bajema, *Abortion and the Meaning of Personhood* (Grand Rapids, MI: Baker, 1974), 47.



The point is that things begin to look extremely difficult for the entire family if they save the baby at the cost of the mother's life. Someone or some people have to sacrificially replace the deceased mother and dedicate her/his or their time, energy, and resources to raise the baby. Again here, it is not to make a case that a baby is inferior or superior to the mother. Rather, the emphasis is on the practical challenges that fall upon those who are close to the deceased mother and would be responsible for raising the child.

6. PRACTICAL RESPONSES

First, the argument made in the first paragraph of section 5 may incline toward the views presented in sections 3.1, 3.3—the first paragraph, and the Hindu Scripture mentioned in the first paragraph of section 2, which are against MTP.⁶³ And the imposition of the same will give no choice to the pregnant woman to terminate her fetus under any circumstances. Thus, the mother's life is at stake. Second, the case presented in the third paragraph of section 5 leans towards the views given in sections 3.2, 3.3—the second paragraph, and India's MTP Act mentioned in the second paragraph of section 2, which are for MTP. And the imposition of the same will give the option of saving the mother's life by terminating her fetus, especially if the situation gets critical. But here, the fetus will be at stake.

Third, in the reflection given in the second paragraph (for the case of a raped woman) of section 5, the choice is primarily left to the mother. This approach may be helpful even in the case of an unhealthy woman whose life is at risk—due to medical reasons—if she continues the pregnancy or delivers her baby. Instead of the first and second approaches, it sounds safer to consider this third one because there is no explicit biblical text which talks about MTP in relation to the two cases selected for this study. Selected passages are analyzed in section 4 but they do not directly address the MTP issue. Hence, it is difficult to make a conclusive theological dogma about this matter. Here, the point is not to promote or prevent abortion randomly. Instead, it is to argue that the theology of MTP should be based on proper exegetical findings. If that is not possible, it is ideal to admit the difficulty.

So, in light of the above discussion, this study proposes five socially sensitive points⁶⁴—which appear to be immensely practical—for the Indian Churches:

- i. When the Bible is silent or implicit about certain things—like MTP—it is ideal to admit it. While dealing with cases of MTP in relation to a raped woman—who wants to end an unwanted pregnancy—and an unhealthy woman—whose life is at risk due to medical reasons, if she continues the pregnancy or delivers her baby—one should first find the closest biblical references, then do a thorough exegetical study and theological reflection of the same, and then formulate a theology of MTP. This is what this essay aims to do. And the finding is that at least the studied passages do not

⁶³ Note: this is not to say that the argument in that paragraph directly deals with the issue of MTP. See the concluding remarks of that paragraph.

⁶⁴ The expression “socially sensitive” is used because this paper does not impose a rigid theology for the two cases selected for this study. Likewise, it gives great importance to the choice of the concerned individual/s.



directly talk about the MTP issue. To come up with other more relevant biblical passages sounds even more challenging.

- ii. In the case of a raped woman and an unhealthy pregnant woman, it seems ideal for the Church to give the primary choice to the concerned individuals; first, to the mother of the unborn baby, and perhaps second, to her close relatives or associates.
- iii. If the woman—a victim of rape or whose life is at risk due to medical reasons if she continues the pregnancy or delivers her baby—opts for MTP, the Church should give enough care and counsel to her, and to her family too, if needed. Such concern should be given until the concerned individual (s) is/are restored to normalcy.
- iv. If a victim of rape chooses to keep her baby; in that case, the Church can perhaps develop a theology of God working something good out of the humans' mess. In the process, the victim should be given enough help to reorient herself to normalcy despite so much social stigma that can come upon her from society.
- v. If needed, a victim of rape can be reminded of an option for adoption instead of abortion.⁶⁵ This is not to promote adoption via rape. The point is, adoption can at least prevent the killing of the fetus to some extent.

7. CONCLUSION

Overall, in India, MTP is rampant. Some people seem to be tolerant about this whereas some are not. Christians may have various stands on this issue. When looking at the Bible, there is no direct reference which talks about the issue of MTP, particularly in cases of (i) when a woman—a victim of rape—wants to end an unwanted pregnancy and (ii) when a woman's life is at risk—due to medical reasons—if she continues the pregnancy or delivers her baby. Thus, it is difficult to formulate a specific theological yardstick that would address all cases of MTP in India. The closest references are the ones discussed above which indicate that the fetus has (at least certain) value. However, it does not explicitly explain whether the fetus is inferior or equal or superior to the mother. Therefore, for a victim of rape and for the mother whose life is at stake due to medical reasons, the decision to terminate or keep the fetus can be left first, to the pregnant woman herself and second, perhaps to her close relatives or associates if needed. Accordingly, based on the situation, the proposed five practical points can be incorporated.

Note that the view expressed in this paper is still an open-ended proposition—in the sense that it neither encourages nor discourages MTP—because no single rule or dogmatic theology is imposed upon any concerned individuals who are battling either to accept or reject MTP while facing the two cases selected for this study.

⁶⁵ Geisler, *Christian Ethics*, 140.



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