

# Human Cloning and Embryonic Stem Cell Research

## A View from Theravāda Buddhist Morality\*

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### I

When the issue of human cloning and stem cell research has been raised to public discussion, people have responded to the issue in various ways. We can group the views of the people into two parts. The first is what I would like to call the *empirical* view and the second the *non-empirical* one. The empirical view is the view that based on the empirical survey or observation of the opinions of people in community. This view represents the variety of the opinions of the people and ultimately the majority's view is preferred. The non-empirical view refers to the view that is not gained from the survey of public opinions, but from authorities in society such as religious texts, religious thinkers, or philosophers. It could be possible that the non-empirical view does not accord with the empirical view of the public. However, public opinions concerning moral issues are normally related to community's shared morality and culture. In some community where the authority in religion has strong influence over the belief of people, a conflict between empirical public view and non-empirical view of authority seems to be hardly found. What we have said, however, has an exception as sometimes we would find that philosophers say another things that differ from what is said by lay people in the community. In Buddhist communities like Thailand philosophers who play a notable role in moral debates are mostly Buddhist, so it is not much found that there is a conflict between the view of Thai (Buddhist) philosophers and the view of the lay people.

In Theravāda Buddhist culture, the authority of the texts is placed on the highest position among things comprising the body of Buddhist ethics. This follows the last words of the Buddha shortly before his passing away that: "The doctrine (*dhamma*) that I have taught and the discipline (*vinaya*) that I have stipulated shall be your master after my passing away."<sup>1</sup> Following the Buddha's sayings, the Buddhist texts namely the Pāli Tipiṭaka (the collection of Buddha's teachings written in the Pāli language) are respected as the main source of Buddhist morality. However, the Buddhist community has some remarkable characteristics that even though the religious authority namely the Saṅgha (the Buddhist church) is understood to play the leading role in moral decision, the moral power of the church is not absolute in the sense that the belief of the church never dominates the activities run by the state. What the Buddhist church has done during the long history of Buddhism is to give moral *advice*, not moral domination. There are some domains of the state's activities and policies which are known that the Buddhist morality should skip over.

For example, intoxicants are prohibited by the last clause of the *Five Precepts* of Buddhism, but the sale of intoxicants in Buddhist communities such as Thailand is permitted by law. In my previous research concerning Theravāda Buddhist view on the relation between morality and law,<sup>2</sup> I have found that In Theravāda Buddhist culture we distinguish

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\* A paper presented at the first workshop of the "ASEAN-EU LEMLIFE Project," 24 January 2004, Chulalongkorn University.

<sup>1</sup> *Dṅghanikāya*, 10/141. The Pāli Tipiṭaka used in this paper is the *Syāmraṅha* Version containing 45 volumes. The first number refers to the volume, the last number refers to the passage.

<sup>2</sup> Somparn Promta, "Law and Morality : The Buddhist Perspective," *The Chulalongkorn Journal of Buddhist Studies* 5 (May-December, 1998), pp. 3-57.

between *personal morality* and *social morality*. Personal morality is the system of self cultivation to liberate ourselves from all defilement. *Nibbāna* is the final goal of life. Any attempts leading to *Nibbāna* are counted as part of this personal morality. The ethics of Buddhism in its early times belonged to this personal moral fulfillment. The Buddhist church led by the Buddha himself considers ethical problems in human life in terms of personal matters. The Buddha says: “Buddhas are merely the way-teller, to walk along the way is solely your responsibility.”<sup>3</sup> Following this understanding of the nature of Buddhist ethics, the Buddhist church could accept some immoral phenomena if they are supported by reasonable necessities such as social benefits or the well-being of the greatest number of people in community. At this point, we will find that Buddhist ethics in its starting form at the time of the Buddha was not intended to play the role as social ethics.<sup>4</sup> However, when Buddhism was adopted by different countries other than ancient India Buddhism continued to transform itself to be social institution playing the role as the source of culture and tradition of the country. Buddhism in the institution form began to play a role in another dimension. That is, it started to present the social ethics in which the advice how to formulate the ideal community according to Buddhism is found.

The social ethics of Buddhism is notable in that it never stipulates the fix rules to dominate society. I have analyzed somewhere that the social ethics of Buddhism contains two basic principles. The first is called by me the *Harm Principle* and the second the *Critical Principle*.<sup>5</sup> The Buddhist harm principle, seemingly very close to Mill’s harm principle, states that the sufficient ground to prohibit personal freedom is that it harms other people in society. This rule considers every harmful action to be immoral action. No any action can be harmful but moral. However, it is evident that there are some personal actions considered to be immoral according to Buddhist morality, but these actions do not harm any persons in society. It is only he or she who commits that action to be affected. How does Buddhist social ethics deal with such actions. As said above, the Buddhist culture does not prefer the domination of personal freedom in the name of the church, taking intoxicants is wrong viewed from Buddhist Precepts but Buddhist communities never prohibit the sale of intoxicants on the ground that it is personal freedom to do such a thing as far as it does not affect other persons in society. This does not mean that Buddhist social ethics tolerates all kinds of personal immorality. The Buddhist Critical Principle states that there are two kinds of personal actions the state has the right to prohibit even though those actions could be considered not harmful to other people. The first is the action that leads to serious physical damage. Under this rule, the sale of personal organs cannot be permitted even though the owner has the full consent *if* we interpret that this causes a serious physical damage to the person who commits it. The second is the action that leads to critical spiritual damage. Under this rule, voluntary prostitution cannot be permitted *if* we have strong evidences to judge that the person who enters prostitution will lose some important human values such as a value not to be treated as animal. It could be also said that under this second rule slavery cannot be permitted *if* we have strong reasons to believe that even voluntary slavery is seriously immoral as it dehumanizes the slave, notwithstanding the slave is well fed by the master.

## II

**H**uman cloning and embryonic stem cell research are involved with the interpretation of human life and its value. Normally, theistic religion seems to have more explicit religious grounds to point out that how the human possesses the values worth respecting for any persons who are involved in the research on human being. God is the source of human dignity in theistic religion. Buddhism, as atheistic religion, is based on another grounds in moral reasoning. The Buddha says that what he teaches are natural

<sup>3</sup> *Khuddakanikāya*, 25/30.

<sup>4</sup> “Social ethics” here means the ethics that tries to solve moral problem in terms of the stipulation of social rules. These rules possibly lead to a legal determination at the end.

<sup>5</sup> Somparn Promta, “Law and Morality : The Buddhist Perspective,” *Ibid.*, pp. 47-50.

phenomena. The *dhamma*, which refers to the teaching of the Buddha, is understood by Buddhists as natural things and natural laws. For non-Buddhists, the best way to understand the Buddhist teaching is to understand it like understand the natural sciences such as physics, chemistry, or biology. Buddhism teaches that the universe is naturally given, and the Buddha himself clearly declares that he is not interested to explore its origin and the end. The great enlightenment brings him the insight that the universe is regulated by the five kinds of natural laws (*niyāma*) namely the physical law (*utuniyāma*), the biological law (*bhūjanīyāma*), the law of action (*kammanīyāma*), the law of mind (*cittanīyāma*), and the law of dhamma (*dhammanīyāma*). The Buddhist morality is based on the belief in these natural laws. Goodness and badness in human actions are not based on God's judgment, but on the laws of nature.

It is interesting that Buddhist ethics does not use the concept of being natural to determine moral phenomena. For example, one of the major arguments against human cloning is that it is unnatural. One who argues like this states that what appears in the world is natural, meaning further that it is prepared by God. Sexual reproduction is natural in this sense and thus it is prepared by God. Human cloning is an attempt to produce a human being through unnatural way, thus it is against the work of God. In this line of argument, we will find that a concept of being moral is equated to a concept of being natural. On the contrary, a concept of being immoral is equated to a concept of being unnatural. Some scientist tries to respond to this argument by showing that human cloning is natural as it has been permitted by nature already in the case of identical twins. Buddhism considers ethical phenomena independently from the concept of being natural because according to Buddhist teaching there seems to be impossible to say that such and such phenomenon is unnatural.

In Buddhist texts, for example, reproductive methods other than the sexual one as we are acquainted with are mentioned. For us who never see those things, they could be counted unnatural. But they are natural in the sense that they are permitted to appear in the universe through any law of the five natural laws mentioned above. So Buddhist ethics does not considered the issue of human cloning through the concept of being natural. In general, Buddhism admits that whatever happening in the world is natural. It does not matter that it appears by human technology or not. Natural things in Buddhist perspective include both what is given by nature and what is created by human being.

The fact that Buddhist ethics does not utilize the concept of being natural makes it is more hard for Buddhism to deal with modern bioethical problems. But this could be also considered as a strong point in Buddhist ethics as it provides more space for the debate. That is, sometime we could find that to point out that such a thing is immoral because it is created by human being is seemingly irrational. The world today has greatly benefited from "unnatural" products of science and technology. It seems that the very difference between Buddhist ethics and theistic religious ethics is that Buddhism holds the humanistic attitude while theistic religious ethics does not. For theistic religion, human beings are just like a new born baby of the universe, while God is the father who knows everything. The attempts to reveal the secret facts hidden behind natural things by the scientist is considered not different from an action of the innocent baby to put the fingers into the unknown holes at the walls of the room. Inside some holes there could be some dangerous things, we cannot know. For the sake of safety, what we should do is not to go beyond what already prepared by God as found in nature. Human cloning is questionable forever in terms of safety regardless of the data gained from scientific research because there could be unsafety inside it because it is not prepared by God. Buddhism partly agrees with such a warning. However, the best way to decide whether such a thing contains danger or not is to undertake experiments. Buddhism supports the attempts to find new knowledge as far as they are run on wisdom. Wisdom in Buddhist teaching is a process of learning through doing, not imagination or speculation. The enlightenment of the Buddha is not a state of mind gained independently from a process of long-term learning. In short, wisdom in Buddhist teaching is a *practical* term.

efore going further, let me remind you of the two systems of morality which are a personal morality and a social morality. In discussing moral issues, sometimes we do not distinguish between them and it makes us confused. Consider this example. It is very clear that abortion is wrong according to Buddhist ethics. But to say that abortion is a sin in Buddhist perspective could be misleading as sometimes people understand that this means that abortion must be illegal in Buddhist society. Saying that abortion is a sin is saying within a personal mode of morality. That is, abortion is equated to killing a human being, so committing an abortion violates the first clause of the Five Precepts. The Buddha says that to attain *Nibbāna*, one should avoid unwholesome actions. Abortion is an unwholesome action, meaning that committing it will lead to the opposite way to *Nibbāna*. Following the advice of the Buddha, a Buddhist who is confronted with a dilemma concerning abortion should consider by herself how to handle the problem. The Buddha never claims that a woman confronting such a dilemma must not commit abortion. He just says that a woman should consider by herself what is the best thing within such a condition. Suppose finally she finds that the best way is committing an abortion, Buddhist ethics has nothing to say. It is her choice and her responsibility. However, Buddhist ethics still continues to claim that as abortion is the killing of a human being, the woman who decides to choose abortion must be responsible for the choice in terms of the *kamma*. It is a bad *kamma*, and its result is already determined by the law of *kamma*.

What said above is a consideration of abortion in terms of personal morality. As there is a child playing a role as a victim of killing, so abortion cannot be solely considered within personal morality. The Buddhist Harm Principle as stated previously should be brought to deal with the issue. It is so evident that abortion is very harmful to a child, even in his/her very early stages of development. So the state as the authoritative power between people whose one basic function is to provide justice for the people involved in a conflict of interest has the right to prohibit abortion *if* it is interpreted that between a mother and a child the right to life of the child is more weighty to protect.

It is so clear that the Buddhist personal ethics is based on the law of *kamma* taught by the Buddha. To judge a given moral situation is wrong or not according to the personal ethics is not difficult. Human cloning according to the personal ethics is not immoral action as far as it is done for the reproductive purpose. Buddhism has a moral criterion saying that what conduces to the harm and suffering of oneself and other is unwholesome. On the contrary, what conduces to benefit and happiness of oneself and other is wholesome. Destroying life or prohibiting birth can be considered as harmful, while prolonging life or giving birth is beneficial. Reproductive cloning is judged not immoral in this sense. On the contrary, stem cell research could be interpreted as harmful as the embryo is destroyed. What I have said above does not imply that according to the Buddhist personal ethics reproductive human cloning is right and stem cell research is wrong. What I have said just means that we can interpret the issues in which directions.

On the contrary, in the Buddhist social ethics stem cell research could be considered differently from what we have seen in the Buddhist personal ethics. In reliable reproductive cloning no one is harmed, so it is not against both personal and social moralities of Buddhism. It is only therapeutic cloning, the cloning for medical use in which the clone (including the clone generated solely from a woman's egg) is destroyed, that could be *problematic*. However, therapeutic cloning and embryonic stem cell research are problematic not in terms of what explicitly immoral, but in terms of what needs more strong justifications to show that it should be permitted by society's law. Previously we have referred to the concept of benefit (*hita* in Pāli) and happiness (*sukha* in Pāli) as one of the criteria comprising the body of Buddhist ethics, both personal and social. It could be asked that when we talking about benefit and happiness we mean *whose*.

Modern ethical dilemmas are usually concerned with the conflict of interest between two persons or two groups of persons. In the issue of abortion, who are involved are a mother and a child. The mother's interest is protected if an abortion is permitted, while the child's

interest is protected if an abortion is prohibited. Likewise, in therapeutic human cloning and embryonic stem cell research, there are two persons or two groups of persons involved. Talking in terms of right, the right to health of the patient is protected if therapeutic cloning and stem cell research are allowed. But in doing so, the right to life of the clone or the embryo is violated. The hard task to be undertaken by any ethical school or ethical theory including Buddhist ethics is to give reasonable arguments that between the two sides in the conflict of right or interest, whose right or interest should be protected and on what grounds. At this point, we will find that the ethics that is at the heart of the issue is the social ethics, and social ethical dilemmas are more difficult to solve comparing with personal ethical dilemmas because in personal ethics a person only is involved. The conflict inside one's life is more easy to find a solution. When a man is deciding whether or not he should clone himself to have a clone for medical healing, the principles of wholesome and unwholesome deeds given by Buddhism seem enough to give him a solution. Religious ethics normally endorses the altruistic way in moral decision. So, the devout Buddhists are those who prefer not to clone themselves for the reason that death is not dreadful comparing with committing a sin in cloning the embryo for medical use. But when the society looking at that issue and trying to judge that suppose some members of the society claim that they have the right over their body implying that they have the right to clone themselves for medical use, finding the solution is not easy. Whose rights should be protected between the patient and the clone. Between the benefit of the greater number of people and the violation of the embryo's rights, which should be chosen. How does the Buddhist social ethics deal with such a dilemma, it seems not easy to answer even for those who are well-versed in Buddhist doctrines.

## IV

The spirit of Buddhism is not-harming (*avihiṃsā*). The problem is that: is there some kind of the harm allowable in Buddhist community, or any kind of the harm is strictly prohibited. In utilitarianism, it seems that there is some kind of the harm permitted. That is, for the benefit of the greater number of people the violation of the right of the minority could be possible. But the violation of rights mentioned in such a case is understood in terms of the right to property, not the right to life. The state's policy in any country in the world is more or less utilitarian. The express ways in Bangkok are obtained from the harm to the people whose lands are chosen by the state to be the ways. But for the benefit of the majority, this kind of harm can be accepted. It should be noted that this kind of harm can be compensated by the state because it is an *economic* harm. On the contrary, the harm to life seems to be immoral in every aspect because it is the harm that we cannot compensate. Therapeutic human cloning and the use of embryonic stem cell could be considered in terms of the harm to life of the embryo. The serious question then arises: can we accept the harm to life of the embryo for the benefit of us or not.

According to Buddhist teaching, we distinguish between *life* and *property*. The right to former is considered as the primary right while the right to the latter is the secondary one. The great difference between the primary right and the secondary right is that the primary right can never be transferred, while the second right can be. In the Buddhist texts, it is recorded that voluntary euthanasia causes the violation of one of the four rules of defeat for the monk who commits it. That is, in Buddhist monastic rules, a monk violates the four rules of defeat if he commits sexual intercourse, robbery, human killing, and claim for not existing higher goodness. Killing a human being at his or her request with compassionate mind is wrong on the grounds that the right to life cannot be transferred. Suicide is found in the Buddhist texts and in some case it could be interpreted that there is no guilty for a monk who commits suicide.<sup>6</sup> The difference between suicide and euthanasia according to Buddhist teaching is that in committing suicide a person is not violating the right to life because he is the owner of that right, while a person who commits euthanasia at the request of somebody is violating that

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<sup>6</sup> *Majjhimanikāya*, 14/741.

right. The request cannot justify euthanasia because the right to life can never be transferred. The owner of the right only can use it.

Applying what we have considered above to the embryo, it could be the case that the embryo, as a person—Buddhism believes that at the moment of conception “that thing” is human, must be accepted as the owner of the right to life. There are many sources in the Buddhist texts pointing out that killing the embryo is not different from killing the adult. So, the use of embryonic stem cell even for curing disease of the patient, according to Buddhism, is not different from the use of the life of one adult to cure the life of one another adult. If what we have said about the use of adult life for the benefit of another adult cannot be accepted, the question is : on what grounds the use of the embryo can be justified.

As the Buddhist view on any subject is not absolute in the sense that what the Buddha teaches is not the dogma to be accepted unconditionally, the view of Buddhism about the right to life as said above could be discussed further. Actually, the use of one’s life for the benefit of another can be found in the world including a Buddhist country like Thailand. We have the soldier acting as the guard of the country. The death of a soldier for his country means what. It means we accept that in some case the use of one’s life for the benefit of the country or the majority of people in the country is necessary. In Buddhist literature, a life donation is sometimes found. A *Bodhisatta* (a person in the process of accumulation of merits to be a Buddha in the future) sometimes donates his life for the benefit of another and such doing is counted goodness.<sup>7</sup> This seems to imply that the right to life in some case can be transferred.

By distinguishing between life donation and euthanasia, it could be possible to find the way Buddhism thinks of the issue. What is the difference between these two issues. In a donation of life, the donor is fully aware and understands that what merit will occur by doing that. In euthanasia, a man who requests for the death is understood by Buddhism as acting so from unwholesome impulse, and a man who commits euthanasia is understood as doing so unauthorized. That is, no one can take other’s life without violating the right to life regardless of conditions. But the case will change if the owner of life donates it. The issue of therapeutic human cloning and embryonic stem cell research, if could be justified, seems to be justified within the category of life donation.

I am not in the position to judge that actually the issue of therapeutic human cloning and the use of embryonic stem cell can be looked at as a donation of life. I just present that we seem to have the most reasonable way to look at the issue in this category. Taking one’s life for the benefit of another is not necessarily evil in Buddhist perspective. At least, there is some aspect of the taking of life permissible in Buddhist doctrine. However, donation is a concept in personal ethics. Donation must come from consent and wisdom. We do not know the embryo is willing or not. This is the most difficult problem to overcome. Maybe the “*enforced donation*” could be the way out from this difficulty. Enforced donation is self contradictory in the Buddhist personal ethics, but it could be possible in the social ethics of Buddhism. In Buddhist Thailand, a girl being raped and getting pregnant has the right to abort the child. The child in this case can be understood in terms of the “enforced donor” of his life. For what. For the benefit of the mother. Why we think the mother deserves such protection. The answer is : because not giving the right to her to do so is *socially* immoral. If we can prove that in some case not giving the right to a person to be benefited from therapeutic human cloning or the use of embryonic stem cell is socially immoral, it means that we have found the way to justify the issue.

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<sup>7</sup> *Khuddakanikāya*, 27/565.