

# SOME OBSERVATIONS ON BUDDHIST THOUGHTS ON HUMAN CLONING

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## 1. Introductory Remarks: Hwang's Buddhist Justification of his Cloning Research

The following observations focus on Buddhist estimations of the ethical legitimacy of human cloning. So far, many Buddhists appear to have taken a fairly neutral attitude to cloning, i.e. the biomedical procedure of artificial, non-sexual reproduction. It seems that, provided no harm is done to any of the beings involved, the procedure of cloning as such does not offend religious feelings or basic value sets of Buddhists. On the whole, Buddhists adopt much the same range of positions as those held, for example, by Christians of Catholic, Orthodox or Protestant denominations.

Before I proceed to examine the foundations and circumstances of Buddhist reasoning,<sup>1</sup> I would like to refer to the most recent cloning research of the Korean research team led by Woo Suk Hwang, published on the February 12, 2004 in the prestigious journal *Science*. The article describes the team's successful application of the Cell Nuclear Transfer Method to human eggs. 242 eggs from 16 volunteers<sup>2</sup> – who donated their eggs for the purpose of experimentation – were denucleated, and a cell nucleus was inserted. Thirty living blastocysts were established, but died more or less immediately. One stem cell line was actually extracted out of one of the cloned embryos.<sup>3</sup>

Of significance for our topic is the fact that the leading researcher Hwang tried to underline the ethical legitimacy of his experiment with a reference to his Buddhist faith: "I am a Buddhist, and I have no philosophical problem with cloning. And as you know, the basis of

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<sup>1</sup> For technical reasons a simplified transliteration for Pali and Sanskrit words will be used in this paper.

<sup>2</sup> Lately, criticism was raised that the consent of the donators was not received in the usual manner, but as there is still an ongoing process of examination this is still an unsettled dispute.

<sup>3</sup> See [www.sciencexpress.org](http://www.sciencexpress.org) [10.1126/science.1094515]; February 12, 2004.

Buddhism is that life is recycled through reincarnation. In some ways, I think, therapeutic cloning restarts the circle of life” (Hwang in Dreifus, 2004).

Indeed there are some rather unique aspects in Buddhist attitudes towards human life which will be analysed below. Yet Hwang’s definition of ‘therapeutic cloning’ is quite unusual. It has commonly been defined as the direct opposite to ‘reproductive cloning’ – the latter characterised as the attempt to create a new being, or, more generally, a new independent form of life. Astonishingly, in his quotation above Hwang seems to take the position that “therapeutic cloning” should not be condemned because it is just another ‘appearance’ of a life cycle, i.e., a new phase of a cyclic life series.<sup>4</sup> Can this statement, which equates “therapeutic cloning” with the beginning of a new life form, be reconciled with Buddhist thought? And is it consistent with the current use of the two terms “therapeutic” and “reproductive” cloning? Apart from the critique of the concept “therapeutic cloning” – it should be more adequately termed ‘cloning for biomedical research’ (see L. Kass et al. 2002) – the concept of a strict separation of the two has lately attracted much criticism. Not surprisingly, therefore, Hwang himself also admits that his experiments cannot be separated from the initial procedure of cloning human beings. “Yes, this technique cannot be separated from reproductive cloning,”<sup>5</sup> Hwang said in an interview, and he added, that every country should prevent any reproductive cloning experimentation with this technology.

He seems to have no “philosophical problem” with cloning because for him it is just an asexual way of triggering a new life-cycle. Furthermore, the question of ending the life of the embryo becomes irrelevant (if I understand his remark correctly) with his perception that stem cells in themselves form a new ‘life’ phase. He thereby avoids the central question whether it is justifiable to stop the development of the embryo, or, in other words, to deliberately end its current life phase. However, scrutinized more closely, Hwang does not offer an ethical evaluation of his cloning experiments. He simply attempts to describe ‘ontologically’ or ‘dogmatically’ the procedure as such. His „philosophical“ problems vanish by declaring that the production of an

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<sup>4</sup> Traditionally, the continuity of the life-death-life...-cycle is conditioned by karma, and, first and foremost, a sorrowful experience of endless circulation (*samsāra*) – so starting a new life may not necessarily be a positive act.

<sup>5</sup> Interview-transcript of the Australian Broadcasting Corporation (ABC), Michael Vincent (reporting), Friday 13, 2004, see: <http://www.abc.net.au/am/content/2004/s1044228.tm>

embryo – in order to create stem cells – is nothing less than the inception of a new phase of a ‘being-to-be-reborn’. In other words: The ethical question whether the destruction of the embryo should be allowed, does not precede the experiment but rather follows the accomplished cloning experiment. There is quite a strong Buddhist presupposition of the “ethical neutrality” of existence: If scientists are able to manipulate ‘nature’, they can do so only by developing a hidden quality or capability in ‘nature’ itself. Generally, this presupposition creates a permissive environment for the manipulation of genes or genomes etc., but, of course, it does not provide ethical solutions. The ethical sphere is simply ignored.

What makes matters more complicated is Hwang's statement on another occasion that he fails to see that a cloned human embryo should be acknowledged as human life at all: “‘That requires the egg from a woman and the sperm from a man,’ he said. ‘We used no sperm’” (Faiola 2004, A01).<sup>6</sup> And he concludes: “Nothing in Buddhist teachings raises precise ethical questions about the next step—inserting that cloned embryo from a test tube into a women's womb to clone an infant.”<sup>7</sup>

I doubt if it is possible to harmonise the statements cited above. Of course, we have to bear in mind the possibility that one or more of these quotations are distorted. But, as Phillan Joung notes, the

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<sup>6</sup> The article continues: “Yet Hwang vehemently vows not to take that step and says he would lobby against those who would. Not for religious reasons – but on medical and philosophical grounds.” Moon, a colleague of Hwang, also subscribes to the view that a cloned human being might deserve to be human: “We have always had the idea that life begins after fertilization – by sperm and the egg. But cloning is a totally new idea. We have no definition for cloned human beings ...” (Bernton 2004).

<sup>7</sup> Hwang is, for sure, correct in asserting that in early Buddhist scriptures descriptions of technical procedures or new biomedical practices cannot be found. Yet some clear embryological and normative descriptions can be found that indeed demand some further ethical deliberation: Buddhists widely believe that a human being comes into existence by a consciousness-spirit (Sanskrit: *gandharva*; *viññāna*) that enters into the intermingled fertile substances at the time of conception (the ‘coming together’, i.e., intercourse). Thus, Buddhists regard *three* conditions as necessary preconditions for conception: Semen, an ovum (called ‘blood’ in pre-modern Buddhist embryology), and a consciousness awaiting rebirth (compare Keown 1995, 90 ff.). The idea that an ‘artificially’ produced human being is not a human, insofar and as long it is outside of the mother's womb, has been reported to the author as a position taken by some “conservative Buddhists” in Thailand (Somparn Promta, in an interview recorded September 1, 2003, Bangkok). Anyhow, it is worth mentioning that the majority of Theravāda Buddhists believe “that however premature and small this foetus is compared to an adult, in this foetus all physical and psychic attributes are already present” (Taniguchi 1987b, 76). In Mahāyāna Buddhism, there is a more complex view, but even in the “human-like” phase of the “embryo” the consciousness principle is already present.

confusion of the two categories of cloning tends to hide an important fact: Indeed, the cloning procedure is – for the first initial steps – the same in both cases. But due to the ethical difference of the underlying intentions the cloning procedures cannot be lumped together. Joung suspects “biopolitical tactics” on the part of the reporting press, initiating confusion in order to distract attention from the main problem: the unresolved conflict about the legitimacy of “therapeutic cloning” (see Joung 2004).

Anyhow, if Hwang had a serious interest in advancing or even applying Buddhist ethical reasoning to human cloning research, he would have made sure that the audience got a clear picture of his idea of human life. Or, at least, of what he sees as the moment from which human life must be protected. Hwang never mentions that Buddhist texts contain quite clear definitions of the beginnings of human life, and, moreover, most of them argue, generally speaking, that to kill embryonic life is an unwholesome act. A parallel to Hwang’s disregard can be found in some of the articles that zealously adopted his attitude in all respects as an example of the ‘Buddhist’ attitude as such. Actually, Korean Buddhist critics of cloning-for-research play an important role in the movement ‘People’s Solidarity for Participatory Democracy’, a fact seldom mentioned in Western reports.<sup>8</sup> From the viewpoint of an external observer, Hwang’s reference to his Buddhist opinions nevertheless has to count as a testimonial to the Buddhist perspective, or, more precisely, the perspective of a lay Buddhist. One may ask, though, if it is a coherent position, if it is in line with the dogmatic positions expressed in central Buddhist texts, or, if and in what respect it differs from interpretations by religious specialists.

A specific teaching of Mahāyāna Buddhism (predominant in East Asian countries) is based on the ideal of helping others out of compassion, with special regard to their suffering. Hwang, by asserting in an interview in the *New York Times* that there is an “obligation” for scientists “to do this kind of research because it is for a good purpose” (Dreifus 2004), evokes associations with the Buddhist self-commitment to help others who are suffering. Indeed, this ideal of „great compassion“ (skt. *mahā-karunā*) may, according to some central texts, override all other Buddhist ‘ideals’, which will be discussed below.

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<sup>8</sup> Kim Byoung-soo, a speaker of PSPD, commented on Hwang’s experimentation: “But to extract the stem cells, researchers should kill the cloned human embryos. Given that the embryo is an early stage of human life, the behaviour is obviously unethical” (Tae-gyun 2004).

I would like to end my introductory remarks on Hwang's line of argument with a comment on the role of the observer. There is a well-known methodological difference between the normative approach of ethics and the descriptive approach of cultural studies. We have to draw a distinction because a combination of the two will lead to various methodological difficulties which I am unable to discuss here. Anyhow, the descriptive approach chosen here also has his disadvantages. For example, it is impossible to exclude certain personal presuppositions and assessments. Various methodological pitfalls endanger comparative ethics. Since I am citing scholars and religious specialists whom I was able to interview, I – like anybody else in the context of communication – had a certain influence on the answers by the choice of the wording, the way of asking, by simply being a Westerner, an 'outsider' etc. These factors are of some considerable significance, since many Buddhist scholars are, for example, very much aware of the recent efforts by UNESCO and the UN legal committee to draft an international ban on cloning.

## 2. How should 'Buddhist' Bioethics be defined?

Let me proceed with a question: May we speak of 'Buddhist' bioethics as we speak of 'Christian' or 'Muslim' bioethics? This is not to say that well-grounded opinions on bioethical issues are lacking in Buddhist cultures. But I agree with Damien Keown who suggested in his *Buddhism & Bioethics*, that a theoretical formulation that is specifically Buddhist is still in its nascent stage: „Despite the contemporary importance of issues such as abortion and euthanasia, there has been comparatively little discussion of them from a Buddhist perspective. [...] [P]roblems such as embryo research [...] have scarcely been raised“ (Keown 1995, XVIII). Keown's own work is most likely the first systematic attempt to apply Buddhist ethics to biomedicine and biotechnological procedures. It is not too surprising that this work was written by a Westerner. Even today there are only few circles in which Buddhists discuss bioethical principles from a theoretical point of view. Most confine themselves to the discussion of cloning and stem cell research at a regional level.

What are the reasons for this? First and foremost, Buddhists have a pronounced interest in the possible doer of deeds but, generally

speaking, less interest in legal regulations. Indeed, there are only very few countries in which Buddhist teachings are an integral part of the constitution or civil law. Traditionally, Buddhist monks and nuns have left the field of legislation to lay people. Of course, they hold their own ethical opinions based on their interpretation of classical Buddhist texts and regulations (the *Vinaya*, or codices of monastic discipline). But they seldom feel the need to announce their positions to a broad (lay) public audience.

It seems to be widely, though not universally, held by Buddhists that ethics must be combined with the spiritual well-being of the actor. Every action will have its effects, and it is hoped – and expected – that the individual will refrain from unwholesome actions. Thus, Buddhist ethicists usually do not claim that the perspective of the victim as such has to be considered. This is an important point when it comes to the question of embryo research or cloning.

Apart from encouraging individuals to examine their motives, it is rare indeed for Buddhists to engage in heated exchanges on ethical matters. I may also add, as a personal observation, that in their publications very few Buddhist scholars of bioethics discuss positions held by other scholars. Normally there is a tolerant and liberal attitude toward the opinions of others. Even today, in most Buddhist monasteries it does not matter what kind of *view* or philosophical argumentation a Buddhist embraces – it does not lead to his exclusion from the monastic community ('disrobing'). Only certain *actions* normally have that effect. One may add that the term "Buddhism"<sup>9</sup> itself is a Western notion and was coined in around 1830 to denote different teachings, schools and traditions, which for their part seldom felt the need to unite in doxological perspectives. In effect, there is a wide range of Buddhist teachings in respect to the major schools of Theravāda, the dominant tradition in South-East Asian countries, and Mahāyāna Buddhism of Central and East Asia. This diversity can also be observed in bioethical reasoning.

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<sup>9</sup> A term that tries to combine all aspects of the autochthon threefold scheme: *Buddha*, *Dharma* (the teachings, the Buddhist „law“, skt. *dharma*), and *Sangha* (the Buddhist monastic community).

Can the statement therefore be justified that there is no such thing as ‘Buddhist bioethics’? If defined in its context of formation – the US of the 60s and early 70s – ‘bioethics’ may be described as a reaction and reflection by theologians (in the early phase most of them Protestants like Fletcher and Ramsey) on new medical practices such as artificial insemination, organ donation/brain death, the ‘pill,’ and so on. If defined as an attempt by religious specialists and moral thinkers to cope with ethical problems of scientific medicine, there is certainly something we may call ‘Buddhist bioethics.’ This attempt, if made in a traditional manner, will turn to the classical sources of Buddhism in order to find ethical guidelines relating to birth, death, or illness that may be transferred to modern medical applications. There are indeed early medico-ethical regulations in the Buddhist canon, for example, on abortion or euthanasia. Taken together, they form a kind of general ethos. But, on the other hand, most of these passages on “ethics” in Buddhist scriptures have a narrow sense and application because they were tailored to the lifestyle of monks and nuns, who were rarely involved in the ethical dilemmas posed by medicine. Thus, it seems for them a difficult task to apply pre-modern worldviews and terminology to modern scientific medicine and biomedical research. It is quite understandable, therefore, that a straightforward ‘Buddhist’ bioethics has not been published, or, if it has, it has not received much attention in the Buddhist world.

Far more common and promising than a reconstruction of pre-modern Buddhist medical ethics is the attempt to develop, on broader Buddhist grounds, a systematic approach to bioethics that may answer questions of embryo research or human cloning. Let us take a work by Pinit Ratanakul<sup>10</sup> as an example: In his book *Introduction to Bioethics* (1986) he combined principles of the deontological ethicist W.D. Ross and the moral action guides of Beauchamps and Childress with the ethical principles of Buddhism. He thereby introduced a systematic bioethical approach that transcends the limited scope of those ethical guidelines either intertwined with a specific belief system or based on the views of indigenous medicine. One advantage of such an attempt is

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<sup>10</sup> Director, *Religious Studies Department*, Mahidol University, Bangkok, Thailand. Compare his contribution in this volume.

that it is no longer bound to a specific life style such as that of a monk or nun.

But bioethics of specific religious traditions is, for sure, more than just a modern reformulation of traditional moral action guides. Most religious contexts consist of ‘formative stories’ which speak about the meaning of birth and death or the spiritual goal of human life. Let me take the example of human cloning and Buddhism: Obviously the formative stories of Karma and rebirth, the final liberation from the world of suffering, and the great narrative of a human being becoming a Buddha, have a profound influence on ethical reasoning on cloning. Also, the lack of other formative stories, like that of man as created by god, or the creator-god himself, has an observable influence on Buddhist bioethical thought. Ultimately, we may conclude that a direct equivalent to the Western concept of ‘ethics’, and ‘bioethics’ in particular, is about to emerge and that it will reflect the influence of Western ethics to a considerable degree.

### 3. Four ‘Core Elements’ of Buddhist Ethics

In the following I shall consider Buddhist ethical thoughts under four European philosophical headings and try to show how these Buddhist principles guide the Buddhist discourse on different hypothetical human cloning scenarios («a» and «b»).

**‘Intentionalism’:** Buddhist ethics are strongly based on (the examination of) the intention of the doer of deeds. Intentions can be wholesome or unwholesome. If the intention governing a deed is to harm or kill a living sentient being, that deed is seen as unwholesome. Other unwholesome intentions are ignorance, greed, fanaticism and delusion. Wholesome intentions, on the other hand, are characterised by the intention of “non-harming” (*ahimsā*), compassion, and the attitude of loving kindness, a love that embraces all beings. Schools differ in their understanding of the application of these principles, e.g., whether compassion implies “action” or just a mental attitude towards others.

**‘Considering consequences’** (for the doer/the one who is treated): Buddhists also consider the outcome of actions. Important here are not the consequences for possible victims, but the consequences for the doer of deeds. Unwholesome actions, it is believed, will assemble bad Karma and therefore imply an effect on the next rebirth. So it has a direct effect on the perpetrator’s next life. A consequentialist (not synonymous here with utilitarian) approach naturally allows a certain ‘weighing’ of anticipated effects: A deed may have more than one effect or, combined with the core element of ‘intention’ (see above), it can be expected to produce a main good effect that may involve certain bad side-effects.

**‘Contextualism’/‘situative ethics’**: Buddhist ethics can also be characterised as ‘contextual’ (situative ethics), due to the fact that instructions differ in relation to the spiritual status of the people involved. Monks and nuns observe a large number of rules, and in Mahāyāna schools there are further distinctions in ethics according to the spiritual progress achieved by the doer. Buddhist ethics generally follow a “gradualist approach” (Harvey 2000, 51), and its application is quite flexible. Several programmatic advices describe a situative selection of possible means. Sometimes the advice is given not to stick to dogmatic decision or to adhere slavishly to “views”.

**“Self-cultivation”**: Last but not least, Buddhist ethics originally serve as a means to liberation. To act ‘skilfully’ and ‘wholesomely’ is a necessary precondition for achieving this goal. By their nature, Buddhist ethical codices of monastic discipline were formulated as training rules. Of course, they express the goal to be generally pursued by Buddhists (see also ‘Contextualism’), but nevertheless the conception of ethics as self-cultivation implies that ‘immoral’, faulty behaviour may occur. Its occurrence, indeed, may lead the perpetrator to intensify his or her personal efforts, because, according to the Buddhist standpoint, the doer of wrong deeds harms him or herself first and foremost, whereas good deeds contribute to the accumulation of merit.

Obviously these characteristics of an ‘intentionalist’, ‘consequence-orientated’, ‘contextual’, ‘offender-centred’ and ‘self-cultivationist’

ethics will have a considerable effect on the Buddhist assessment of human cloning. The most important difference to Western ethics, according to my understanding, may be seen in the lack of a universalist reasoning based on the idea of ‘dignity’.<sup>11</sup> I will now present some Buddhist evaluations of cloning. For the sake of clarity I will refer to the aspects of the scheme above where they seem relevant.

#### 4. Buddhist Positions on Human Cloning

Case «a»: Cloning-for-Biomedical-Research (‘therapeutic cloning’)

The case of so-called ‘therapeutic cloning’ differs significantly from cloning-to-produce-children as regards the criterion of *intention*; the first steps of all cloning procedures are, indeed, the same. Because in ‘cloning-for-research’ there is no direct advantage in bringing to life a new being, but rather it involves taking (an embryo’s) life with rather an uncertain effect on others, some Buddhists tend towards a strict application of the first precept, that is, to abstain from killing altogether.<sup>12</sup> But actually some monks and scholars argued recently that an embryo may not count as a full human being. Is this interpretation in line with classical Buddhist texts? And what about a

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<sup>11</sup> If it comes to ‘dignity’, there might be a Buddhist equivalent in the idea of the preciousness of human life, which is appreciated for the rare possibility to attain Buddhahood. In the words of the Burmese democracy movement leader: “Buddhism [...] places the greatest value on man, who alone of all beings can achieve the supreme state of Buddhahood. [...] Human life therefore is indefinitely precious” (Aung San Suu Kyi 1991, 174). But this ‘spiritual functionality’ seems not to be equivalent to Western notions of human dignity. Buddhist ethics in this respect come closer to the general notion of ‘sanctity of life’, including thus all sentient beings in the scope of ethics. However, Somporn Promta offered as an interpretation (if we look for possible equivalences) that this potential should be seen in the embryo, too – and, if it is destroyed, it might take a large number of lower rebirths before this being gets back into a human rebirth and regains its specific chances to proceed spiritually (Interview, 1.09. 2003, Bangkok).

<sup>12</sup> “Whatever monk should intentionally, with his own hand, deprive a human or one that has human form of life, supply him with a knife, search for an assassin for him, instigate him to death, or praise the nature of death [...], this monk is *pārājika*, expelled” (Prebish, 1996, 51f.). This precept to abstain from killing is part of the “Prātimoksha”, the central ‘rules’ of what should be morally binding. It is one of the initial four; if a violation is confessed, immediate expulsion from the Buddhist monastic community should take place. But lay Buddhists must also *idealiter* abstain from killing.

position like that of Hwang, who said he is not sure if a cloned human embryo is ‘human’ at all?

In the most common procedure of ‘cloning-for-research’ the cell nucleus of an oocyte is extracted and replaced by the somatic cell nucleus of a donor. This initial procedure is, according to most Buddhists, not a problematic one since the transfer does not take place after a ‘conception’ (i.e., descent of consciousness). To change the pattern of sexual reproduction implies – at least for most Theravāda Buddhists – nothing of ethical significance. Any destruction of the embryo (after the descent of the developing life force of consciousness), however, is a problematic deed. But when exactly does this descent take place?

According to one important description, the consciousness principle seeking rebirth descends into the womb and finds ‘a halt’ in the ‘bodily matter’ (*rūpa*), thereby sparking a ‘new’ life.<sup>13</sup> The strict position, prevalent in classic texts<sup>14</sup> as well as in modern commentaries, is expressed, for example, in Perera’s Buddhist interpretation of the “Universal Declaration of Human Rights”: “It is the Buddhist view that the right to life commences at the very first embryonic stage of a being, since *maitrī* or love, according to the *Mettasutta* (Sn [= *Suttanipāta*], vv. 143-152) should be extended even to the embryo or ‘one seeking birth’ – *sambhavesī* (Sn v. 147)“ (Perera 1991, 30).<sup>15</sup>

But according to Bhikkhu Mettānando,<sup>16</sup> a modern interpretation should take the emergence of the brain as the ‘bodily’ basis of consciousness.<sup>17</sup> Other scholars, too, suggest a later date for the

<sup>13</sup> The embryological passage can be found in *Mahānidāna Sutta*, Dīghanikāya Nō. 15, cp. T.W. and C.A.F. Rhys Davids, *Dialogues of the Buddha*, Part II, London 1951, 60 (D II.62).

<sup>14</sup> The classical description can be found e.g. *Mahātanhāsankhaya Sutta*, Majjhimanikāya, Nō. 38 [M I.265f.], cp. Haldar 1977, 27. I will refrain here from interpreting the Buddhist classical sources on the beginning of human life which will be done elsewhere.

<sup>15</sup> This passage, nevertheless, is ambiguous, as Buddhaghosa declares in his commentary (*Paramattha-Jotikā*): Either *embryos* (or birds in the egg) pushing to get into existence, or *un-released humans*, ‘worldly’ humans, who will be reborn (cp. Nyānatiloka 1955, 256), could be depicted here.

<sup>16</sup> Thai monk of *Wat Rajaorasaram*, former physician and member of the Bioethics Committee of Chulalongkorn University; counsellor of Buddhist affairs to the UN.

<sup>17</sup> (Interview transcript:) “I think the arising of the consciousness of a human being does not take place immediately after conception, [...] what do we learn from science? If you fertilise [...] a test-tube baby, you put an ovum and fertilise it, it becomes a little

‘descent’ of the consciousness principle. In this case, Buddhist scholars like Mettānando have to define two kinds of consciousness: first the ‘consciousness’ principle which serves as the life force (p. *jivitindriya*) and second, the ‘consciousness principle’ (p. *viññāna*) which serves as the basis for full personhood.

However, Bhikkhu Huimin, fully ordained Buddhist monk and Professor at Taipei National University, argues that any action resulting in the death of an embryo is a serious misdeed (2002, § 4.2.). An ‘embryonic sacrifice’ for the sake of better treatment of severe diseases is something that many Buddhists do not support. At first glance there might be – for Mahāyāna Buddhists – a possible parallel to the idea of sacrifice for the sake of others: the Mahāyāna ideal of the compassionate Bodhisattva. Spiritually developed Mahāyāna Buddhists might perceive themselves as acting in the role of a Bodhisattva, helping the sick by offering themselves in self-sacrifice (see Durt 1998).<sup>18</sup>

But in crucial aspects the two situations are not comparable. The Bodhisattva is able to choose to sacrifice himself. He knows the recipient of his donation, which makes this intentional action a noble one. But if a human clone is created only for the purpose of being sacrificed, he or she is not intentionally choosing to be a donor for the sake of others. And without good intention on his or her part, this does not, for Buddhists, constitute a good deed, even less so, if a clone is used merely to provide spare organs or tissues for an existent individual (compare Sainimnuan’s novel *Amata*, below). A Buddhist will certainly express his or her rejection of such use of a human being.

#### Case «b»: Reproductive cloning to produce children

When Buddhists speak of cloning, they think primarily of cloning as a means to help infertile couples. If human cloning “could satisfy the

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zygote, you submerge in minus 75° Celsius, for how long? Infinitely. It remains a zygote. So, let’s say, one hundred years, or, 120 years, that zygote, according to *Samantapāsādikā* [\*] is no longer a human being. But if you thaw it out, it grows, you put into the womb – it grows, it becomes a baby! So [the] description according to *Samantapāsādikā* cannot be applied here.” [\*Buddhaghosa’s *Samantapāsādikā* being an extensive commentary (5th c.) on the *Vinaya*].

<sup>18</sup> By now this position has no strong support by Buddhists, but some are probing its applicability – see Promta (2004) and Yoon (2004).

parenting desire of childless couples and if it does not cause pain and suffering to all parties concerned nor destruction of life, Buddhism will have no difficulty in accepting it” (Ratanakul 1997, 406). A quite ‘liberal’ attitude towards the general idea of cloning human beings (which, I may add, seems to be based in some cases on a meagre knowledge of the biological procedures on the part of modern Buddhist commentators) has already been noted in various studies (see Campbell 1998).<sup>19</sup> In some Asian countries infertility is, it seems, a problem complicated by the religious significance of symbolic ‘duties’. Medical help here is much appreciated. Somparn Promta<sup>20</sup> emphasises the fact that if the intention is directed towards creating a new being, the whole act is governed by the motive of bringing something to life (see Promta, 2001), which should be seen as positive. If Buddhists consider the aspects mentioned above, the *intentions* of the parties involved (parents who want to have children; physicians who help them fulfil this wish) are – on first sight – not to be condemned as consciously intending harm or suffering. But would this statement stand up to more thorough investigation? If one is to abstain from doing harm to whomsoever involved, then far more than just the direct „intentions“ of the acting parties are of concern. As P.D. Premasiri<sup>21</sup> points out, the „golden rule“<sup>22</sup> must be applied to the question of cloning. He argued: “But if there is any objection [to cloning, J.S.], it has to be on

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<sup>19</sup> Buddhists emphasise that they actually do rely on the law of Karma: “Each resulting being from cloning procedures would be a different individual with his or her own Karmic heritage from past lives” (Guruge 2002, 114). It might be said that many Buddhists have a neutral attitude to man-made artefacts. Whatever can be done technically must be in the scope of nature and is, therefore, – by its status alone – beyond good or evil. Less indifferent to changes of the course of nature are some East Asian Mahāyāna Buddhists, especially in Japan, who subscribe to the view that the realm of the ‘Buddhas and Gods’ must not be invaded (compare the Japanese commission report *Seimeirinri Imkai Hokoku* [1993]).

<sup>20</sup> *Department of Buddhist Studies*, Chulalongkorn University, member of the *Bioethics Advisory Board* of the Thai National Health Foundation/BIOTEC [two interviews (recorded by the author), September 1 and 3, 2003 (Bangkok)]. He also pointed out that for him the intention of finding cures for severe illnesses governs the act of cloning-for-research and is therefore permissible, too.

<sup>21</sup> Director, *Department of Pali and Buddhist Studies*, Peradeniya University, in an interview (recorded by the author), February 27, 2004 (Peradeniya).

<sup>22</sup> The principle can be found in Buddhist scriptures too, e.g., the well-known *Dhammapada*, v. 129 ff.: “All tremble at violence; all fear death. Comparing (others) with oneself one should not kill nor cause to kill” (Norman 1997, 20). The ‘exchange’ of one’s own position and that of another was later developed into a common meditation procedure.

consideration of other facts like: If we produce cloned human beings, are there likely to be certain problems, emotional problems? Under normal conditions we have parents that care, parental relationships which are connected with the emotional development of the present; now, without these will a person produced in this artificial manner become a misfit, have emotional problems – could it result in disastrous consequences later on?”

On the other hand, if the ‘golden rule’ is introduced with reflection on the amount of ‘suffering’ of a being-to-be, it seems to be truly applicable only if a clone is born and his or her emotional situation can be observed. It is not a reasoning based on principles a priori, but confined to an assessment of empirically observable ‘signs’.

Apart from some further anthropological and soteriological conceptions that affect Buddhist evaluations of human reproductive cloning,<sup>23</sup> the main objective is the principle of non-injury, which is to avoid killing. If no killing is implied, then it is the extent of harmful emotional consequences which should guide ethical reasoning. And if such negative consequences would also prove to be absent, ‘reproductive cloning’ would most probably not be subject to fundamental Buddhist rejection. According to the latter two characteristics of Buddhist ethics in the scheme above, i.e. contextualism and self-cultivation, a Buddhist

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<sup>23</sup> One of these teachings may be addressed in the Buddhist anthropology. The Buddhist teachings of “No-self” give the advice not to identify oneself with the empirical person, the bodily and mental factors of one’s own human existence. It should not be assumed or believed that body, feelings, volition, mind or consciousness imply the existence of a “substantial self.” Thus, for a cloned person, the fact of ‘being cloned’ is just a part of conventional existence. It is certainly regarded as ‘unwholesome’ if someone identifies himself with his ‘good genes’; and the same holds true for the cloned human being, if he were to identify himself ‘negatively’ with being ‘just a copy’ (compare the *Vasettha-Sutta*, *Majjhimanikāya*, Nō. 98, [M II. 5,8], or the *Sutta-Nipāta*, v. 611, for the idea that there is no such thing as a „discrimination by birth“ (p. *jāti-vibhanga*) – the circumstances of birth (genealogy etc.) are purely conventional; people only become what they are by their actions – compare Swaris 2000, 57-59). However, I have to admit that very few Buddhists argue with the Buddhist nominalist conception in the field of ethics (compare Falls et al. 1999; Barnhart 2000; Guruge 2002). Alas, most Buddhist monks or scholars with whom I have recently spoken (Tibetan Mahāyāna, Sinhala and Thai Theravāda Buddhists) told me that they fail to see in what respect a clone should differ in status from any ordinary human being. If they are concerned, it is not about his or her status but about his or her possible emotional situation, or, that a human clone might not be treated as a human.

might argue that to be cloned or not is not a relevant fact in the field of ethics at all – if, as Premasiri points out, it is assured that the cloned human is not prevented from accumulating merit (which, for example, takes time—thus, to live a long life may be a crucial point here). But this will be at risk, if current animal reproductive cloning techniques are transferred one-to-one to humans. There is a high loss of embryos and fetuses, and further epigenetic malformation in a certain number of individuals is expected. I doubt whether Buddhists who have taken a permissive attitude to reproductive cloning, including Nakasone (2001), Guruge (2002), Nabeshima (2000), Promta (2004) would stick to their views if they were aware of the implications of current practices.

But there are also voices from the Buddhist world that have criticised the means of cloning. To give an example from Thailand: In 2000 a Thai writer, Wimon Sainimnuan, published a novel entitled *Amata*,<sup>24</sup> a Pali word meaning “immortal”, “deathless”. This word (*amata*, skt. *amṛta*) denotes in classical Indian mythology a drink that implies immortality. It was used by the Buddha in his first sermon (*Dhammacakkappavattana-sutta*) to describe the goal of his teachings, the way to *Nirvāna*: „Listen! Immortality is found“ (p. *amatam adhigatam*, Vin I.9,15ff.; cp. Vetter, 1988, 8.f).

The novel portrays a business tycoon, Prommin, who is obsessed with the idea of having several clones of himself. These clones are to be used as organ donors for himself, the ageing tycoon. A Western scientist, Dr. Spencer, helps him to realise his plan. But one of his ‘clone-brother-sons’, Arjun, a faithful Buddhist, persuades Dr. Spencer not to take single organs, but to transplant Prommin’s brain into his, Arjun’s, young body. Dr. Spencer does so; Prommin’s brain is transferred to the body of his younger ‘brother-son’, while Arjun’s brain is transplanted into the body of Prommin. Prommin’s body, after the procedure little more than waste in the eyes of the others, is then deep-frozen. Arjun’s body is believed to contain the spirit of Prommin. We now come to the climax and turning point of the novel. According to Buddhist sources, the heart (p. *hadaya*) is the seat of thought and feelings (*mano-*

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<sup>24</sup> See Hongladarom (2002b).

*viññāna-dhātu*<sup>25</sup>), equal to “mind” (p. *citta*). Accordingly, Arjun’s mind takes control of Prommin’s implanted brain. Since everybody believes that he is Prommin and the real Prommin is put away in the freezer, Arjun is finally free.

This subtle “Buddhist” plot portrays the close alliance between big business and biotechnology as a close alliance. Their erroneous search for immortality, based literally on a ‘wrong’ perception of the brain, ends up in a freezer, while the Buddhist clone-son triumphantly takes over the business and returns to a traditional Buddhist lifestyle. Incidentally, he is not hindered in any respect by actually being a clone.

We might see in this plot an attempt to revolt against globalisation – indeed, it is a foreign scientist who carries out the cloning service for the tycoon. On the philosophical level, however, we may reflect upon the fact that from the Western scientific point of view the battle of the heart against the brain is lost. But is it a hopeless revolt somewhere in Asia, too?

In the end, Wimon Sainimnuan’s novel demonstrates that the question of cloning cannot be answered in isolation from other relevant aspects of changing societies that have to cope with the coexistence of Western science and methods and more traditional Buddhist world views.

### 5. The Legal Regulation of Cloning in Thailand

As an example of the relationship between the Buddhist bioethical discourse and legal regulation in a country influenced by Buddhism, I will now try to give an impression of the situation in Thailand.<sup>26</sup> Some aspects of the situation (regulation procedures, information politics, business and research structures) are similar to those in China, Korea, and Japan, where a certain Buddhist influence can also be observed. However, I doubt whether these similarities are attributable to

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<sup>25</sup> See Buddhaghosa, *Visuddhimagga*, C.A.F. Rhys-Davids (ed.), London 1975, 256; Samyutta-nikāya (4 vol.), L. Feer, C.A.F. Rhys Davids (ed.), London 1884-1898 (S I.199; S I.207).

<sup>26</sup> It may serve as background information for Pinit Ratanakul’s presentation of Thai Buddhist positions included in this book.

Buddhism. Rather, it is most probably these 'aspects' themselves which make legal regulation and its current status comparable.

Thailand has some rapidly growing domestic biomedical centres, as well as laboratories run by foreign companies or as joint ventures. Thai scientists succeeded in Cloning cows as early as 2000, and they have announced plans to clone rare and endangered species of the Siamese cat or the buffalo. Scientific research is generally highly recognised in Thai society. Some Thai scientists and intellectuals celebrated the birth of Dolly as a breakthrough. Even the King of Thailand, His Majesty Rama IX (Bhumiphon), as such also Head of the Thai Buddhist Community, has been quoted as saying that the cloning of animals, where useful, should be employed systematically.<sup>27</sup> In June 2003 the Deputy Prime Minister Suwit Khunkitti announced the approval of a life science research centre that will focus on therapeutic cloning technology for organ transplantation. It will be funded by the Thai government with initially 400 million Bht. According to plans, this new life science centre will bring together US American and domestic companies. It may start working in 2004.

However, the current status of human embryo research is difficult to ascertain. There are at least 3'000 surplus embryos from IVF procedures stored in more than 25 Thai centres of assisted reproduction, and there are at least some centres engaged in stem cell research. However, in comparison to other Asian countries, e.g. Korea, the current status of biomedical treatment and research in Thailand is comparatively modest.

At present, no central state authority is officially responsible for the ethical aspects of cloning research. However, different institutions have presented proposals for legal and ethical regulation: First, there are ratified guidelines by the Medical Council of Thailand, but these are binding only for physicians in hospitals and scientists in governmental institutions. Second, there are ministerial decrees of the Ministry of Science, Technology and Environment, but they have not been ratified by parliament, and thus have a limited scope of application. Third, there are a number of initiatives of which the most prominent is that of

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<sup>27</sup> Suthus Sriwattapong, *The Nation*, 22. 10. 2001.

the Bioethics Advisory Committee of the National Health Foundation of Thailand (NHF) in cooperation with the National Centre for Genetic Engineering and Biotechnology (BIOTEC). But, again, their recommendations are not yet enforced by law. And there are further Research Ethic Committees in the Universities. The Bioethics Advisory Committee tries to implement international standards, for example, the WHO/UNESCO guidelines and declarations,<sup>28</sup> and has organised hearings, at which Buddhist positions have also been presented.

In August 2001 Pramual Viruttamasen, director-general of the Medical Council of Thailand, announced newly adjusted ethical guidelines: In order to prevent controversial embryo research, medical personnel should limit their research on surplus embryos from IVF procedures up to the 14<sup>th</sup> day, assuming that the ability of the nervous system to process sensations or thought has not yet developed. The decision of a sub-committee of the Medical Council also backed cloning research for just one purpose, namely, that of breeding organs. Pramual said: “Even though the sub-committee unanimously agreed not to allow human cloning for reproductive purposes in our country, the majority of committee [members have] expressed their support for that kind of cloning [organ cloning]. That is the basis for backing stem cell research” (The Nation, 15.08. 2001). But the scope and meaning of the decision seemed to be less than clear. In December 2001 Prof. Anek Areepak, chair of the Human Research Ethics Club of Thailand, declared that the Ministry of Health had prepared to draft a bill to ban human cloning. It enforced more or less the above regulations of a permissive approach, partly adapting British regulations, and it was enacted in 2002. During my visit to Bangkok in August 2003, I was told that all companies wishing to do stem cell research now have to submit an application to the Ministry of Health and the BIOTEC. Since there have been no applications for permission to do research on human cloning, there has so far been no rejection. But one interview partner of the NHF told me that it is most difficult for the few specialists in the Ministry to check whether research is being done in the proposed way or not.

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<sup>28</sup> In a “National Meeting on Bioethics and Human Genetics” held on June 25-26, 2001 – the first of its kind, organised by the NHF and BIOTEC – arguments were exchanged concerning the legal situation, possible genetic discrimination, and the ELSI programme.

On the international level, however, the Thai delegate at the UN Legal Committee for the Possible Convention Draft against Human Cloning, Manasvi Srisodapol (Minister Counsellor), voted in favour of a ban on reproductive cloning on the one hand, and the formulation of 'appropriate guidelines' for therapeutic cloning on the other hand. This position, he said, was consistent with the position taken by the BIOTEC/NHF committee in his home country.<sup>29</sup>

Interestingly, compared to German bioethics committees, there is a rather small number of 'religious specialists', namely, Buddhists, participating in the institutions mentioned above. There were no representatives of the Thai Sangha, the Buddhist Community, to officially introduce a Buddhist perspective in the committee sessions. But some sessions were attended by Buddhist scholars from the Universities, medical doctors, and lay Buddhists and monks conversant in medical ethics. On September 23, 2002, a great assembly of more than 100 representatives of the main religious traditions in Thailand – Buddhism, Christianity, and Islam – again organised by BIOTEC and the NFH, brought to light that all major traditions oppose human cloning. Reportedly, Buddhists were less strict in their objection. A quite liberal attitude was also the outcome of a survey questioning 2,516 people in six different provinces, again conducted by the NFH and BIOTEC and published in December 2002. According to that survey 18.3 % of the Thai people said that they agreed with human cloning. This figure shows that a considerable number of people have far-reaching confidence in new technologies that would possibly vanish if certain conditions of actual research procedures received more attention. Be that as it may, this figure of 18% might also point to the fact that Buddhists are more likely than other religious groups to abstain from making a blanket judgement in these matters.

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<sup>29</sup> „The Thai National Centre for Genetic Engineering and Biotechnology had appointed a bioethics team to develop appropriate guidelines for therapeutic cloning, which it was believed could provide important answers in the treatment of diseases.“ This is the wording of a press release by the 57<sup>th</sup> General Assembly, 6<sup>th</sup> Committee, 17<sup>th</sup> Meeting, Oct. 18, 2002, [www.unhchr.ch/hurricane/hurricane.nsf/0/BCD26DF64D647DE4C1256C5A004F55FF?opendocument](http://www.unhchr.ch/hurricane/hurricane.nsf/0/BCD26DF64D647DE4C1256C5A004F55FF?opendocument)

**Concluding Remark**

Buddhists of all traditions seem to feel an increasing need for fundamental orientation in the field of biomedicine; it is my impression that right now a fresh interest is evolving in the discussion of these questions across the boundaries of schools and cultures, sparked, for example, by Wang's comments on Buddhist attitudes. The formulation of philosophical bioethical principles based on Buddhist principles, as done by Ratanakul, Taniguchi, and Keown, seems to be an important step in that direction.

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