**Force and Feeding:**

**From Bioethics to Biopolitics in Recent Israeli Legislation about Force-feeding Hunger-Striking Inmates[[1]](#footnote-1)**

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1. Introduction

On 30 July 2015 the Israeli Knesset passed a correction to the existing Prison Law from 1971 (henceforth: “the correction”). The correction qualified the district court to authorize forced feeding of hunger-striking inmates in Israeli prisons when their health or lives may be in danger. The correction was the final chapter of an extensive and complicated legal and political process which had started in response to long hunger strikes of Palestinian security prisoners and administrative detainees in 2012.

Long before it passed the correction had already been the object of numerous legal, medical, ethical and political debates, yielded strong responses from various statutory entities, local and international NGOs and led to heated debates in Israeli academia, media and general public. Even after the correction was passed the problems and tensions surrounding it persisted and when in late 2015 army lawyers were faced with two exceptionally long hunger strikes of Palestinian administrative detainees they did not appeal to the district court like the correction enabled and instead negotiated pleas and deals. Furthermore, even when the detainees’ lawyers appealed to the Israeli Supreme Court, the correction was not discussed or considered and specific ad-hoc compromises were the chosen solutions.[[2]](#footnote-2) In September 2016 these specific ad-hoc solutions were solidified and systemized when the Israeli Supreme Court rejected all the appeals which sought the cancelation of the correction and accepted the position of the state according to which the correction is a constitutional and proportionate addition which fills a gap in previous legislation. The court ruled that the correction hurts the rights and dignity of inmates only to the extent necessary in order to fulfil both what the court referred to as “the dominant purpose” of guarding the life of a person in the custody of the state and what it referred to as “the secondary purpose” of homeland security and public order.[[3]](#footnote-3)

While the debate surrounding the correction is complicated and multi-faceted, its crux has remained the same since its inception and did not change even after the verdict of the Supreme Court.[[4]](#footnote-4) On the general liberal level it is a dilemma between the obligation of the welfare state to ensure the nutrition security of its population and the “right to starve” of the autonomous individual.[[5]](#footnote-5) In the current Israeli context, this translates into the following basic arguments[[6]](#footnote-6): according to the state, while hunger striking is in itself a legitimate act of protest which results from the right to free speech and is therefore defended by Israeli law, when the hunger striker is an inmate whose life and health are in danger because of the strike, the state must force feed him. There are two main reasons for this: firstly, unlike free citizens, the lives, health and wellbeing of inmates are under the direct responsibility of the state. Section 11 of the Israeli Prison Law and section 322 of the Israeli penal code state that inmates, who cannot supply their basic needs on their own, are “under the legal guardian of the head warden”. Secondly, since hunger-striking inmates act in a wider public context of protest or political resistance, a deterioration in their health, let alone their death, could lead to “large scale disruptions of order, or violent outbreaks, in solidarity with the striker and his cause,” which the state must try to avoid as part of its responsibility to public safety and security.[[7]](#footnote-7)

In contrast, those who criticize the correction claim that forcefully feeding a person who freely and consciously chose to go on hunger strike is wrong *under any circumstances* since it impairs both his basic right to autonomy and the fundamental medical ethics principle of informed consent that prohibits any medical treatment to which the patient has not given his free and conscious consent. Accordingly, the most persistent and determined criticism of the correction came from the Israel Medical Association (IMA) and almost all those who oppose it refer to the prohibition of force-feeding in the Tokyo and Malta declarations of the World Medical Association.[[8]](#footnote-8) A complementing critique argues that the correction does not improve or add to the bioethical practices of the existing Israeli Patient’s Rights Law (1996), which in section 27 applies itself to prisons and in section 15(2) details strict conditions, including the approval of a designated ethics committee, to any medical treatment given to a patient against her will. According to those who oppose the correction, this presents it as unnecessary and prove that despite its medical and bioethical jargon its main purpose is to prevent political and public gain from hunger-striking inmates. Indeed, the correction is seen as supplying legal grounding to “regulating a medical issue […] by security officials […] [who] are driven by political dictations.” In other words, while in-itself force-feeding is a bioethical issue, the correction is “essentially political”, since “such a specific law, which only addresses hunger-striking inmates, is suspect of political bias.”[[9]](#footnote-9)

Evidently, the crux of the debate is not a constant point which signifies a stable dilemma, rather it is a dynamic intersection of four distinct axes – medical-bioethical, correctional-punitive, juridical-legal and political-security – whose location is contingent upon the significance of each axis and its reciprocal influence on other axes. In what follows I will not map out these intersections, nor will I endorse one of them and the position it represents. Instead, I will focus on the concepts which are used by all participants of the debate, explicitly or implicitly, thus constituting and stabilizing the shared plain of these discursive axes. By exposing the problems and tensions which arise when similar and even identical uses of the same concepts yield contradictory legal positions I will demonstrate how the seemingly legal discussion about medical issues, is in fact a political debate about fundamental questions of power and control. I will claim that rather than analyzing the issue using bioethics , which apply the discourse of rights and autonomy to moral debates about medical processes, it should be examined through the prism of Foucauldian biopolitics, which studies the disciplinary ends of incarceration against the backdrop of a wider conception of political power as a decentralized structure of control, domination and supervision, whose objects are the bodies, lives and deaths of members of the governed population.[[10]](#footnote-10) This shift will question the dichotomous structure which led the current form of the debate to a dead-end and shed new light on its arguments by suggesting an alternative conceptual groundwork which better suits their political core.

2. Treating hunger-striking inmates with force-feeding – four conceptual obstacles

The opening glossary of the correction – where, as is often the case, its operational rationale is already implied – includes “ethics committee”, “Patient’s Rights Law”, “medical treatment”, “caretaker”, “medical institution”, “physician” and “hunger strike”. By choosing these concepts the lawmakers disclose their intention to present the correction as aiming at just bioethical standards for legal interference with medical practices. However, a closer look at four concepts which exist in this glossary in varying degrees of presence and which frame the correction and the broader debate tells a different story.

The first concept is “hunger strike”, which is the only one that the correction defines independently and not via an exiting glossary in a previous law. The second concept is “treatment”, which is in fact a “specter-concept” as it is included in the correction through its exclusion, having been part of the bill as distinct from “medical treatment” but removed from the final version. The third concept is “force-feeding”, which despite its obvious importance and relevance is entirely absent from the correction. And the fourth is “inmate”, which is not defined in the correction but rather in the Prison Law it corrects and therefore applies to it as well. While the correction uses these four concepts in complementary and mutually influential ways, examining each of them separately exposes unique components in the structuring of the debate about the legal, ethical and political status of the correction.

2.1 Hunger strike

When it comes to defining the practice force-feeding aims to solve, namely hunger-striking, both sides of the debate uncritically accept the definition of the correction, which sees hunger strike as “a willful abstinence from food or drink, including partially, in order to protest or to gain a specific goal.” This definition offers a procedural widening and an essential narrowing of the previous official definition from an Israeli Prison Service (IPS) procedure according to which an inmate is hunger-striking only when “without due justification [he] does not eat at least four consecutive meals even if he is drinking water;” An inmate who “eats part of the meal (including liquids other than water) will not be considered as hunger-striking.”[[11]](#footnote-11) The IPS procedure is more quantitatively accurate than the correction as it distinguishes between short or partial refrains from nutrition and continuous self-starvation which jeopardizes health and may cause death. However, this definition ignores the protest involved in hunger-striking and nullifies the political aspects which the inmate ascribes to it. It is a formal institutional definition which expresses the functional need to decide whether or not an inmate has transgressed prison rules, specifically section 56(8) of the Prison Law, which prohibits any refusal to eat prison meals.

According to the explanations section of the bill to the correction, the need to update this technical and quantitative definition rose from the fact that “the essential test to carrying out the court’s authority [to allow force-feeding] […] is contingent upon the subjective medical condition of the striker […] and not upon the nature and characteristics of the strike.”[[12]](#footnote-12) Given the natural physical differences between inmates, the shift from objective calculation of meals to “subjective medical condition” seems appropriate. However, despite its turn to medical subjectivity, the correction does not alter the way in which the objective and quantitative rationale of prison rules enables judicial intervention in the treatment of hunger-striking inmates. This tension not only reveals a more fundamental position folded in the medical and bioethical wording of the correction, but also exposes two contradictions in its definition of hunger strikes.

Firstly, it is precisely the insistence on subjective medical conditions which exposes the correction to criticism for being political and security-oriented rather than humanitarian and health-oriented. Section 19.14(4) of the correction lists the medical issues the court should consider when deciding on force-feeding hunger-striking inmates (physical and mental condition, medical history, relevance of alternative treatments, etc.). However, security and public order considerations are noticeably also at play as the following section states that “the court shall consider fear for human lives or […] national security.” The separation of the two sections suggests that the lives the correction wishes to save are not those of hunger-striking inmates but those of citizens who might get hurt if hunger-strikers would die and violence and deterioration in security will follow.[[13]](#footnote-13)

Secondly, although the correction emphasizes the legal peculiarity of hunger-striking *inmates*, its broad definition of “hunger strike” actually applies to *all* intentional and purposeful fasting, inside or outside prison. The bill for the correction cited the responsibility of the warden for the lives and health of inmates as reason for “the more complex situation” of hunger-striking inmates and for their exclusion from the legitimate right to hunger strike as part of the “constitutional defense” that Israeli law gives to “the right to free speech”.[[14]](#footnote-14) But if this is the only criterion for distinguishing a hunger-striking inmate from other cases of conscious and purposeful self-starvation then two difficulties arise immediately:

(A) It becomes practically impossible to justify any force-feeding which exceeds the basic nutritional needs needed to treat the medical condition of the hunger-striker. As scholars from the Israel Democracy Institute have stated, breaking the autonomy of an inmate goes against the long established principle that incarceration must not affect any right other than the freedom of movement. Therefore, as long as the refusal to eat or drink is voluntary and conscious, force-feeding is not part of the duty to care for an inmate.[[15]](#footnote-15) Despite attempts to present the care for inmates as cause for transgressing this principle, the formulations and definitions of the correction prove that the real cause is national security. Ironically, since this cause is not mentioned in the relevant sections of the Prison Law, the implicit political purpose of the correction is exposed precisely in these formulations and definitions.

(B) The alleged care-taking and health-oriented agenda of the definition of “hunger strike” offered in the correction actually presents it as redundant since this definition does not refer to a medical condition which is not already covered by the Patient’s Rights Law. For if the purpose of the correction is to care for inmates and if hunger-striking is understood as *any* refusal to eat or drink, then it is unclear why a judicial procedure should be added to the medical practices carried out by physicians and ethics committees authorized to approve unconsented and forced treatment in section 15(2) of The Patient’s Rights Law (whose section 27 explicitly mentions its applicability over inmates). Beyond the political security reasons for this superfluous judicial intervention, this unnecessary legal doubling also affects the way in which prisons understand their duty to care for inmates. For example, in the current Israeli legal situation, whose formal and quantitative conceptualization of hunger strikes ignores political motivations and contexts, it is unclear how prisons should treat an anorexic inmate whose refusal to eat has become life-threatening, all the more so when the inmate in question is a security prisoner or an administrative detainee. While the medical process itself would be similar in both cases, the second option ignores the fact that unlike anorectic patients, hunger-striking inmates do not suffer from psychological pathologies.[[16]](#footnote-16)

Should an ethics committee be formed, as ordered by the Patient’s Rights Law, or should the warden appeal to the court according to the correction?

2.2 Treatment

Another concept whose definition in the correction further complicates the debate is “treatment”, which plays an important role in the correction precisely because it was taken out of it. The bill for the correction defined treatment as “giving food or liquids, also artificially, or any other medical treatment.”[[17]](#footnote-17) This definition is directly opposed to the position of the IMA, whose official guidelines to physicians do not consider giving food to a hunger-striking inmate as “treating an ailment,” but rather as a “basic need of life.”[[18]](#footnote-18) The justification of judicial intervention and correctional action with medical and care-oriented arguments reappears, but this time in a mirror-image of how it unfolded through the different definitions of “hunger strike”. Whereas “hunger strike” was problematic because of vague and too general formulations, “treatment” is problematic because its too specific definition reveals once more how the arguments for judicial intervention in what is supposed to be a professional medical procedure are in fact neither humanitarian nor medical. Consequently, the bill for the correction distinguished between “treatment” and “medical treatment”:

Medical treatment for hunger strikers may include a wide variety of treatments – starting with measuring physiological values, intravenous therapy, with or without various additives (vitamins, minerals, sugar etc.), all the way to inserting a nasogastric or orogastric feeding tube to the patient’s stomach or total parenteral nutrition (TPN). The distinction between different types of treatment, their meanings and implications, including in the aspect of the patient’s dignity – is carried out as part of the court’s considerations […] and based on medical evaluation […].[[19]](#footnote-19)

Despite this medical evaluation, and as was already mentioned, reassigning the authority to decide on treatment types and the responsibility to the patient’s dignity from professional medical instances to the court is a major object of criticism in the correction. Indeed, not only are the medical and humanitarian declarations of the correction already covered by the Patient’s Rights Law, the correction also justifies medical intervention by using political and security reasons to which it is unrelated. Lastly, it brings into the court professional medical procedures and practices which should remain outside of it.

While “giving food” was not included in the final definition of “treatment” in the correction, the initial intention to frame it with medical and humanitarian arguments shows that the rationale of the correction implicitly acknowledges the theoretical difficulties and the practical problems involving any attempt to justify force-feeding of inmates using such arguments. This specific attempt failed and the medical discussion of force-feeding was taken out of the correction, but its traces are enough to realize the agenda behind the original distinction between “treatment” and “medical treatment”. Similar to what happened with “hunger strike”, it is precisely the implicit nature of this agenda which not only blurs conceptual boundaries to the point of making it hard to understand the correction, but also nullifies the sought-after differentiation between the correction and the Patient’s Rights Law, thus failing to confront those who claim the correction is both political and unnecessary.

2.3. Force-feeding

The exclusion of nutrition from “treatment” does not only cause medical care-oriented and political security-oriented arguments to interweave in ways which contradict the declared intention of the correction, it also makes it harder to understand the problematic treatment in question, namely the use of force to artificially feed hunger-striking inmates. Indeed, as long as “giving food and liquids” is not mentioned in section 19.16(4) which allows prison guards to use “reasonable force” to “enable treatment”, this section and the correction in general remain vague at best. Moreover, even without this exclusion the correction is just as vague when in different contexts it uses different terms to refer to the force-feeding of hunger-striking inmates: “compulsory medical treatment” is mentioned as what the ethics committees, which the The Patient’s Rights Law constituted, can authorize; “forced-feeding” is the term used in the survey of the legal status in other countries; and “giving nourishment compulsively” or “giving nourishment forcefully” are described as the same medical practices which the WMA Malta declaration has forbade.[[20]](#footnote-20) Consequently, those who oppose the correction also use a disordered terminology: while the title of the report of the National Bioethics Council uses “compulsory feeding”, the report itself refers to both “coerced treatment” and “coerced feeding” and the Israel Democracy Institute mentions both “giving treatment forcefully” and “forced-feeding”.[[21]](#footnote-21)

Therefore, any intervention in the debate about feeding hunger-striking inmates must decide between “force”, “coercion” and “compulsion”. Given the daily reality of the rules and practices of incarceration, the use of “coercion” and “compulsion” seems obvious to the point of diminishing the far-reaching ramifications of the artificial feeding of inmates against their will. In other words, and as the bill for the correction rightly emphasized, a main component of personal autonomy which is denied from inmates is control over their food: what, how much, where, when and with whom they eat. The circumstances of their feeding are coerced upon them but since they are a direct outcome of the loss of freedom of movement inherent to incarceration, they do not violate the minimal personal autonomy of inmates which prisons must protect. Insofar as coercion is understood as causing someone to do something against his or her will, any type of eating while incarcerated is to a large extent coerced. Therefore, the use of “coercion” in the context of feeding hunger-striking inmates against their will not only presents this practice as respectful to the human autonomy of inmates, it also conceals the corporal violence which this practice necessarily involves.

This can also be inferred from the shift from “compulsory eating” and “coerced feeding” which were sometimes used in the public debate over huger-striking suffragettes in early 1900s Britain, to “force-feeding” or “forced feeding” which dominate contemporary cases all over the world.[[22]](#footnote-22) Furthermore, in the Malta and Tokyo declarations of the WMA it is physical force that transforms artificial feeding from legitimate medical treatment to unethical cruel punishment. Indeed, precisely because “hunger strike” is so broadly defined in the correction and “giving food” is understood in its bill as “medical treatment”, it is especially important to underline the forceful element in artificially feeding an inmate against his will, regardless of the specifics of his abstinence. In sum, in the absence of a perfect lexical solution, “force-feeding” seems to be the best suited option for expressing the myriad of meanings and conceptual assumptions which are used in the current debate.

2.4 Inmate

Undergirding all of the above-mentioned conceptual considerations is the first line of the first section of the Prison Law, which defines an “inmate” as “anyone who is in the legal custody of a prison”. At first sight this definition seems to work both for supporters of the correction, who claim that incarceration in-itself, and not any of its particular circumstances, requires a specific legal solution to hunger-striking inmates, and for its criticizers, according to whom focusing on incarceration *as such* is essentially political. Nevertheless, both sides implicitly agree that defining the subject of incarceration as “inmate” is not accurate enough as the bill for the correction as well as the documents written by those who oppose it emphasize the fact that the hunger strikes which started the debate were undertaken either by *security prisoners* or *administrative detainees*. The first of these groups is not defined in any law, only categorized in administrative and operational terms in procedure 04.05.00 of the IPS. The second group is infamously at the center of a long and intense legal and ethical debate regarding whether or not the incarceration of its members is indeed “legal custody”.[[23]](#footnote-23)

The resulting interrelations of politics, national security and incarceration are obvious. However, contrary to what one might infer from the way the correction uses the political public struggle surrounding hunger-striking inmates in order to present force-feeding as aimed at “public safety and security”, thus far none of the relevant hunger-striking inmates in Israel have protested directly against the political situation or demonstrated active participation in the public debate, let alone the armed conflict, between Israel and the Palestinians. Obviously, these huger-striking inmates are part of the conflict whether as convicted or suspected members of violent Palestinian organizations, or as victims of the violence of Israeli military and police. But in the current specific context this is irrelevant because their hunger strikes are not meant to protest the occupation of the West-Bank, the blockade on Gaza or even Israel or Zionism in general. Rather they are undertaken to protest against specific conditions of incarceration, such as solitary confinement, revoked visiting rights and cancelation of permissions to study (for security prisoners), or against the actual fact of being detained without a trial, an indictment or evidence (for administrative detainees).[[24]](#footnote-24)

To be sure, criminal prisoners also go on hunger strikes and these strikes also raise questions about the security and political contexts of the conditions of imprisonment and of the operational rationale of the punitive system in its entirety.[[25]](#footnote-25) However, since in criminal circumstances the legality of incarceration is not contested and the use of sanctions within the prison is not disputed, it is easy to see that the Patient’s Rights Law is enough for ordering any type of treatment for hunger-striking criminal prisoners. By contrast, because of the political public-security prism through which force-feeding of hunger-striking inmates is examined in the correction, it seems that both sides of the debate should aim at a more accurate terminology which will acknowledge the fact that virtually all hunger-striking inmates in Israel are either Palestinian security prisoners or Palestinian administrative detainees, two populations who have been formed and defined by legal and correctional apparatuses whose raison d’être has to do much more with national security and politics than with rule of law and criminal code.[[26]](#footnote-26) In this sense, the current debate challenges the correction as well as a previous court ruling which maintain that “the hunger strike cannot be a factor in the decision on the lawfulness of an administrative detention in itself.”[[27]](#footnote-27) In the next section I will explain why Foucauldian biopolitics may enable a more accurate political conceptualization of hunger-striking inmates which will does not overlook the legal and ethical links between hunger strikes and administrative detention. But even before that, it should now be clear that given the conceptual difficulties the correction demonstrates through “hunger strike”, “treatment” and “force-feeding”, the real critique of the correction should not concentrate on its being political *because* it distinguishes between inmates and free citizens, but rather on the fact that this binary distinction *is not political enough* and should be refined by focusing on security prisoners and administrative detainees.[[28]](#footnote-28)

In order to politicize the discussion so that it could accommodate such a critique and address the conceptual problems presented above, I will now turn to Foucault’s biopolitical thought, which, thanks to its recognition of security and discipline as integral elements of the political construction of power, succeeds in presenting an alternative paradigm to the rights and autonomy-oriented legal discourse which currently informs the debate.

3. Discipline, punish and feed – the biopolitics of incarceration, hunger and feeding

In 1971, Michel Foucault and others founded The Prison Information Group [*Group d’information sur les prisons* (GIP)] in response to a series of hunger strikes of political prisoners in French prisons.[[29]](#footnote-29) The manifesto which Foucault read at the founding event sheds important light on the conceptual register of the current Israeli debate on the subject:

None of us is sure to escape prison. […] We are kept under ‘close observation’ [*«garde à vue»*]*.*[…] They tell us that prisons are over-populated. But what if it was the population that was being over-imprisoned? Little information is published on prisons. It is one of the hidden regions of our social system, one of the dark zones of our life. […]

We propose to make known what the prison is: who goes there, how and why they go there, what happens there, and what the life of the prisoners is, and that, equally, of the surveillance personnel; what the buildings, the food, and hygiene are like; how the internal regulations, medical control, and the workshops function; how one gets out and what it is to be, in our society, one of those who came out.[[30]](#footnote-30)

The relevance to the current discussion is obvious: Foucault mentions food as a key element in the life of inmates; he exposes the political essence of the medical-correctional interface by mentioning “medical control” directly after “internal regulations”; and he talks about “close observation”, whose French origin *garde à vue* not only alludes to the well-known Foucauldian links between visibility and discipline, but is also the phrase which was used to describe the then-common French practice of administratively detaining political activists.[[31]](#footnote-31) In order to demonstrate how these initial allusions might be developed into a Foucauldian understanding of force-feeding hunger-striking inmates, we must first put his work on the subject in a broader context.

The preliminary ideas and the terminology presented in the GIP manifesto were of great importance to the development of Foucault’s thought in those years.[[32]](#footnote-32) This process reached its famous peak with the publications of *Discipline and Punish: The Birth of the Prison* (1975) and *The History of Sexuality I: The Will to Know* (1976) as well as the lecture series *“Society Must Be Defended*” (1975-6).[[33]](#footnote-33) The central theoretical and conceptual achievement of these works was an original political genealogy of power (*pouvoir*). This genealogy exposed the ways in which power operated in institutional sites of professional and scientific knowledge, which up until then were considered apolitical, and by mapping out the fundamental reciprocity between governance and these sites of knowledge/power. Foucault focused on the shift from the classic political paradigm of direct and absolute sovereign control to the modern political paradigm of a decentralized governance which control the daily lives of citizens through institutions (barracks, clinics, mental asylums, schools, prisons, factories, etc.) and through the discourses, knowledges and practices these institutions produce as exclusively “scientific” and “official”.

According to Foucault, this paradigm-shift is encapsulated in the two complementing ways through which “power gave itself the function of administering life.”[[34]](#footnote-34) The first focuses on the physical functions of the individual living body, which is perceived “as a machine” and therefore is trained, controlled and shaped through “*anatomo-politics*” in order to yield optimal results in relation to the political and economical goals of society – this is *discipline*. The second way sees the individual as a concrete yet unspecified exemplar of the entire population and therefore focuses on controlling, monitoring and regulating the biological processes which are common to all living members of the population as such – this is *biopolitics*.[[35]](#footnote-35) Foucault claims that the use of technics and mechanisms which both optimize and maximize discipline through the “subjection of bodies” and optimize and maximize biopolitics by regulating the population started “an era of ‘bio-power’,” in which the knowledge/power pairing caused human life itself to be the subject of political technologies.[[36]](#footnote-36)

Since the combination of subjected living bodies and a controlled population is inherent to incarceration, the prison forms the emblematic knowledge/power site and embodies the intersection of sovereign, disciplinary and biopolitical aspects of power better than any other state institution:

prison is the only place where power is manifested in its naked state, in its most excessive form, and where it is justified as moral force. […] [In prison], for once, power doesn't hide or mask itself; it reveals itself as tyranny pursued into the tiniest details; it is cynical and at the same time pure and entirely "justified," because its practice can be totally formulated within the framework of morality.[[37]](#footnote-37)

It is already easy to see how this conclusion can be applied to the way in which political power in Israel tries to use the correction to the Prison Law as a bioethical justification of force-feeding hunger-striking inmates. But in order to fully understand the biopolitical nature of this practice it should be examined against the backdrop of Foucault’s claim that we cannot evaluate modern political power only through the legal prism of rights and laws. This prism, Foucault claims, impairs our ability to understand the political essence of power which constitutes and shapes the relations between the individual and the state, where sovereignty is just one of the political forces which affect human lives.[[38]](#footnote-38)

As I mentioned above, supporters of the correction try to justify it by citing the duty of the state to provide and care for inmates, who are one of the population groups that cannot do so themselves. Foucault points out that the state first took this duty upon itself in disciplinary institutions with punitive objectives and particularly in prisons: the state fed inmates as part of its responsibility for their lives, but at the same time, by controlling and regulating quantities and ingredients, it also used nutrition as means of discipline.[[39]](#footnote-39) Bearing in mind that hunger-striking political prisoners initiated Foucault’s thinking on the biopolitical construction of knowledge/power institutions, we can now understand hunger strikes as acts of political protest whose essence is a refusal to accept the combination of sovereign, disciplinary and biopolitical power which the state, quite literally, wishes to shove down the throats of those under its rule.

This refusal demonstrates Foucault’s claim that “there is no binary and all-encompassing opposition between rulers and ruled at the root of power relations,” since, among other things, “[w]here there is power there is resistance […][which] is never in a position of exteriority in relation to power.”[[40]](#footnote-40) In other words, the practices and technologies which constitute and uphold bio-power facilitate the actions of both the governing regime and those who resist it.[[41]](#footnote-41) In the present context, this means that a refusal to be fed by the state is an expression of power precisely because it exposes the way in which through feeding the state establishes punishment and welfare as two sides of the same (bio)political coin.[[42]](#footnote-42) Consequently, this also demonstrates why supposedly medical-humanitarian arguments cannot help but express the political and ideological interests of the government.

While the defiant character of hunger strikes and its biopolitical foundation were absent from the Israeli debate about force-feeding, in recent decades they played important roles in critical discussions of other instances of this practice: the hunger strikes of the suffragettes were regarded as an early feminist manifestation of the use of the body as means of “[mobilizing] bare life for emancipatory struggle;”[[43]](#footnote-43) alongside “dirty protest” (smearing feces on cell walls) and self-immolation, hunger strikes of Irish republicans in the 1980s were discussed as modes of protest which use the “political fetishization of the body” in order to demonstrate how by being the last “site of power” the body, while facilitating violent oppression practices which culminate in force-feeding, also enables “redirection and reversal” of power, which culminates in the “hunger strike unto death”;[[44]](#footnote-44) the hunger strikes of political prisoners in Turkey in 2000 were put in the wider global context of “the weaponization of life” by terrorists and activists alike;[[45]](#footnote-45) and, finally, a biopolitical reading of the American “global war on terror” presented the “indefinite detentions” of inmates in Guantanamo as a profound reason for their hunger strikes and a necessary legal condition for the government’s power to force-feeding them.[[46]](#footnote-46)

Obviously, this short and partial survey does not do justice to the complexities and particularities of the specific hunger strikes these studies examined. However, even this short list is enough to realize that the theoretical and conceptual infrastructure provided by Foucault paves the way to a biopolitical reconceptualization of the Israeli debate on force-feeding hunger-striking inmates, particularly in relation to security prisoners and administrative detainees. Accordingly, the current discussion will conclude by outlining a way in which biopolitical conceptualization could overcome the existing conceptual obstacles and promote a better understanding of the current Israeli iteration of the debate surrounding force-feeding hunger-striking inmates.

4. Conclusion: Toward a Biopolitical Conceptualization of Force-Feeding Hunger-Striking Inmates

By now it should be clear that to a large extent the legal and bioethical debate about the new Israeli law persists with such fervor because of ambiguous conceptual assumptions. Supporters of the correction and its critics both refrain from suggesting clear and explicit definitions of hunger strikes, treatment, force-feeding, and administrative detainees and security prisoners, who should be – but are not – dedifferentiated from sentenced inmates. This prevents both sides from formulating clear bioethical positions which could direct the actions of correctional, legal and medical practitioners in relevant situations. The biopolitical essence of institutionalized state-feeding which was exposed and explored here locates this conceptual inattention and the debate it engenders at the intersection of feeding, as an act of state power which simultaneously aims at both punishment and welfare; the living body, as the material site in and through which this act unfolds; and life – including its end in death – as an object of control and surveillance, i.e. biopolitical manifestations of power. This understanding calls for a new delineation of the conceptual boundaries of the debate.

Firstly, since the state is directly responsible for feeding only those who reside in its welfare/discipline institutions, it seems rather meaningless to talk about anyone outside these institutions as “hunger-striking”. To be sure, insofar as it is committed to the welfare of its population, the state must provide everyone with “nutritional security”. However, unlike free citizens who can fulfil the nutritional potential the state enables by themselves, when it comes to inmates, soldiers, hospital patients, pupils and anyone living in a state-institution, it is the direct obligation of the state to feed them. Accordingly, whereas purposeful fasting which takes place outside state-institutions is in fact self-starvation of an autonomous individual who decides for himself on the times, quantities and ingredients of his feeding (including abstinence from it, even when it leads to death[[47]](#footnote-47)), when someone’s life is confined to a state-controlled institution, these decisions are not his to make and therefore he does not *stop eating* and starve himself, rather he *refuses nutrition* given to him by the state, namely he is hunger-striking. Therefore, we must differentiate this biopolitical practice of protest and resistance from abstinence and suicide, a distinction which is explicitly expressed in the declarations of hunger strikers who claim that they do not *want* to die but are *willing* to die in the struggle for making their life worth living, namely free from unjust manifestations of disciplinary power.[[48]](#footnote-48)

Nevertheless, contrary to the broad definition of hunger strike used by the correction and despite the need to care for the wellbeing of inmates, as long as abstinence from food is partial and does not risk the fasting inmate, this also does not amount to hunger-striking and does not entail any intervention, either medical or forceful. To be sure, this does not mean acceptance of the quantitative objective definition of IPS procedure 04.16.00. Indeed, precisely because the relevant focus is the survival of the particular living body of the hunger-striking inmate, the discussion should not be objective and legal but rather subjective and political.

Given this corporal particularity, and since with regards to feeding disciplinary punishment and welfare seem to be two sides of the same biopolitical coin, a second conclusion is that any attempt to offer a sharp distinction between medical, humanitarian, correctional and security-oriented objectives of treating a living-body through its force-feeding by state power is bound to fail. These objectives, the discursive fields they generate and the points where they intersect should all be taken into consideration when trying to determine the legitimacy of the force with which hunger-striking inmates are fed.

Consequently, in a fundamental biopolitical sense, the concept of “force-feeding” only applies to cases where the living body of an inmate exists in circumstances in which it is not explicitly illegal to expose it to direct force. In present-day Israeli prisons such circumstances are reached when the body in question belongs to security prisoners or political prisoners, who may be subject to corporal sanctions which are prohibited in regards to criminal prisoners, and even more so when it belongs to administrative detainees, whose entire incarcerated existence is neither defined nor temporally limited by any clear verdict or legislation. It is only these cases which are relevant for any discussion on force-feeding, because in all other cases of abstinence from food by inmates the Patient’s Rights Law and the ethics committees it institutes provide sufficient answers to any questions about forceful corporal interventions. As the correction demonstrates in its vulgar attempt to solve a political wrong by granting unusual judicial authority, when life and body are subjected to disciplinary and normalizing force in the context of political/security imprisonment or administrative detention, this manifestation of force cannot be fully explained through usual bioethical and legal rationalization and therefore it necessitates a direct grappling with its political essence.

A political engagement which does not hide behind bioethical legislation is the basic demand of those who oppose the correction and, therefore, according to the argument presented here their position should by now seem preferable. However, their position is wrong both in promoting equal treatment of inmates and free citizens and in adhering to the popular conception of the hunger-striking inmate as the weakest political agent whose body and life are at the mercy of the sovereign. The biopolitical conceptualization of the living body as the battleground of political power goes against this conception by enabling the hunger-striking inmate to appear as an active and potent agent. This happens by applying the somatic emphasis of biopolitics to the refusal to ea. Resisting the necessary material conditions of life and bodily existence thus becomes a way to demand improvement in the conditions in which this body is incarcerated and to claim what is needed to it in order to go back into the realm of life which is protected – even under incarceration – by such bioethical norms as the Patient’s Rights Law.

Furthermore, presenting the administrative detainee as the archetypical figure of the current analysis can be more easily understood when examined in relation to his dying body and impending death. The end of life is the horizon of bodily existence which enables the combination of biopolitical power and sovereign power to operate on the subject’s life through the implicit and deferred threat of death. Since the temporality of the life of the administrative detainee is the potentially unlimited time of “indefinite detention”, biopolitical control over his body and life is maximal. His life and body are suspended in a way which gives any personal embodiment of the sovereign government – from the prison guard to the prime-minister – the prerogative to subject him to direct bare force. By contrast, when an administrative detainee goes on hunger strike he compels the state and all instances of disciplinary power to address his condition and his demands according to a new strict timetable which no longer adheres to the artificial, linear and objective time of legal procedures which the sovereign can defer or hasten at will, but rather is dictated by the subjective biological time which is literally embodied in his dying body. Thus, precisely because he is subjected to the strongest and most explicit form of the disciplinary power of sovereign government, by hunger-striking the administrative detainee succeeds in protesting and resisting this power on the practical level and in exposing the political nature of feeding, as well as its essential inability to be justified through bioethical and medical arguments, on the theoretical level.

Obviously, these inferences and the biopolitical conceptualizations on which they draw cannot solve all the questions and problems involved with the attempt to create a constant normative paradigm regarding force-feeding hunger-striking inmates in Israeli prisons, nor will they result in a revision of the relevant definitions in Prison Law and in its correction. Nevertheless, by exposing and exploring the theoretical difficulties, political agendas and conceptual gaps which dot the attempt to apply a legal discourse of rights and autonomy on this supposedly bioethical dilemma, the current inquiry suggests that examining this dilemma through a biopolitical lens might release the debate from its current impasse and allow it to address the genuine legal, ethical and political complexities which are embodied in the force-feeding of hunger-striking inmates.

1. This is a revised and updated version of an earlier text which appeared in Hebrew in *Law, Society and Culture* [special issue on Law and Food, Yofi Tirosh and Aeyal Gross (eds.)], Tel Aviv University, 2016

I thank the editors of the Hebrew journal, the editors of this volume, Itamar Mann, Marianne Constable, Olivia Custer and an anonymous reader for their useful and helpful comments. [↑](#footnote-ref-1)
2. BAGAZ 5575/15; 5580/15 Mohammad Allaan vs. Israeli Security Service et als.; BAGAZ 452Q16 Mohammad al-Qiq vs. IDF Commander in Judea and Samaria et als. [↑](#footnote-ref-2)
3. BAGAZ 5304/15 Israel Medical Association vs. The Israeli Knesset et als.; BAGAZ 5441/15 Mizan (organization for human rights) et als. Vs. The Israeli Knesset et als.; BAGAZ 5994/15 Physicians for Human Rights et als. Vs. the State of Israel [↑](#footnote-ref-3)
4. For example, following the rejection of the appeal of the Israeli Medical Association, its chairperson declared that despite the ruling he cannot imagine a physician who will perform this “violent act which may cause great medical damage;” and Physicians for Human rights, whose appeal to the Supreme Court was also rejected, released a statement saying that “the Supreme Court trumped medical ethics and enabled a damaging law which should have never been legislated.” (J. Khoury, S. Polver and I. Efrati, “The Supreme Court Authorized Force-Feeding of Hunger-Striking Security Prisoners, *Haaretz* 11 September 2016 [↑](#footnote-ref-4)
5. English law, for example, discusses “the right to starve” explicitly, and often favorably, in relation to hunger strikes. See: Bea Brockman, “Food refusal in prisoners: a communication or a method of self-killing? The role of the psychiatrist and resulting ethical challenges,” *Journal of Medical Ethics* 25 (1999), 454. [↑](#footnote-ref-5)
6. This summary is based on the bill to the correction (Bill 870 (9 June 2014), 762-776; hereafter: “Bill”), the supreme court appeals mentioned in note 2 above and the following documents (all in Hebrew): Michael Wygoda, *Force-Feeding a Hunger-Striking Inmate* [evaluation paper, department of Jewish law in the Israel Ministry of Justice (28 April 2013)]; Garciela Karmon et als., *Letter from Physicians for Human Rights to the Israeli Attorney General* (15 July 2013); Raz Nizri, *Reply to Garciela Carmon et als. Letter from the Deputy Attorney General* (2 September 2013); Mordechai Kremnitzer et als., *Draft of the Correction to the Israeli Prison Law 2014: an Evaluation Submitted by Members of the Israel Democracy Institute to the Ministerial Committee on Lawmaking* (15 May 2014); National Bioethics Council, *A Response to the Intention to Correct the Prison Law in Regards to Force-Feeding Hunger-Striking Inmates* (6 April 2014); Israeli Medical Association (IMA), *Position Paper about the Correction to the Prison Law Regarding Force-Feeding* (June 2014). [↑](#footnote-ref-6)
7. Bill, 772. This position was demonstrated when the military was ordered to deploy “iron dome” missile-batteries in response to hunger striker Muhammad Alaan’s going into a coma (Gili Cohen and Ido Efrati, “Iron Dome Batteries deployed in Ashdod and Beer Sheba out of Fear of Escalation Should the Hunger Striker Die,” *Haaretz*, 20 August 2015) [↑](#footnote-ref-7)
8. Section 6 of the *WMA Declaration of Tokyo - Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment* states that “[w]here a prisoner refuses nourishment and is considered by the physician as capable of forming an unimpaired and rational judgment concerning the consequences of such a voluntary refusal of nourishment, he or she shall not be fed artificially,” ([http://www.wma.net/en/30publications/10policies/c18](http://www.wma.net/en/30publications/10policies/c18/index.html)); and sections 11 and 13 of the *WMA Declaration of Malta on Hunger Strikers* state that “[i]t is ethical to allow a determined hunger striker to die in dignity rather than submit that person to repeated interventions against his or her will,” and that “Forcible feeding is never ethically acceptable.” (<http://www.wma.net/en/30publications/10policies/h31>). [↑](#footnote-ref-8)
9. See, respectively, these documents mentioned in note 4 above: Kremnitzer et als.; Karmon et als.; Physicians for Human Rights; National Bioethics Council.were tinians in detention, כפי שtinians in detention, when iansdetention is obviously re he served 14 years as a securoty (כפי ש [↑](#footnote-ref-9)
10. See, for example, Michel Foucault, *The History of Sexuality Vol. 1*, trans. Robert Hurley (New York: Pantheon Books, 1978); Michel Foucault, *Security Territory Population: Lectures at the College de France 1977-1978*, trans. Graham Burchell (New-York: Picador, 2007) [↑](#footnote-ref-10)
11. Israeli Prisons Service Order 04.16.00 section 4. [↑](#footnote-ref-11)
12. Bill, 769. [↑](#footnote-ref-12)
13. The problematic nature of this separation is evident in paragraph 144 of Supreme Justice Court 5304/15, which stresses that section 19.14(5) should be used “scarcely and in exceptional cases, given an appropriate infrastructure of evidence.” Moreover, although Justice Mazoz joined his fellow judges in rejecting the appeal, in section 22 of his closing remarks he claims that the state “will be wise to reconsider the cancelation of section 19.14(5)”, which he dubs “the security section”, since “the fundamental goals of the [new] law seem to be achieved [even without this section] […] and […] its existence raises suspicions and arguments.” [↑](#footnote-ref-13)
14. Bill, 762 [↑](#footnote-ref-14)
15. Kremnitzer et als., paragraphs 4-5. [↑](#footnote-ref-15)
16. Clearly, hunger strikes can cause unstable and even pathological mental states, but those are *outcomes* of a conscious rational decision to go on hunger strike and not *reasons* for such a decision. For further discussion on the relation between hunger strikes and anorexia in the present Israeli context see: Sigal Gooldin, “Is Anorexia a Hunger Strike? Sociological Notes on Self-Starvation and Force Feeding of Eating Disorders Patients,” Edmond J. Safra Center conf. Dec, 2014 [in Hebrew] [↑](#footnote-ref-16)
17. Bill, 769. [↑](#footnote-ref-17)
18. IMA, *Guide to Physicians Treating Hunger Striking Prisoners/Detainees* [in Hebrew] (June 2014), 4. [↑](#footnote-ref-18)
19. Bill, 769 [↑](#footnote-ref-19)
20. Bill, 764-766. It should be noted that some of these terms are inadequate translations from Hebrew. The source of these inadequacies is the way in which Hebrew distinguishes between “food” (*okhel*) and “nourishment” (*mazon*, from the same lexical root as *tzuna* [*nutrition*]), thus making “feeding” (*hazana*, as opposed to *ha’akhala*)closer to nourishment than to food both etymologically and essentially. [↑](#footnote-ref-20)
21. *Supra note 4*; National Bioethics Council; Kremnitzer et als. Paragraphs 1-3. [↑](#footnote-ref-21)
22. See: Edward Thompson et als. “Fasting Prisoners and Compulsory Feeding,” The British Medical Journal, Vol. 2/2546 (1909), 1191-1193. For a rare contemporary exception see: Hernan Reyes, “Force-Feeding and Coercion: No Physician Complicity,” *American Medical Association Journal of Ethics*, Vol. 9.10 (2007), 703-708. For an updated historical analysis of the force-feeding of hunger-striking suffragette prisoners see: Kevin Grant, "British suffragettes and the Russian method of hunger strike," *Comparative Studies in Society and History* 53.1 (2011), 113–143. [↑](#footnote-ref-22)
23. Ophir Feurstein, *Without Trial: Administrative Detention of Palestinian by Israel and the Law Regarding the Incarceration of Illegal Combatants* (Jerusalem: B’Tzelem and the Center for the Defence of the Individual, 2009) [in Hebrew]. [↑](#footnote-ref-23)
24. A recent example is the case of Bilal Kayed, who was put in administrative detention immediately after being released from 14 years in prison as a security prisoner, and in response started a hunger strike (Jack Khoury, “Slated for Release from Israeli Jail After 14 Years, Palestinian Gets Six More Months Without Trial “, *Haaretz*, 15 June 2016).

Obviously, this does not mean that such protests against conditions of imprisonment and administrative detention are not part of the broader Palestinian struggle against the Israeli occupation. See, for example: Maya Rosenfeld, “The Centrality of the Prisoners' Movement to the Palestinian Struggle against the Israeli Occupation: A Historical Perspective,” in Abeer Baker and Anat Matar (eds.), *Threat: Palestinian Political Prisoners in Israel* (London: Pluto, 2011), 3-24; Esmail Nashef, “Towards a Materialist Reading of Political Imprisonment in Palestine,” *Ibid*, 25-36 [↑](#footnote-ref-24)
25. The most famous example from recent years is the 2013 mass hunger strike in Pelican Bay prison in California. For a philosophical and political analysis of this hunger strike, which echoes many of the conceptual points and biopolitical observations which I raise here see: Lisa Guenther, “Political Action at the End of the World: Hannah Arendt and the California Prison Hunger Strikes,” *Canadian Journal of Human Rights* Vol. 4.1 (2015), 33-56. [↑](#footnote-ref-25)
26. Two recent exceptions are Meir Ettinger and Evyatar Slonim, Jewish citizens who were were tinians in detention, כפי שtinians in detention, when iansdetention is obviously re he served 14 years as a securoty (כפי שwere tinians in detention, כפי שtinians in detention, when iansdetention is obviously re he served 14 years as a securoty (כפי שwere tinians in detention, כפי שtinians in detention, when iansdetention is obviously re he served 14 years as a securoty (כפי שwere tinians in detention, כפי שtinians in detention, when iansdetention is obviously re he served 14 years as a securoty (כפי שwere tinians in detention, כפי שtinians in detention, when iansdetention is obviously re he served 14 years as a securoty (כפי שput in administrative detention after being suspected of terrorist attacks against Palestinians and went on hunger strikes. While their political objectives are obviously opposed to those of Palestinian administrative detainees, the formal rationale of their hunger strikes was similar to the one discussed above discussed above and the objects of their protest were specific incarceration conditions and not general political purposes (see: Yonah Jeremy Bob, “Second Jewish detainee joins hunger strike,” *The Jerusalem Post*,26 January 2016.were tinians in detention, כפי שtinians in detention, when iansdetention is obviously re he served 14 years as a securoty (כפי שwere tinians in detention, כפי שtinians in detention, when iansdetention is obviously re he served 14 years as a securoty (כפי ש [↑](#footnote-ref-26)
27. Supreme court 3267/12 Khlakhala vs. IDF Commander in Judea and Samaria. [↑](#footnote-ref-27)
28. Indeed, paragraph 140 of Supreme court 5304/15 states that “although this issue was not raised here explicitly, it cannot be ignored that many of the instances of the question of treating a hunger-striking inmate come about in relation to administrative detainees.” The preventive nature of administrative detention raises “additional difficulties” beyond the legal difficulties having to do with sentenced prisoners, since it underlines “the question of the security risk that the detainee might pose.”. [↑](#footnote-ref-28)
29. James Miller, *The Passion of Michel Foucault* (Cambridge, Mass.: Harvard University Press, 2000), 187-188. [↑](#footnote-ref-29)
30. Jean-Marie Domenach, Michel Foucault, Pierre Vidal-Naquet, “Création d’une groupe d’information sur les prisons,” *Esprit* (Mars 1971), pp. 531-532 (trans. Stuart Elden, at: [progressivegeographies.com/2013/08/02/manifesto-of-the-groupe-dinformation-sur-les-pri](https://progressivegeographies.com/2013/08/02/manifesto-of-the-groupe-dinformation-sur-les-pris) sons-a-full-translation) [↑](#footnote-ref-30)
31. David Macey, *The Lives of Michel Foucault* (London: Random House, 1993), 515 n.1. [↑](#footnote-ref-31)
32. Jean-Claude Monod, *Foucault et la police des conduites* (Paris: Michalon, 1997); Marcelo Hoffman, *Foucault and Power: The Influence of Political Engagement on Theories of Power* (London: Bloomsbury, 2013), ch. 2; Colin Koopman, “Conduct and Power: Foucault’s Methodological Expansions in 1971,” in Perry Zurn and Andrew Zilts (eds.), *Active Intolerance: Michel Foucault, the Prisons Information Group, and the Future of Abolition* (London: Palgrave Macmillan, 2015) [↑](#footnote-ref-32)
33. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1977); Foucault, *The History of Sexuality*; Michel Foucault, *“Society Must Be Defended”*, trans. David Macey (New York: Picador, 2003 [↑](#footnote-ref-33)
34. Foucault, *History of Sexuality*, 138. [↑](#footnote-ref-34)
35. *Ibid*, 139. [↑](#footnote-ref-35)
36. *Ibid*, ibid. [↑](#footnote-ref-36)
37. Michel Foucault (interview with with Gilles Deleuze), “Intellectuals and Power,” in *Language, Counter-Memory, Practice* (Ithaca: Cornell University Press, 1977), 210. [↑](#footnote-ref-37)
38. Foucault, *“Society Must Be Defended”*, 37; Foucault, *Discipline and Punish*, 141; 215. [↑](#footnote-ref-38)
39. For examples of the role of biopolitics in the modern history of nutrition in correctional facilities see: Valerie Johnston, *Diets in Workhouses and Prisons* (New York: Garland, 1985); James Vernon*, Hunger: A Modern History* (Cambridge, Mass.: Harvard University Press, 2007), 159. For a recent legal and political analysis of the issue in the Israeli-Palestinian context see: Aeyal Gross and Tamar Feldman, “’We Didn’t Want to Hear the Word Calories’: Rethinking Food Security, Food Power, And Food Sovereignty – Lessons from the Gaza Closure,” *Berkeley Journal of International Law* 33:2 (2015), 379-441. [↑](#footnote-ref-39)
40. Foucault, *The History of Sexuality*, 94-95. [↑](#footnote-ref-40)
41. Michel Foucault, “The Subject and Power,” in *Essential Works of Foucault (1954–1984): vol. 3: Power*, trans. Robert Hurley et als. (New York: New Press, 2001), 346. See also: Kevin Thompson, “Forms of Resistance: Foucault on Tactical Reversal and Self-Formation,” *Continental Philosophy Review* 36:2 (2003), 11-38. [↑](#footnote-ref-41)
42. Vernon, *Hunger: A Modern History*, 275. [↑](#footnote-ref-42)
43. Ewa Płonowska Ziarek, “Bare Life on Strike: Notes on the Biopolitics of Race and Gender,” *South Atlantic Quarterly* 107.1, 2008. pp. 98-99. The biopolitical conceptualization of “bare life” Ziarek uses here originates from Giorgio Agamben’s *Homo Sacer: Sovereign Power and Bare Life* [trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998)]. [↑](#footnote-ref-43)
44. Allen Feldman, *Formations of Violence: The Narrative of the Body and Political Terror in Northern Ireland* (Chicago: University of Chicago Press, 1991), 144, 163, 178. [↑](#footnote-ref-44)
45. Banu Bargu*, Starve and Immolate: The Politics of Human Weapons* (New York: Columbia University Press, 2014), Introduction; 140; 158 [↑](#footnote-ref-45)
46. Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2006), ch. 3; 157 n. 10. [↑](#footnote-ref-46)
47. See: Terence O’keeffe, “Suicide and Self-Starvation,” *Philosophy* 59.229 (1984), 349-363. For a bioethical discussion of suicide in Israel see Romberg and Hazan’s contribution to this volume. [↑](#footnote-ref-47)
48. Ido Efrati, “The Dilemma of Mohammed Allaan’s Physicians: What to Do when the Patient Wants to Live but Is Willing to Die,” *Haaretz* 15 August 2015 [In Hebrew]. [↑](#footnote-ref-48)