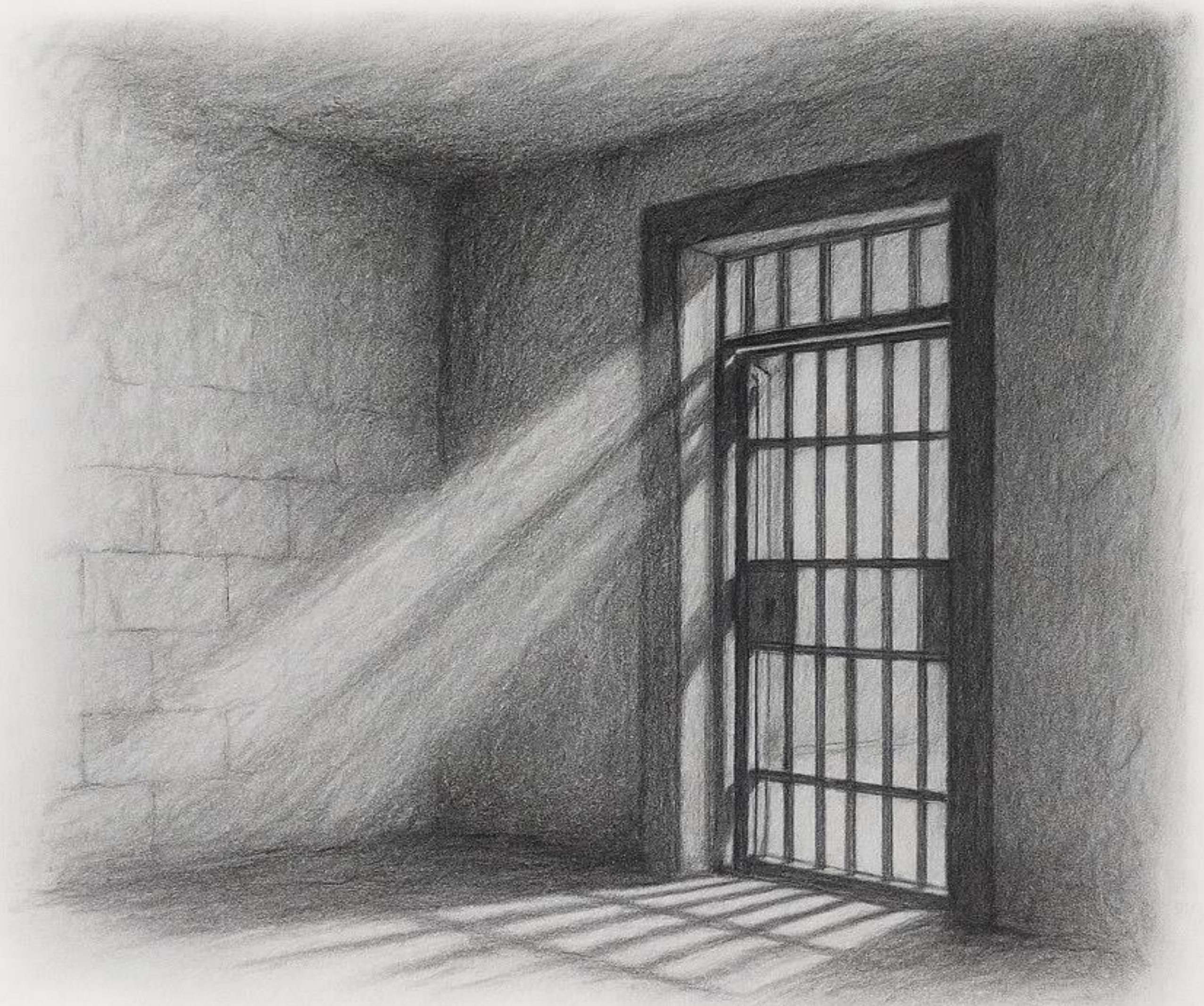
Death Fasts

The Sanctity of Life and the Right to Resist



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Death Fasts: A Kind of Action within the Dilemma between the Sanctity of Life and the Right to Resist*

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Translator's Preface

This English version of the article *"Ölüm Orucu: Yaşamın Kutsallığı ile Direnme Hakkı Arasında Bir Eylem Tarzı"* was prepared to make the text accessible to international readers. While preserving the structure and argumentation of the original, the translation also includes a glossary of key terms that clarifies the author's conceptual distinctions—especially between *penitentiary*, *prison*, and *penal institution*. The translation was prepared with the assistance of ChatGPT and subsequently reviewed and approved by the author.

At a time when prisoners transferred to Turkey's new so-called "high-security" facilities—described by inmates as *Kuyu Tipi* ("well-type") prisons—are once again on hunger strike or death fast, the author regarded bringing this issue to the attention of the international public and academia as a matter of responsibility.

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Abstract

Hunger strikes / death fasts have been on the agenda of Turkey, especially in the 1980s, although it has a longer history. Between 1980 and 2006, 148 prisoners and their close relatives lost their lives. As a result of these hunger strikes, a discussion about hunger strike began on whether it is a right or a crime and whether a forced intervention is possible or not. There are numerous works dating from Confucius to Gandhi about the right to resist. In the 20th century, state authorities, healthcare professionals and lawyers have created many documents about forced intervention, which reveal their own point of view.

The right to resist is one of the basic, indispensable and inalienable rights of a person, just as "the right to live". The recognition of the right to resist removes the option of forced intervention. The option of forced intervention removes the will of a person and the right to decide on his/her own body objectifying him/her against the state power. The hunger strike/death fast is the use of the right to resist and the persistence of a person on being a subject.

Keywords: Hunger strike, death fast, right to resist, prison, prisoner.

“Imprisonment” entails “depriving a person of their liberty.” This form of punishment operates directly on the body. An individual who is detained or sentenced to imprisonment is physically confined within four walls. In *Discipline and Punish*, Foucault explains how, from the late 18th to the early 19th century, penal measures shifted from inflicting pain on the body to confining it. He observes that the body ceased to be “the main target of punitive intimidation”[ii] and instead became the object of “detention”[iii]. Through this transformation, in the relationship between punishment and corporeality, the body came to be regarded merely as an instrument or vehicle:[iv]

> “But the punishment-body relation is not the same as it was in the torture during public executions. The body now serves as an instrument or intermediary: if one intervenes upon it to imprison it, or to make it work, it is in order to deprive the individual of a liberty that is regarded both as a right and as property. The body, according to this penalty, is caught up in a system of constraints and privations, obligations and prohibitions.”

When punishment operates through the body, the ways in which incarcerated persons can resist are also limited, and resistance itself develops primarily through the body. Deprived of all means and instruments — at times even of their clothing — and confined within four walls in the state of a bare body, incarcerated persons are able to turn their bodies into an “instrument or intermediary” of resistance. In response to this mode of punishment, which functions by confining the body, resistance is enacted by transforming the body into a medium of testimony, a sign of protest and demands, a space of struggle. This has most often manifested itself in the form of hunger strikes and death fasts.[v]

The Legitimacy of the Right to Resist

Imprisonment itself contains a value judgment and automatically labels incarcerated persons as “criminals.” The terms “penitentiary” or “penal institution” explicitly carry this judgment within them. These are places where “punishment” is imposed and executed; and since punishment can only be given in response to a “crime,” those who are confined there are, by definition, “criminals.” This is a presupposition of the existing system. Current systems, and the judicial authority within them, in effect declare to those on trial: *“We have judged you*

and, within the framework of existing laws, found you guilty; as a consequence of this crime, we punish you by confining you for a certain period of time or indefinitely." Within such a system—where confinement is legal and those confined are positioned as criminals—what is expected of the incarcerated is **submission**. When an incarcerated person resists instead of submitting, either the system itself or the act of the incarcerated person becomes open to question. The act of the incarcerated person challenges the laws, the imposed labeling, and, beyond that, the system as a whole.

Within this framework, an important question arises: how can the actions of an incarcerated person be understood? In existing systems, is the right to resist legal and/or legitimate?[vi]

The Chinese philosopher Confucius argued that an authority which does not comply with divine commandments and with the principles of morality and virtue loses the mandate it has received from Heaven, and in such a case the uprising of the people becomes a sacred duty. The Greek philosopher Epicurus maintained that once those who founded the state no longer obtained or had lost the benefits they desired, the existence of the state itself could be brought to an end. Thomas Aquinas, one of the most prominent philosophers of the Middle Ages, stated that obedience to power is not obligatory if it does not act in accordance with justice; he asserted that the people have the right to rise against such authorities[vii] and even considered tyrannicide legitimate: "If, by physically eliminating the Beast, the people are saved, God looks upon this favorably."[viii]

Within this debate, John Locke, one of the theorists of the "social contract," emphasized that when rulers exceed the authority granted to them by the laws, they can be resisted, and that governments acting contrary to the social contract become illegitimate.[ix] Thomas Hobbes, the creator of the term *Leviathan*, likewise argued that "there are some rights which no man can be understood by any words, or other signs, to have abandoned or transferred. First, a man cannot lay down the right of resisting them that assault him by force, to take away his life; because he cannot be understood to aim thereby at any good to himself. The same may be said of wounds, and chains, and imprisonment; because there is no benefit consequent to patience, nor is there anything to be gained by suffering another man to wound him, or imprison him."[x]

The American thinker Henry David Thoreau, in his 1848 work considered the manifesto of civil disobedience, after fiercely criticizing the laws, brought the right to rebellion onto the

agenda: “All men recognize the right of revolution: when a government’s tyranny and inefficiency are such that they become intolerable from day to day, it is the right to refuse allegiance to it, and to resist it.”[xi]

Mohandas K. Gandhi, one of the most influential figures of the 20th century, who summarized Thoreau’s concept of civil disobedience as “the civil breach of immoral laws,” likewise declared—within the framework of his understanding of “satyagraha,” or nonviolent resistance—that it is possible to resist governments, that laws should not be regarded as absolute truths, and that there is no obligation of submission.[xii]

> “For instance, suppose a government passes a law and I dislike it. If I use violence to compel the government to withdraw the law, then I am employing what is called physical force. But if I disobey the law and accept the penalties that follow from its violation, then I am employing the force of the spirit. (…) When we disapprove of certain laws, we do not cut off the heads of the lawgivers; rather, we suffer, but we do not submit to the law. The idea that one must obey laws, whether good or bad, is a recent invention. Formerly there was no such acceptance: those who disliked certain laws simply refused to obey them and bore the consequences. To obey laws that offend our conscience is contrary to our humanity. Such a notion is also opposed to religion, and it amounts to consenting to slavery.”

The right to resist also found its place in declarations beginning with the 18th century. The American Declaration of Independence of July 4, 1776 states that all men are created equal, that they are endowed by their Creator with certain inalienable rights such as life, liberty, and the pursuit of happiness, and that governments are instituted among men to secure these rights. When governments obstruct these ends, it is the right of the people to alter or abolish them, and to institute new government. The Declaration of the French Revolution of 1789 expresses the right to resist even more explicitly:[xiii]

> *“The aim of every political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.”*

In the Declaration of the Rights of 1793, the right to resist was defined in greater detail:[xiv]

> *27 – Resistance to oppression is the natural consequence of all the rights of man and citizen.*
> *28 – When any one of the members of society is oppressed, the whole of society is oppressed. When the whole of society is oppressed, each of its members is oppressed.*
> *29 – When the government violates the rights of the people, insurrection is for the people, and for every portion of the people, the most sacred of rights and the most indispensable of duties.*
> *30 – When a citizen is deprived of social guarantees, he has the most natural right to defend all his rights himself.*

In the *Communist Manifesto* written by Karl Marx and Friedrich Engels in 1848, it is asserted that “the history of all hitherto existing societies is the history of class struggles.” After identifying the fundamental division of the age as that between the bourgeoisie and the proletariat, the *Manifesto* concludes with these words:[xv]

> *“The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions. Let the ruling classes tremble at a Communistic revolution. The proletarians have nothing to lose but their chains. They have a world to win. Workers of the world, unite!”*

In the Universal Declaration of Human Rights of December 10, 1948, it is emphasized that “it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.”

In Turkey, the Preamble of the 1961 Constitution refers to the right to resist by stating that the “Turkish Nation” exercised its “right to resist against a power that had lost its legitimacy through attitudes and actions contrary to the Constitution and the law,” thereby carrying out the “27 May 1960 Revolution.”

From Confucius to Locke, from the *Communist Manifesto* to the Universal Declaration of Human Rights, from the American Declaration of Independence to Turkey’s 1961 Constitution, many thinkers and historical documents have underlined that the legitimacy of governments is not absolute, and that resistance, uprising, and struggle against injustice, oppression, and exploitation are rights. Whether death fasts can be understood within this

framework, and whether they can be considered as part of the right to resist, is a matter for separate inquiry.

Death Fasts in the Dilemma of Legitimacy and "Violation of the Right to Life"

Ahmet Taşkın—who has served as a Public Prosecutor, as a member of the Court of Cassation, and as a Rapporteur Judge at the Directorate General of Prisons and Detention Houses—discussed hunger strikes within the scope of the freedom to seek rights, and stated that, "provided they do not go beyond the dimensions of protest," hunger strikes are legitimate but nonetheless unlawful.[xvi]

> "(…) whether limited in time, indefinite, or aimed at death; whatever their form, cause, name, or purpose, hunger strikes undertaken in penitentiaries as a method of protest and struggle cannot be considered within the scope of the freedom to seek rights. As mentioned above, for an action to be legitimate and lawful, there must exist a right and that right must be pursued through methods permitted by law.
> Hunger strikes carried out in the civil sphere or in penitentiaries may be regarded as legitimate but unlawful actions, provided they remain symbolic and do not go beyond the dimensions of protest. In such cases, hunger strikes cannot be used as a freedom or method of seeking rights."

In another article, however, Taşkın stated that hunger strikes can be evaluated within the scope of the constitutional right to "express one's opinions and convictions and to disseminate them" (Taşkın, 2002-24):[xvii]

> "Thus, when a person resorts to a hunger strike in order to protest the penal policy of the political power, or to present its regime to public opinion and gain support, that person is expressing his opinion. As a political form of conduct that constitutes a right, a hunger strike may be undertaken individually or one may participate in a collective strike. Just as Western politico-legal orders have recognized this, so too must the Turkish politico-legal order be deemed to have permitted it."

Although Taşkın, in this article, argues that hunger strikes can be viewed within a legal framework, he immediately begins the next paragraph with "however," setting "the right to express and disseminate one's opinions and convictions" against "the right to life," and

concludes this section by stating: "A person has no right, by undertaking a hunger strike, to impair his bodily integrity or to end his life."[xviii]

Another Chief Public Prosecutor, Metin Tokel, in his book *Hunger Strikes in Penal Institutions*, likewise argued that hunger strikes may fall within the scope of the freedom of expression and dissemination of thought guaranteed by Article 26 of the Constitution,[xix] but that once they give rise to a danger to life, they lose their legitimacy and legal basis.[xx]

> *"A hunger strike is one of the legitimate ways of expressing and disseminating thought. However, since our Constitution does not grant individuals the right to end their own lives or to harm their physical integrity, from the moment the act begins to damage the bodily integrity of the person, it loses its legitimacy and becomes unlawful. From that stage onward, intervening in the strike and forcibly feeding and treating the striker (...)"*

Metin Feyzioğlu, President of the Union of Turkish Bar Associations, in his 1993 article titled *"Hunger Strike"*, asked: *"Can an act that leads to death be regarded as a legitimate method of expressing thought, secured by the Constitution?"* He went on to state that "in order to answer this question positively or negatively, the preliminary issue of whether a person has the right to die must first be resolved."[xxi] Feyzioğlu argued that a hunger strike "which results in death or causes permanent harm" does not constitute a right[xxii] and that, "being illegitimate," intervention in such an act would not be unlawful.[xxiii]

Assoc. Prof. Dr. Murat Sevinç, in his 2002 article titled *"Hunger Strikes as a Human Rights Issue"*, carried this reasoning one step further by stating: "The way to reach an answer to the question of whether hunger strikes— which can be defined as one of the means of expressing thought—violate the right to life guaranteed by the constitution is to answer the question 'what kind of life?'"[xxiv] He then went on to elaborate on this answer. According to Sevinç, it is not possible to declare hunger strikes illegitimate and render them subject to intervention by invoking arguments such as "the right to life" or "the individual's responsibility toward the society in which they live." He argues that the "right to life" cannot be reduced merely to the right "to remain alive," and that an individual's responsibility toward society is valid only if "society values the individual, allows and provides the means for their development," if "the state respects its citizens' rights to education, freedom of expression, the right to organize,

and all other fundamental rights," and if there exists "a democratic legal order grounded in human rights."[xxv]

In his study, Sevinç underlines that hunger strikes are recognized "as one of the means of expressing and disseminating thought."[xxvi] The final sentence of his article is as follows: "The principles of the inalienability and indispensability of the right to life can only be defended in the name of a 'life in dignity.'"[xxvii]

Forced Medical Intervention

The debate over whether hunger strikes can be regarded as legitimate, and whether they have a place within the law, is not merely a conceptual one. The question of whether prisoners on hunger strike can be subjected to intervention depends on the outcome of these debates. The exclusion of hunger strikes from the scope of rights renders prisoners on hunger strike subject to intervention.

This debate has also entered the agenda—and consequently the legislation—of many countries in which hunger strikes have taken place. The legal systems of countries such as the United States, Germany, Austria, Belgium, France, Spain, Switzerland, Portugal, and Bulgaria permit medical intervention in the case of prisoners on hunger strike. In most of these countries, forced intervention comes into consideration only after "the emergence of a life-threatening condition has been certified by a medical report."[xxviii]

Article 101 of the German Penal Code on the Execution of Sentences reads as follows in its first section:[xxix]

> *"Compulsory medical examination, treatment, and feeding may only be carried out if there is a danger to life, a serious danger to the health of the detainee or sentenced prisoner, or a danger to the health of third parties. The measures to be taken must be reasonable for those involved and must not be connected to a significant danger to the life or health of the detainee or sentenced prisoner. Insofar as reliance can be placed on the free will of the detainee or sentenced prisoner and no acute danger to life exists, the enforcement authority is not obliged to intervene."*

Likewise, Article 290 of the French Code of Criminal Procedure allows for medical intervention in situations of life-threatening danger, while Article 69 of the Austrian Penal

Code on the Execution of Sentences provides for forced intervention if a prisoner on hunger strike refuses liquid intake for two days or solid food for seven days.[xxx] Article 86 of the Bulgarian Penal Code on the Execution of Sentences also permits forced feeding. Ukraine, for its part, authorized the forced feeding of prisoners with the Decree of the Ministry of Internal Affairs of 4 March 1992.[xxxi]

Although many countries have incorporated forced intervention against prisoners on hunger strike into their legislation, there are also countries that have taken decisions in the opposite direction. Danish legislation provides that the will of persons possessing the capacity of judgment must be respected—even if that will leads toward death—and that if a person refuses intervention, no medical intervention may be carried out.[xxxii]

In the United Kingdom, while in the past intervention had been justified on the grounds of protecting the individual's right to life, there has been a shift toward respecting the individual's will. Although the Prison Rules of 1964 held prison medical officers responsible for the mental and physical health of prisoners, and did not contain a direct provision on forced intervention, force-feeding in hunger strikes was "harshly carried out in every respect." During the hunger strike undertaken by Irish prisoners beginning in November 1973 and continuing until the summer of 1974, forced intervention was also on the agenda. Irish prisoners held at Brixton Prison were subjected to force-feeding throughout the strike. In this process, two sisters with the surname Price filed a lawsuit against the Home Office, arguing that prisoners could not be subjected to force-feeding against their will. In the course of this hunger strike and lawsuit, forced intervention became a matter of debate in the United Kingdom, and the then Home Secretary, Roy Jenkins, declared in a statement to the House of Commons that there was no prison rule that required resorting to force-feeding:[xxxiii]

> "The doctor's obligation is to the ethics of his profession and to his duty at common law; he is not required as a matter of prison practice to feed a prisoner artificially against the prisoner's will. Since there has been misunderstanding on this point, I think it is in the interests of prisoners, the medical profession and the public, that the procedures to be followed in future should leave no room for doubt.

> The legal advice given to me is that the duty imposed by common law upon those responsible for prisoners is to take such steps as are appropriate to the circumstances of each case to safeguard the prisoner's health and life. In making decisions in individual cases, regard should be had not only to the dangers arising from the prisoner's refusal of food but also to those which may arise from forcible feeding itself, particularly when it is resisted.
>
> In my view, the future practice should be that where a prisoner persists in refusing food the medical officer should first satisfy himself that the prisoner is not suffering from any physical or mental condition impairing his capacity to make a rational judgment. He should then seek the opinion of an outside consultant to confirm his own view. If the consultant confirms that the prisoner is fit to make such a judgment, the prisoner should be informed that medical supervision and care will continue, that food will be available if he wishes to take it, and that he may, if necessary, be transferred to the prison hospital. He should also be told that there is no prison rule requiring the medical officer to resort to artificial feeding. Finally, unless he expressly requests otherwise, he should be warned, in clear and definite terms, that any inevitable deterioration in his health may be allowed to continue.
>
> I have also discussed this matter with my right hon. Friends the Ministers of State responsible for Scotland and Northern Ireland, and they have decided that the rules I have outlined should apply in those countries also."

In the United Kingdom, following the debates that began during this period, the stance on forced intervention shifted, and this change became evident in the hunger strike carried out in 1980–1981 by Irish prisoners belonging to the IRA (Irish Republican Army) and INLA (Irish National Liberation Army), in which ten prisoners, including Bobby Sands, lost their lives.[xxxiv]

The issue of force-feeding also gave rise to debates in Spain in the late 1980s. Following the dispersal of 60 imprisoned members of GRAPO (Grupos de Resistencia Antifascista Primero de Octubre – First of October Anti-Fascist Resistance Groups) to different prisons in Spain after an amendment to the prison law in 1987, protests and actions began, which by late 1989 turned into a hunger strike demanding reunification in a single prison. During this process, forced intervention became a matter of debate in Spain. While some judges in Madrid,

Zaragoza, and Valladolid opposed forced intervention, government officials defended it. In February 1990, despite judicial opposition, prisoners hospitalized in Zaragoza and Madrid were subjected to forced intervention by order of the authorities. On 25 May 1990, one of the prisoners lost his life, and in July 1990 the Constitutional Court issued a decision in support of forced intervention.[xxxv]

Another country known for applying forced intervention under poor conditions during the same period was Morocco. Two political prisoners, Hasan Aharat and Nureddin Juhari, launched a hunger strike in July 1985 to protest the "failure to provide adequate medical care to tortured prisoners." This strike continued until 16 August 1991, when the monarchy issued an amnesty releasing 40 prisoners. In August 1985, during the second month of the hunger strike, the two were transferred to Ibn Rushd Hospital, where they were subjected to forced feeding through a nasogastric tube [inserted through the nose into the stomach] until their release. Throughout this period, the prisoners were kept tied to their beds and were not allowed to see either their families or their lawyers.[xxxvi]

In contrast to the examples of Spain and Morocco, another country that rejected forced intervention, like Denmark and England, was South Africa. During the hunger strike launched in 1989 by persons detained under the State of Emergency Regulations and the Internal Security Act, clashes arose between police officers stationed in hospitals for security reasons and doctors treating the hospitalized prisoners. The doctors opposed chaining the prisoners to their beds and the initial attempts to return them to prison. The experiences gained during this process later served as a basis for various documents, and a number of protocols concerning hunger strikes were created by the South African Medical Association, the South African Health Workers' Congress, the Human Rights Commission, and the Ministries of Health, Justice, and Law and Order, as well as the Correctional Services. Some provisions of these protocols are as follows:[xxxvii]

> "Hunger strikers who have been on strike for more than two (2) weeks or who have lost more than 10 percent of their body weight should, with their consent, be transferred to non-prison hospitals. Consent to hospitalization does not imply consent to other forms of treatment. This provision does not eliminate the necessity of earlier hospitalization of hunger strikers for other medical reasons. (…)
> No medical personnel may exert any pressure on the hunger striker to end the strike;

> however, the hunger striker must be provided with expert information about the medical consequences of the strike.
> Medical care and treatment must be provided unconditionally to persons on hunger strike.
> Hunger strikers have the right to obtain an expert opinion from a second, independent source.
> Hunger strikers shall not be force-fed.
> Once the hunger striker has reached a condition in which he can no longer make decisions, he should not be encouraged to make a living will specifying his wishes concerning treatment." [Translated by the author from the Turkish edition - BMA, Betrayal of Trust: Medical Care and the Prison Service, 1974]

The South African example, at least in part, highlights a different dimension of the issue and makes it possible to draw a generalization—though not one valid at all times and in all places. The question of forced intervention has been an important subject of debate between lawyers and doctors by virtue of their professions. Both the professional organizations of lawyers and doctors, as well as individual practitioners, have taken positions on forced intervention and have produced documents on this matter.

Medical Perspectives on Hunger Strikes and the Question of Forced Intervention

As the views presented thus far indicate, while lawyers predominantly regard hunger strikes as a violation of the right to life—emphasizing the sanctity of life—and thereby grant states the possibility of intervention once a life-threatening situation has arisen, doctors, as will also be shown in the key documents below, have taken the will of prisoners as their basis.[xxxviii]

In its 1975 document titled *"Guidelines for Doctors Concerning Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment"*—also known as the *Tokyo Declaration*—the World Medical Association opposed forced intervention with the following words:[xxxix]

> "8. Where 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, as stated in WMA Declaration of Malta on Hunger Strikers. The decision as to the capacity of the prisoner to form such a judgment should be confirmed by at least one other independent physician. The consequences of the refusal of nourishment shall be explained by the physician to the prisoner."

In the document opened for signature on 4 April 1997, titled *"Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine"*—also known as the Council of Europe Biomedicine Convention—the issue is addressed as follows:[xl]

> *"Where, at the time of the intervention, the patient is not in a state to express his or her wishes, account shall be taken of wishes previously expressed with regard to the intervention."*

In the document adopted at the 43rd World Medical Assembly held in Malta in November 1991, titled *"Declaration on Hunger Strikers"*—also known as the Malta Declaration—the following unequivocal statement is made:[xli]

> *"It is ethical to allow a determined hunger striker to die with dignity rather than submit that person to repeated interventions against his or her will."*

In the document adopted by the United Nations on 4 November 1999, titled *"Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment"*—also known as the *Istanbul Protocol*—it is clearly stated what health professionals should do when they are caught between ethical rules and legal regulations:[xlii]

> *"Dilemmas may occur when ethics and law are in contradiction. Circumstances can arise in situations in which the ethical duties of health professionals oblige them not to obey a particular law, such as a legal obligation to reveal confidential medical information about a patient or participate in harmful practices. There is consensus in international and national declarations of ethical precepts that other imperatives, including the law, cannot oblige health professionals to act contrary to medical ethics and to their conscience. In such cases, health professionals must decline to comply*

with the law or a regulation rather than compromise basic ethical precepts or expose patients to harm."

Looking at the approaches in law and medicine, the difference between them becomes quite evident. This distinction is almost the same in the case of Turkey as well.

Hunger Strikes / Death Fasts in Turkey[xliii]

In Turkey, the main legal regulation concerning hunger strikes is contained in Article 82 of Law No. 5275 on the Execution of Sentences and Security Measures. This provision allows for forced intervention:

1. When convicts, for whatever reason, continuously refuse the food and drink provided to them, they shall be informed by the penitentiary physician about the adverse consequences of such behavior and the possible physical and psychological harm it may cause. The psycho-social service unit shall make efforts to persuade them to abandon such behavior; if these efforts fail, their feeding shall be initiated in an appropriate environment according to the regime determined by the penitentiary physician.
2. In respect of convicts who, despite the measures and efforts taken under the first paragraph, are on hunger strike or death fast and who are determined by the penitentiary physician to be in a life-threatening condition or to have lost consciousness, medical examinations, diagnostic procedures, treatment, and feeding shall be carried out—regardless of their consent—within the institution or, where this is not possible, by transferring them immediately to a hospital, provided that such measures do not endanger their health or life.
3. Apart from the cases mentioned above, if a convict who has a medical problem refuses examination or treatment, and if his or her health or life is in serious danger, or if a situation arises that endangers the health or life of others in the institution, the provisions of the second paragraph shall also apply.
4. The measures stipulated in this article shall be implemented under the supervision and direction of the penitentiary physician. However, if the penitentiary physician cannot intervene in time or a delay would create a life-threatening risk for the convict, such measures may be taken without the conditions set out in the second paragraph.

5. The coercive measures aimed at protecting the health of the convicts and ensuring their treatment under this article shall be applied on the condition that they are not degrading in nature. [Unofficial English translation by the author, based on Law No. 5275 (Art. 82)].

Article 40 of the same Law also provides for disciplinary sanctions against prisoners who go on hunger strike. According to this article, a prisoner engaging in a hunger strike shall be punished with a disciplinary sanction of *"prohibition from participating in certain activities."* Under this sanction, the prisoner is deprived of the right to participate in the institution's cultural and sports activities for a period ranging from one to three months. In Turkish legislation, even though the terms *"hunger strike"* or *"death fast"* are not explicitly mentioned, there are other provisions that clarify the situation. Articles 79 and 80 of the *Regulation on the Administration of Penal Institutions and the Execution of Sentences and Security Measures* impose on prisoners the obligation to *"endure the execution of the sentence."* According to these provisions, prisoners are required to maintain their bodily integrity and health in order to ensure the execution of their sentence.

Article 79 – Serving the Sentence, Compliance with Security and Rehabilitation Programmes

1. The convict is obliged to endure the execution of the prison sentence and to act in accordance with the regime established for this purpose.
2. The convict must fully comply with the institution's security and rehabilitation programmes. Any act, regardless of its purpose, by which a convict knowingly endangers his or her life or bodily integrity shall be considered a violation of the obligation to endure the execution of the sentence.

Article 80 – Compliance with Health Protection Rules

1. The convict is obliged to comply with the measures necessary for the protection of health and the prevention of epidemics, to immediately inform the highest authority of the institution of any situation that poses a danger to human health, and to behave in a manner consistent with personal and environmental hygiene.
2. The convict must refrain from any acts that may endanger his or her own health or the health of other convicts.

Although the laws mandate compulsory medical intervention, the Turkish Medical Association (TTB) takes a clear stance against forced intervention. In its publication titled *"Hunger Strikes and Physicians,"* the TTB states:

> It is indisputably clear that a person who is mentally competent to make decisions and acts of his or her own free will cannot be subjected to forced feeding or medical intervention against his or her will. Any attitude to the contrary would violate the medical and legal regulations summarized above.

With this statement, the Association aligns itself with the fundamental documents of medical ethics and the ethical principles set out therein.[xliv]

After presenting the approaches of the state authority, legal experts, and medical professionals, it is now necessary to hear how the actual subjects of this issue — the prisoners themselves — understand and articulate their hunger strikes and death fasts.

> Resistance in prisons — hunger strikes, acts of protest against torture and oppression — were both a necessary form of defense and protest, and at the same time a political weapon that exposed and revealed the true face of aggression. In any case, even an honest and democratic person who does not close his or her eyes to what is happening around them and who is not directly involved in the assaults has no other choice but to resist in the face of various attacks that trample upon human dignity.[xlv]

> To resist every kind of injustice, oppression, torture, and all that is inhuman was a duty of humanity. It was a legitimate right that had even been enshrined in the constitutions and laws of the bourgeoisie. That is why we resisted...[xlvi]

The testimonies of prisoners show that they describe and perceive hunger strikes and death fasts as acts of **resistance**. Another aspect of these brief quotations that deserves attention is that the prisoners state they undertook hunger strikes in response to "various assaults that trample upon human dignity," to "injustice, oppression, repression, torture, and all that is inhuman." This emphasis can also be seen as evidence of the futility of discussing hunger strikes and death fasts solely in terms of the "sanctity of life." A debate confined to the notions of "the sanctity of life" and "death" renders the underlying causes and demands of hunger strikes invisible.

Ulus Baker also draws attention to this duality in his essay on the death fasts and states the following:[xlvii]

> A living being does not think of death. What we have learned from Spinoza is that this idea does not concern fact but existence itself. Through it, we understand that death fasts are not directed toward death but toward life — that they carry demands related to life, that they are bound up with it and affirm it. For life is resistance. It does not set a term for itself, does not perceive its own end, and when it ends, it no longer exists.

The Ineffectiveness of Forced Intervention Justified Through the "Sanctity of Life" Discourse

The discourse of the "sanctity of life" is open to criticism on several solid grounds: it fails to answer the question of *"what kind of life,"* denies the agency and will of the prisoner, grants the state authority the right to exercise power over the prisoner's body, and renders invisible the reasons and demands underlying the act of resistance.

Further critiques can be added to these three arguments through the practice of *forced feeding*, which has emerged as a consequence of the "sanctity of life" discourse. First, it has become increasingly evident that forced intervention, rather than saving lives, can in fact cause severe injuries and permanent disabilities. The act of forcibly restraining an individual who refuses medical intervention — tying them to a chair or a bed and inserting a tube through the nose or an intravenous line — brings with it a range of physical and psychological harms.

The second criticism is even more significant. During the *death fast* process that began in Turkey in 2000 and lasted for seven years, there were cases of what prisoners called *"acts of sacrifice"* — instances in which they set themselves on fire, ending their own lives. Some prisoners who had been subjected to forced intervention during the death fasts also ended their lives in this way afterwards. Thus, the use of forced intervention as a tactic justified by the "sanctity of life" not only failed to save lives but also drove prisoners to seek new forms of protest, carrying the grave risk of causing the death of persons who might otherwise have survived.

Conclusion

As long as hunger strikes and death fasts are decisions made by the individual of his or her own free will, any approach that creates a dilemma between the "right to life" and the "right to resist," that places the "right to life" at the top of a constructed hierarchy of rights, thereby denying the individual's will and granting the state the right to use force over the person's body, is open to criticism. To strip the person of subjectivity and reduce them to an object — while their body is already confined within the four walls of the prison, within the restrictive domain of the state — and then to deny their will as well, can be seen as a total nullification, a completion of the process of objectification.

At this point, the *right to resist* comes into play. Like the *right to life*, the right to resist is one of the *inalienable* and *non-transferable* rights of people who seek to defend themselves and their rights against the state apparatus and its representatives at various levels.

The statement *"But they are dying"* reflects the profound moral dilemma that hunger strikers pose for everyone who witnesses them — especially for health professionals whose duty is to preserve life. Faced with this dilemma, one may say "They must not die; intervention is necessary," or instead choose to respect the will of the person on hunger strike — their right to decide over their own body — and turn one's attention to the reasons and demands behind the hunger strike. At this point, it is worth recalling the principle set out in the *Malta Declaration*: *"It is ethical to allow a determined hunger striker to die with dignity rather than submit that person to repeated interventions against his or her will."* For the opposite position would mean denying the rights that humankind has won through centuries of struggle and granting to states — and to the more micro forms of power — authority over people's bodies and wills.

Let us give the final word once again to one of the foremost thinkers of civil disobedience, Henry D. Thoreau:[xlviii]

> "Unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil. It makes it worse.

If the injustice is part of the necessary friction of the machine of government, let it go, let it go: perchance it will wear smooth — certainly the machine will wear out. If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; but if it is of such a nature that it requires you to be the agent of injustice to another, then I say, break the law. Let your life be a counter-friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn."

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Glossary of Key Terms and Concepts

This glossary lists key Turkish terms appearing in the original text, together with their English counterparts, in order to preserve the conceptual nuances specific to the Turkish context.

Açlık grevi → **hunger strike**

Avam Kamarası → **House of Commons**

Başkaldırma hakkı → **the right of revolution**

Cevaz vermek → **be deemed to have permitted**

Ceza ve Tevkif evleri Genel Müdürlüğü → **Directorate General of Prisons and Detention Houses**

Cezaevi → penitentiary

Direniş → **resistance**

Direnme hakkı → **the right to resist**

Dünya Tabipler Birliği → **World Medical Association (WMA)**

Düşünce ve kanaat açıklama → **express one's opinions and convictions**

Feda eylemi → **acts of sacrifice**

Hak arama hürriyeti → **freedom to seek rights**

Hapishane → **prison**

Hayatına son verme hakkı → **the right to end his life**

Hücre → **cell**

Hükümlü → **convict / sentenced prisoner**

INLA (İrlanda Ulusal Kurtuluş Ordusu) → **Irish National Liberation Army**

IRA (İrlanda Cumhuriyet Ordusu) → **Irish Republican Army**

İç Güvenlik Yasası → **Internal Security Act**

İnfaz mercii → **enforcement authority**

İnfaz rejimi → **regime established for this purpose /** ***execution regime***

İnsan Hakları ve Biyotıp Sözleşmesi → **Convention on Human Rights and Biomedicine**

İnsanca bir yaşam → **a life in dignity**

İtaat → **submission / obedience**

İtaat zorunluluğu → **obligation of submission**

İyileştirme programı → **rehabilitation programme**

Kapatılan İnsan → **incarcerated person**

Kuyu Tipi → **Well-Type (new generation high-isolation prison design in Turkey)**

Mahpus → **prisoner**

Olağanüstü Hâl Yönetmeliği → **State of Emergency Regulations**

Ölüm hedefli açlık grevi → **aimed at death**

Ölüm orucu → **death fast**

Ön sorun → **preliminary issue**

Sağlığın korunması kuralları → **health protection rules**

Satyagraha → **nonviolent resistance**

Temyiz kudreti → **capacity of judgment**

Tetkik Hakim → **Rapporteur Judge**

Tutuklu → **detainee**

Tüze devleti → **legal order**

Vücut bütünlüğü → **bodily integrity**

Yaşam hakkının kutsallığı → **sanctity of life**

Zorla besleme → **forcibly feeding**

Zorunlu tıbbi muayene, tedavi ve besleme → **compulsory medical examination, treatment, and feeding**

Zorunlu tıbbi müdahale → **forced medical intervention**

Endnotes

* *Originally published in Turkish as "Ölüm Orucu: Yaşamın Kutsallığı ile Direnme Hakkı Arasında Bir Eylem Tarzı," in* MSGSÜ Sosyal Bilimler Dergisi (Mimar Sinan Fine Arts University Journal of Social Sciences), no. 15 (2017): 126–141.
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[ii] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1977). [Cited from the Turkish edition: *Hapishanenin Doğuşu* (İstanbul: İmge Kitabevi, 2006), p. 39.]

[iii] Ibid., p. 42 (Translation from the Turkish edition.)

[iv] Ibid., p. 42 (Translation from the Turkish edition.)

[v] Although the terms "hunger strike" and "death fast" are sometimes used interchangeably, they in fact refer to two distinct forms of action. As seen in the protest movements that began in 1984, 1996, and 2000, the "death fast" generally appears as a subsequent stage of a protest that initially starts as a "hunger strike."
However, it is not possible to generalize this distinction or to claim that it applies to every single case. There are also other differences regarding the causes, demands, durations, and methods of hunger strikes and death fasts. Since these distinctions do not create a significant analytical divergence for the purposes of this article—which seeks to address hunger strikes and death fasts as a whole—the term "hunger strike" is used in a general sense throughout.

[vi] For a study that addresses this debate around the concepts of "terrorism" and "resistance," see:
Gerard Rabinovitch, *Terrorism or Resistance?*, trans. Işık Ergüden (Istanbul: Sel Publishing, 2016).

[vii] Mustafa Bayram Mısır, "Direnme Hakkı, Şiddet ve Ölüm Orucu Üzerine Bir Değini" ["A Note on the Right to Resist, Violence, and Death Fast"], *Ankara Barosu Dergisi* [*Ankara Bar Association Journal*], vol. 65, no. 1 (Winter 2007): 39.

[viii] Rabinovitch, *Terrorism or Resistance?*, p. 19. (Translation from the Turkish edition.)

[ix] John Locke, *Yönetim Üzerine İki İnceleme* (*Two Treatises of Government*), trans. Fahri Bakırcı (Ankara: Eksi Kitaplar, 2016), pp. 164, 214. Locke states: "The use of force without authority always puts him that uses it into a state of war with those against whom he so uses it, and in that state they are to be so treated." Locke, *ibid.*, p. 164.
English version cited from *Two Treatises of Government* (1690), ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), p. 278; see also the Project Gutenberg edition (approx. p. 225), available at: https://www.gutenberg.org/ebooks/7370.

[x] Thomas Hobbes, *Leviathan*, trans. Semih Lim (İstanbul: Yapı Kredi Yayınları, 2017), p. 106.
English version cited from *Leviathan, or The Matter, Forme, and Power of a Common-wealth Ecclesiasticall and Civill* (1651), ed. Richard Tuck (Cambridge: Cambridge University Press, 1996), p. 190. Available at: https://www.gutenberg.org/ebooks/3207

[xi] Mohandas K. Gandhi and Henry David Thoreau, *Sivil İtaatsizlik ve Pasif Direniş* [*Civil Disobedience and Passive Resistance*], trans. C. Hakan Arslan and Fatma Ünsal (İstanbul: Vadi Yayınları, 2015), p. 55.
Thoreau's words on law and conscience are open to profoundly subversive interpretations:
"A government in which the majority rule in all cases cannot be based on justice, even as far as men understand it. Can there not be a government in which majorities do not virtually decide right and wrong, but conscience?—in which majorities decide only those questions to which the rule of expediency is applicable? Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? I think that we should be men first, and subjects afterward. It is not desirable to

cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right." (Gandhi and Thoreau, *ibid.*, p. 52.)
English version cited from Henry David Thoreau, *Civil Disobedience* (1849), in *The Writings of Henry D. Thoreau*, vol. 4 (Boston: Houghton Mifflin, 1906). Available at: https://www.gutenberg.org/ebooks/71

[xii] Gandhi and Thoreau, *ibid.*, pp. 102–103. (Translation from the Turkish edition.)

[xiii] Hüsnü Öndül, "1789 Fransız Devrimi ve Etkileri" ["The French Revolution of 1789 and Its Effects"], *Ankara Barosu Dergisi* [*Ankara Bar Association Journal*], no. 4 (1989): p. 690.
The English version of the cited passage is taken from *The Declaration of the Rights of Man and of the Citizen* (1789), Article 2. (Official English text available at: https://avalon.law.yale.edu/18th_century/rightsof.asp)

[xiv] Declaration of the Rights of Man and of the Citizen proposed by Maximilien Robespierre (April 24, 1793). *Archives Parlementaires de 1787 à 1860*, Paris, 1903, t. LXIII, pp. 197–198.
Turkish edition cited from: "İnsan ve Yurttaş Hakları Bildirgesi 24 Nisan 1793," *Kurtuluş Cephesi*, no. 120 (March–April 2011).
English translation from the Turkish edition (based on Robespierre's draft of April 24, 1793).
[Note: The quoted Articles 27, 28, and 29 correspond to Articles 33, 34, and 35 in the Declaration adopted by the National Convention on June 24, 1793; the last article (30) does not appear in the final text.
For comparison, see the June 24, 1793 version at:
https://fr.wikisource.org/wiki/D%C3%A9claration_des_Droits_de_l%E2%80%99Homme_et_du_Citoyen_de_1793.]
[xv] Karl Marx and Friedrich Engels, *The Communist Manifesto and Principles of Communism* (Ankara: Sol Yayınları, 1998).
English version cited from *The Communist Manifesto*, in *Marx/Engels Selected Works*, vol. 1 (Moscow: Progress Publishers, 1969). Available at: https://www.marxists.org/archive/marx/works/1848/communist-manifesto/

[xvi] Ahmet Taşkın (b), "Açlık Grevleri ve Hak Arama Hürriyeti" ["Hunger Strikes and the Freedom to Seek Legal Remedy"], *Ankara Üniversitesi Hukuk Fakültesi Dergisi* (*AÜEHFD*), vol. 7, no. 3–4 (December 2003): p. 556.

[xvii] Ahmet Taşkın (a), "Ceza İnfaz Kurumlarında Açlık Grevleri" ["Hunger Strikes in Penal Institutions"], *Adalet Dergisi* (April 2002): p. 24.

[xviii] Taşkın (a), ibid., p. 25.

[xix] Metin Tokel, *Ceza İnfaz Kurumlarında Açlık Grevleri* [*Hunger Strikes in Penal Institutions*] (Ankara: Adalet Publishing, 2016), p. 58.

[xx] Tokel, ibid., p. 97.
During the preparation of this article, it was observed—while reviewing sources and readings—that this paragraph in Chief Public Prosecutor Metin Tokel's book, presented without quotation marks or any indication of citation, in fact corresponds verbatim to the final paragraph ("Conclusion") of Metin Feyzioğlu's 1993 article titled *"Açlık Grevi"* ["Hunger Strike"].

[xxi] Metin Feyzioğlu, "Açlık Grevi" ["Hunger Strike"], *Ankara Üniversitesi Hukuk Fakültesi Dergisi* (*Ankara University Faculty of Law Review*), vol. 43 (1993): p. 162.

[xxii] Feyzioğlu, ibid., p. 163.

[xxiii] Ibid., p. 164.

[xxiv] Murat Sevinç, "Bir İnsan Hakları Sorunu Olarak: Açlık Grevleri" ["Hunger Strikes as a Human Rights Issue"], *Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi* (*Ankara University Journal of Political Science*), no. 57-1 (2002): p. 133.

[xxv] Sevinç, ibid., p. 134.

[xxvi] Ibid., p. 133.

[xxvii] Ibid., p. 134.

[xxviii] Taşkın (a), 2002, p. 11.

[xxix] "Alman Ceza İnfaz Kanunu'nun 101. maddesi" [Section 101 of the German Prison Act (***Strafvollzugsgesetz***, StVollzG)].
Cited in: Murat Önok, "İnsan Hakları ve Türk Ceza Hukuku Açısından, İnfaz Kurumları ve Tutukevlerindeki Açlık Grevlerine Müdahale Etme Yükümlülüğü ve Bunun İhmalinden Doğan Sorumluluk" ["The Obligation to Intervene in Hunger Strikes in Prisons and Detention Centers and the Liability Arising from Its Neglect in Terms of Human Rights and Turkish Criminal Law"], *Hukuk ve Adalet* (*Law and Justice*), no. 9 (2007): p. 155.
Original German text available at: *Strafvollzugsgesetz (StVollzG)*, § 101(1), Federal Republic of Germany.
Accessible via: https://www.gesetze-im-internet.de/stvollzg/__101.html
English translation by the author based on the German original.

[xxx] Taşkın (a), 2002, p. 11.

[xxxi] Önok, 2007, p. 155-156

[xxxii] Ibid., p. 156.

[xxxiii] British Medical Association, *Medicine Betrayed* (İstanbul: Cep Kitapları, 1996).
Quoted passage from the statement of Home Secretary Roy Jenkins in the *House of Commons*, July 17, 1974.
Original record: *Hansard Parliamentary Debates*, "Prisoners: Artificial Feeding," HC Deb 17 July 1974 vol. 877 cc488–492.
Available at: https://hansard.parliament.uk/commons/1974-07-17/debates/117eddd8-0e7a-448f-b57c-0af47f0b44e6/PrisonersArtificialFeeding

[xxxiv] For the experiences of Irish prisoners during the hunger strikes, see:
Denis O'Hearn, *Bobby Sands: Yarım Kalmış Bir Şarkı* [*Bobby Sands: Nothing But an Unfinished Song*], trans. Deniz Gedizlioğlu (İstanbul: Yordam Kitap, 2014);
and Denis O'Hearn, "Açlık Grevi: İrlanda Deneyimi" ["Hunger Strike: The Irish Experience"], *Bianet*, November 5, 2012. Available at: https://bianet.org/bianet/siyaset/142193-aclik-grevi-irlanda-deneyimi

[xxxv] British Medical Association, ***Medicine Betrayed*** (İstanbul: Cep Kitapları, 1996).
In March 1990, Dr. José Ramón Muñoz, who had forcibly intervened with three prisoners hospitalized in Zaragoza, was shot dead by members of GRAPO on March 27, 1990. The prisoners ended their hunger strike in early 1991.

[xxxvi] British Medical Association, *Medicine Betrayed* (İstanbul: Cep Kitapları, 1996).
In another hunger strike that began in June 1989 and continued until February 1990, a prisoner named Chibada Abdelhak died on the 64th day of the strike.

[xxxvii] British Medical Association, *Medicine Betrayed* (İstanbul: Cep Kitapları, 1996).
The quoted passage is translated by the author from the Turkish edition of the book, as the original English version of this section could not be accessed.

[xxxviii] For another view supporting this assessment, see:
Bedia Boran, "Açlık Grevi/Ölüm Orucuna Müdahale Sorunu ve Tıbbi ve Hukuki Yaklaşım" ["The Issue of Intervention in Hunger Strikes/Death Fasts: A Medical and Legal Approach"], *Ankara Barosu Dergisi* (*Ankara Bar Association Journal*), vol. 65, no. 3 (Summer 2007): pp. 96–104.

[xxxix] World Medical Association, "WMA Declaration of Tokyo: Guidelines for Physicians Concerning Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment."
Adopted by the 29th World Medical Assembly, Tokyo, Japan, October 1975; revised by the WMA 170th Council Session, Divonne-les-Bains, France, May 2005; the 173rd Council Session, Divonne-les-Bains, France, May 2006;

and the 67th General Assembly, Taipei, Taiwan, October 2016.
The quoted paragraph is taken directly from the official English version of the October 2016 document.
Available at: https://www.wma.net/policies-post/wma-declaration-of-tokyo-guidelines-for-physicians-concerning-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment-in-relation-to-detention-and-imprisonment/

[xl] Council of Europe, "Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine" (Oviedo Convention, 1997).
Opened for signature in Oviedo on 4 April 1997.
Turkish version available at: "Avrupa Konseyi Biyotıp Sözleşmesi," *Grand National Assembly of Turkey (TBMM)*, accessed September 22, 2017, https://www.tbmm.gov.tr/kanunlar/k5013.html.
The quoted passage is taken directly from the official English version of the Convention.
Available at: https://rm.coe.int/168007cf98

[xli] World Medical Association, "WMA Declaration of Malta on Hunger Strikers" (adopted by the 43rd World Medical Assembly, Malta, November 1991; revised by the WMA General Assembly, Chicago, October 2017).
The quoted passage is taken directly from the official English version of the 2017 revised document.
See also: *Türk Tabipleri Birliği*, *Açlık Grevleri ve Hekimler / Klinik, Etik Yaklaşım ve Hukuksal Boyut* (Ankara: Türk Tabipleri Birliği Yayınları, 2012), p. 18.
Available at: https://www.wma.net/policies-post/wma-declaration-of-malta-on-hunger-strikers/

[xlii] United Nations, "Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (adopted 4 November 1999; revised edition 2, 2022).
The quoted passage (para. 175, p. 40) is taken directly from the official English version of the 2022 revised document.
See also: *Türkiye İnsan Hakları Vakfı*, *İstanbul Protokolü* (Ankara: TİHV Yayınları, 2003), p. 15.
Available at: https://www.ohchr.org/sites/default/files/documents/publications/2022-06-29/Istanbul-Protocol_Rev2_EN.pdf

[xliii] The hunger strikes in Turkey have not been limited to those carried out by prisoners.
In 2010, the mass hunger strike initiated by *Tekel* workers was an important example of hunger strikes conducted outside prisons. Another notable case was *Kemal Gün*, who went on a 90-day hunger strike in 2017 to reclaim the body of his son who had been killed in a clash with the military. The ongoing hunger strike protests of *Nuriye Gülmen* and *Semih Özakça* at the time this article was written also belong to this context. What distinguishes their protest is that, after being dismissed from their jobs by statutory decrees (KHK), they were arrested on the 73rd day of their hunger strike and forced to continue it in prison.

[xliv] Türk Tabipleri Birliği, *Açlık Grevleri ve Hekimler / Klinik, Etik Yaklaşım ve Hukuksal Boyut* [*Hunger Strikes and Physicians / Clinical, Ethical Approach and Legal Dimension*] (Ankara: Türk Tabipleri Birliği Yayınları, 2012), p. 26.

[xlv] **Sinan Kukul**, *Bir Direniş Odağı Metris / Metris Tarihi* [*A Center of Resistance: The History of Metris Prison*] (İstanbul: Yar Yayınları, 1998), p. 42.

[xlvi] Dursun Karataş et al., *Direniş Ölüm ve Yaşam* [*Resistance, Death and Life*] (İstanbul: Haziran Yayınevi, 1987), pp. 11–12.

[xlvii] Ulus Baker, "Ölüm Orucu – Notlar" ["Death Fast – Notes"], *Birikim*, no. 88 (August 1996): p. 33.

[xlviii] Henry David Thoreau, "*Civil Disobedience*" (1849), in *The Writings of Henry D. Thoreau*, vol. 4 (Boston: Houghton Mifflin, 1906), p. 225.
Available at: https://www.gutenberg.org/ebooks/71