

Striking Out: Force-Feeding in Halacha

Adapted from the writings of Dayan Yitzhak Grossman

September 9, 2022

Reuters reports:

A Palestinian prisoner who has been on hunger strike for over 160 days in protest over his detention by Israel could die at any moment, his lawyer said on Wednesday.

Israeli forces arrested Khalil Awawdeh, 40, in December 2021 and have since held him without charge or trial, a practice known as administrative detention...

In March, Awawdeh launched a hunger strike demanding his freedom. He has subsisted only on water since, said his lawyer, Ahlam Haddad...

Awawdeh has managed to survive this long without food likely because of a two-week break a couple of months ago, during which he received vitamin supplements, said Naji Abbas, the case manager for prisoners at Physicians for Human Rights–Israel...[1]

In this article, we consider from a halachic perspective two key questions presented by hunger strikes (without reference to the article's specific case):

1. Is engaging in a hunger strike permissible?
2. Should or may someone engaged in a hunger strike be force-fed?

The permissibility of hunger strikes

R' Eliyahu Abergel concludes a lengthy analysis of the permissibility of hunger strikes with the unequivocal ruling that hunger strikes are forbidden under the prohibition against self-harm.[2]

R' Yehudah Zoldan rules similarly that hunger strikes are forbidden, at least insofar as they entail self-harm:

It is prohibited to cause oneself physical or mental harm by a hunger strike or fasts...

Hunger strikes or fasts for consecutive days with nightly interruptions are possible and permissible, on condition that the fasting itself does not harm the faster. A hunger strike or fasts of consecutive nights and days are dangerous and endanger the life of the faster.

We do not find [precedents for] fasts whose goal is the application of pressure on people to change a decree...[3]

(Note that the above sources are apparently referring to hunger strikes by Jews, and their arguments would not necessarily apply to non-Jews, who, while certainly forbidden to actually commit suicide, may not be forbidden to engage in self-harm or commanded to preserve their health.)

Force-feeding a hunger striker

Modern society generally opposes the force-feeding of a hunger striker as an unethical violation of his personal autonomy. The World Medical

Association declares:

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...[4]

All kinds of interventions for enteral or parenteral feeding against the will of the mentally competent hunger striker are "to be considered as 'forced feeding.' " Forced feeding is never ethically acceptable. Even if intended to benefit, feeding accompanied by threats, coercion, force, or use of physical restraints is a form of inhuman and degrading treatment. Equally unacceptable is the forced feeding of some detainees in order to intimidate or coerce other hunger strikers to stop fasting.[5]

But as we have noted previously:

A crucial difference between modern Western medical ethics and halacha (*lehavdil*), however, is that while in the former, personal autonomy as a fundamental value has become a dominant consideration (particularly in the United States), in the latter, the primary value remains simply the welfare of the patient, physical and spiritual.[6]

Accordingly, halacha diverges sharply from the aforementioned position of modern society opposing force-feeding.

It emerges that there are actually two similar but distinct halachic arguments for force-feeding hunger strikers:

1. The preservation of the hunger striker's life and health takes precedence over respecting his personal autonomy.
2. The hunger striker is in violation of halacha, so he may be compelled to comply.

Force-feeding in general

The general question of force-feeding someone whose refusal to eat is endangering his life has been discussed by halachic authorities for centuries, and the consensus is that they generally should be force-fed.[7] The Radvaz was asked about a dangerously ill person who did not wish that Shabbos be violated in order to save his life. He concludes that this is not piety but suicide, and he rules that the man should be force-fed against his will.[8] Numerous later authorities cite and accept this view.[9]

R' Moshe Feinstein[10] and R' Shmuel Vosner[11] both discuss forcing medication on a sick person, and they both agree that at least in certain circumstances (absent various considerations that do not apply in the typical case of a hunger strike) this should indeed be done.

It would seem that the same basic principle would apply in the case of a hunger strike: If the striker's life is in danger, he should be force-fed.

R' Yitzchok Breitowitz, however, writes as follows in the name of "most rabbinical authorities (Rabbi Moshe Feinstein, for one)":

[A terminally ill patient, who suffers unbearable pain and suffering,] may decline surgery, chemotherapy, and painful invasive treatments

but may not decline food, water, or oxygen (which are the normal sustainers of life, the withdrawal of which may be tantamount to murder or suicide). Antibiotics may also fall under the “food” category because they are generally a noninvasive, nonpainful procedure. There is also some question whether tube feeding falls in the category of “food” or in the category of “surgery.” Most decisors would place it in the former but emphasize that even if the patient is halachically obligated to take artificial nutrition, he should not be force-fed or physically restrained.[12]

I do not know whom Rav Breitowitz has in mind by “most decisors,” and I am not sure how to reconcile the position he attributes to them with the aforementioned established consensus of halachic authorities that a patient who refuses food should indeed be force-fed, unless he means to limit the restriction against force-feeding to the case of a patient who is terminally ill and suffering unbearable pain and suffering, who despite being obligated to accept nutrition, should nevertheless not be force-fed.

R’ Moshe Feinstein does warn that

Physicians must exercise great deliberation, when they encounter a patient who does not desire the treatment that they are providing to him, as to whether to force him, insofar as he is an adult (*gadol*), since it is likely (*karov*) that it will not be very beneficial, and they must act for the sake of Heaven.

But this would not seem to apply to force-feeding of a person at a sufficiently advanced stage of starvation, where he will clearly die if he continues indefinitely without nutrition, and he will likely live if provided with it.

[1]Henriette Chacar. Palestinian hunger striker held by Israel could die at any moment, lawyer says. Reuters.

<https://www.reuters.com/world/middle-east/palestinian-hunger-striker-held-by-israel-could-die-any-moment-lawyer-says-2022-08-24/>.

[2]Shu”t Dibros Eliyahu cheilek 3 siman 35.

[3]Shvisas Ra’av Ke’emtza’i Lehasagas Heseigim, Shvus Yehudah VeYisrael Ch. 29.

A similar position is taken by R’ Efraim Weinberger (presumably R’ Efraim Fishel Weinberger, *rav* in Poland and Tel Aviv and the author of *Yad Efraim*) in *Shvisas Ra’av Lefi Hahalacha*. Kipa.

[4]World Medical Association Declaration of Tokyo, Article 8.

[5]World Medical Association Declaration of Malta on Hunger Strikes, Article 23.

[6]Diagnostic Disclosure Dilemmas: Therapeutic Privilege in Halacha. The Bais HaVaad Halacha Journal. Feb. 4, 2021.

[7]Cf. R’ Yehoshua Ratabi, *Chisun Neced Corona Ke’arvus Hadadis* (section *Kfiah al Chisun*). Bais Hadin Kiryat Moshe. 11 Teves 5781/Dec. 26, 2020.

[8]Shu”t Radvaz *cheilek* 4 *siman* 67 (1139).

[9]Knessess Hagedolah O.C. *siman* 328 beginning of *Hagahos* Tur; Magein Avraham *ibid. s.k.* 6 and Mishnah Brurah *ibid. s.k.* 6 (referring to medication and medical treatment involving desecration of Shabbos); Kaf

Hachaim *ibid.* os 45; Nishmas Avraham (Second Expanded Edition) O.C. *ibid.* os 28 p. 438; Pis'chei Teshuvah Y.D. *siman* 155 s.k. 4.

[10]Shu"t Igros Moshe C.M. *cheilek* 2 *siman* 73 os 5 (see R' Gidon Rothstein's write-up of this *teshuvah* [here](#)).

[11]Shu"t Sheivet Halevi *cheilek* 8 *siman* 251 os 12.

[12]The Right to Die: A Halachic Approach. See our discussions of the halachic perspective on the provision of medical care to people who are terminally ill and/or experiencing great suffering: True to Life: May a Person Be Removed from Life Support? The Bais HaVaad Halacha Journal. Jul. 22, 2021; Terminal Velocity: May One Hasten Death? The Bais HaVaad Halacha Journal. Jul. 29, 2021.