

Contents

1	The Concepts of Autonomy, Competence and Biopolitics	1
1.1	Introduction.	1
1.2	Autonomy.	1
1.2.1	Autonomy as Freedom to Have One’s Will Respected . . .	6
1.2.2	Autonomy as Substantive-Procedural Conception.	6
1.2.3	Autonomy as Consistency with Past Decisions	7
1.2.4	Autonomy as Capacity to Choose Validly.	8
1.3	Respect for Autonomy	8
1.4	Competence.	10
1.5	Biopolitics.	12
1.6	Conclusion	16
	References	17
2	Enforcing Medical Treatment to Keep a Person Alive: The Problematic Case of Anorexia Nervosa.	19
2.1	Introduction.	19
2.2	Anorexia Nervosa: An Insight to a Contemporary Drama	19
2.3	The Conceptualization of Anorexia Nervosa by Medicine, the Law and the Sufferers	21
2.4	The Tension Between Competence and Mental Illness in Anorexics	26
2.5	Are We to Enforce Medical Treatment in Cases of Anorexia Nervosa?.	29
2.6	The Biopolitical Reasoning for Keeping Anorexics Alive	31
2.7	Conclusion	33
	References	34
3	Enforcing Medical Treatment to Kill: The Case of Charles Laverne Singleton.	37
3.1	Introduction.	37
3.2	The Singleton Case	38

- 3.3 Prima Facie Problems 38
- 3.4 Neuroscience, Enforced Treatments and Other Perspectives 40
- 3.5 Punishment, Insanity and Responsibility 42
 - 3.5.1 The Idea of Punishment 43
 - 3.5.2 The Evolution of the Role of Insanity in Law 45
 - 3.5.3 A Retributivist Argument 46
- 3.6 Right to Treatment or Duty to Be Treated? 48
- 3.7 A Further Option 49
- 3.8 Conclusion 51
- References 52

- 4 Hunger Strikes and Other Controversial Cases 55**
 - 4.1 Introduction. 55
 - 4.2 The Dax Case 56
 - 4.3 Issues Related to Keeping One’s Alive Against His Will. 61
 - 4.4 Allowing to Die: The Case of Sami Mbarka Ben Garci. 62
 - 4.5 Can We Consider Reliable the Competence
of a Hunger Striker?. 64
 - 4.6 Further Hunger Strike Cases 67
 - 4.7 A Biopolitical Distinction 69
 - 4.8 Conclusion 71
 - References 72

- 5 Guantanamo and Its Specific Biopolitical Charge 75**
 - 5.1 Introduction. 75
 - 5.2 Declaration of Malta on Hunger Strikes 76
 - 5.3 How Do Hunger Strikes in Guantanamo Bay Differ
from Others? 78
 - 5.4 The Role of Doctors and Their Dual Loyalty. 81
 - 5.5 Arguments Supporting the Use of Naso-Gastric Treatment
in Guantanamo 84
 - 5.6 Arguments Condemning the Use of Naso-Gastric Treatment
in Guantanamo 86
 - 5.7 Hippocratic Oath or Political Agenda? A Biopolitical
Analysis of the Issue 88
 - 5.8 Conclusion 89
 - References 90

- 6 Conclusion 93**

- Bibliography 99**



<http://www.springer.com/978-3-319-22652-1>

Guantanamo and Other Cases of Enforced Medical
Treatment

A Biopolitical Analysis

Garasic, M.D.

2015, XVI, 100 p. 1 illus., Softcover

ISBN: 978-3-319-22652-1