

**Henry, Nicola, *War and Rape: Memory, Justice and Law* (forthcoming 2010)**

**Synopsis**

The law is not only a potent source and site of traumatic memory, but also a powerful arbiter of memory. Law shapes, selects and institutionalizes the way our past is remembered and how the past is made to matter (Irwin-Zarecka 2007). In my book, *War and Rape: Memory, Justice and Law* (forthcoming 2010 with Routledge), I examine the role of international war crimes courts in the formation and subversion of wartime rape as collective memory. The book specifically focuses on three interrelated issues: first, the historical silencing of rape throughout international legal history; second, the potential and limitations of law to restore these silenced histories; and third, the violence and gendering of law and legal practice. According to Lawrence Douglas (2001: 112): “The trial... must be seen not simply as a procedural device whose legitimacy is governed by rules generated within the system of legality itself, but as a complex ritual which *produces* and *suppresses* narrative and *clarifies* and *obscures* history” (emphasis added). My key questions are as follows: To what extent does the law do “representational justice” to wartime rape? How does law as a space of ritual construct collective memories of past events, and in what ways are they distinctive from other institutional realms? How is the past history of wartime rape through law made to matter?

The book provides a comprehensive and up-to-date historical overview of wartime sexual violence, with a particular focus on the conflicts in the twentieth and twenty-first centuries. It presents interdisciplinary perspectives on prosecuting mass rape at international war crimes trials. It does this by documenting the historical silence towards victims at the Nuremberg and Tokyo trials after World War II, and tracing the prosecution of rape crimes within contemporary courts, such as the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Criminal Court. It assesses the potentials and limitations of the law in assuaging trauma, creating memory and contributing to collective narratives of egregious crimes against women. Finally, the book demonstrates the ways in which memories of wartime rape continue to ignite vigorous debate and controversy in post-conflict societies.