



Contesting the Politics of Genocidal Rape: Affirming the Dignity of the Vulnerable Body (Routledge Research in Gender and Society)

Debra B. Bergoffen

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Rape, traditionally a spoil of war, became a weapon of war in the ethnic cleansing campaign in Bosnia. The ICTY Kunarac court responded by transforming wartime rape from an ignored crime into a crime against humanity. In its judgment, the court argued that the rapists violated the Muslim women's right to sexual self-determination. Announcing this right to sexual integrity, the court transformed women's vulnerability from an invitation to abuse into a mark of human dignity. This close reading of the trial, guided by the phenomenological themes of the lived body and ambiguity, feminist critiques of the autonomous subject and the liberal sexual/social contract, critical legal theory assessments of human rights law and institutions, and psychoanalytic analyses of the politics of desire, argues that the court, by validating women's epistemic authority (their right to establish the meaning of their experience of rape) and affirming the dignity of the vulnerable body (thereby dethroning the autonomous body as the embodiment of dignity), shows us that human rights instruments can be used to combat the epidemic of wartime rape if they are read as de-legitimizing the authority of the masculine autonomous subject and the gender codes it anchors.

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