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Abstract- This paper investigates, in the light of Catharine MacKinnon's feminist idea, the culture of domination and submission of women present in patriarchal society. Thus, the author highlights in her works the role of pornographic media in the representation of the female figure as na object, that is, assume roles linked to sexuality, aiming at the satisfaction of male desires. Therefore, it is seen that pornography is built as na instrument responsible for the naturalisation of the discriminatory perspective towards women in the various spheres os society. Assuming that, the obstacles to the effectiveness of gender equality are clear. Moreover, especially in the book Only words, the issue of the right and regulation of pornography is presented as an important aspect of her study. From this perspective, MacKinnon is opposed to the understanding that pornography and its scenes would only be recognized as a speech responsible for generating defamation. Therefore, contrary to what is declared by the Law, it seeks to demonstrate that pornography constitutes acts of discrimination, since they imply real actions of violence, which generate segregation. Thus, it explains that the justice can't assume a neutral position in order to ensure means for women to be recognised as subjects of rights in their own history.

Palavras-chaves: *catharine mackinnon; pornografia; violência; direito.*

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Violence against Women and Pornography Considering Catharine Mackinnon's Theory

A Violência Contra as Mulheres e a Pornografia Através da Teoria de Catharine Mackinnon

Aciely Barcelos

Resumo- O presente trabalho trata, à luz da teoria proposta pela feminista Catharine MacKinnon, da questão cultural prevista nas sociedades patriarcais referentes a submissão e dominação das mulheres. Dessa forma, a autora destaca em suas obras o papel da mídia pornográfica no representação da figura feminina como um objeto, isto é, elas assumem papeis vinculados à sexualidade, visando a satisfação de desejos masculinos. Assim, vê-se que a pornografia se constrói como um instrumento responsável pela naturalização da perspectiva discriminatória em relação as mulheres nos diversos âmbitos da sociedade. Nesse sentido, fica claro os obstáculos para a efetivação da igualdade de gênero. Além disso, também se apresenta como um importante aspecto de seu estudo, especialmente no seu livro *Only Words*, a questão do direito e regulamentação da pornografia. Sob essa ótica, Mackinnon é contrária ao entendimento de que as cenas pornográficas seriam apenas reconhecidas como um discurso responsável por gerar difamação. Portanto, em oposto ao que é declara pela lei, ela busca demonstrar que a pornografia constitui atos de discriminação, uma vez que implicam verdadeiras ações de violência, que geram segregação. Dessa maneira, explicita que o direito não pode assumir uma posição neutra, a fim de garantir meios para que as mulheres possam ser reconhecidas como sujeitos de direito da sua própria história.

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Abstract- This paper investigates, in the light of Catharine MacKinnon's feminist idea, the culture of domination and submission of women present in patriarchal society. Thus, the author highlights in her works the role of pornographic media in the representation of the female figure as na object, that is, assume roles linked to sexuality, aiming at the satisfaction of male desires. Therefore, it is seen that pornography is built as na instrument responsible for the naturalisation of the discriminatory perspective towards women in the various spheres os society. Assuming that, the obstacles to the effectiveness of gender equality are clear. Moreover, especially in the book *Only words,* the issue of the right and regulation of pornography is presented as an important aspect of her study. From this perspective, MacKinnon is opposed to the understanding that pornography and its scenes would only be recognized as a speech responsible for generating defamation. Therefore, contrary to what is declared by the Law, it seeks to demonstrate that pornography constitutes acts of discrimination, since they imply real actions of violence, which generate segregation. Thus, it explains that the justice can't assume a neutral position in order to ensure means for women to be recognised as subjects of rights in their own history.

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I. Introduction

The various questions raised by feminist analyzis make us think about the path taken and the role played by women in contemporary society. For a better understanding, it is necessary to emphasize that we live in a system designated by a patriarchal character. If we consider its etymological analysis, this word comes from the combination of the Greek words pater, which means father, and arkhe, which means origin or command, being understood as "father's domain", since it was used for a long time to define a type of family that was male-dominated. However, feminists began to use this concept to characterize the male social domain, representing a figure that holds all the power in society.

In this sense, it is possible to define patriarchy as a current system based on the domination of men and the oppression of women, in which "hierarchical relations between men, as well as the solidarity existing between them, enable the category constituted by men to establish and maintain the control over women" (SAFFIOTI, 2015, p. 111). Thus, in the patriarchal culture, women assume a sexual role, linked to a submissive aspect in relation to the masculine and its satisfaction. As a result of this scenario, it is possible to face a moment of great gender inequality, which is clear through the privilege granted to men while women are considered inferior and incapable.

According to Simone de Beauvoir (1949), man is understood as a universal subject and woman assumes the role of "other", that is, the submissive perspective of object. In this way, in her book "The second sex", she demonstrates that there is a social construction of gender that places women in an inferior position. Therefore, the author states that:

> Insofar as woman is considered the absolute Other, that is—whatever magic powers she has—as the inessential, it is precisely impossible to regard her as another subject. Women have thus never constituted a separate group that posited itself for-itself before a male group; they have never had a direct or autonomous relationship with men. (BEAUVOIR, 1949, p.90)

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Therefore, nowadays we still perceive the perpetuation of patriarchy in people's lives, reinforcing the hierarchical relationship of gender. In this sense, by ratifying the paradigms of this society, in which women have limited freedom and an inferior role, gender inequality is established, with violence against women as one of its main consequences.

From this perspective, it is possible to understand that female sexuality is one of the main ways for men to be able to structure all this control already mentioned. Thus, pornography, based on male supremacy and gender inequality, is responsible for reproducing sexual domination over women. Therefore, it is important to understand this scenario, which involves all pornographic media and, mainly, how it represents women in an aspect of oppression and violence, being a great challenge for the exercise of women's rights.

There is no consensus on the concept of pornography, but taking as a starting point the definition by Andrea Dworkin and Catharine Mackinnon, they claim that it consists of: "graphic materials that explore human sexuality with the display of the sexual subalternity of women" (DWORKIN). and Mackinnon, 1989, p. 34).

Thus, the purpose of this article encompasses Mackinnon's feminist theory about the relationship of domination and subordination of women, being seen as objects, and how pornography directly influences this panorama of violation of the feminine.

II. Fundamental Rights and Gender Inequalities in History

Throughout history, it is possible to perceive that the fundamental rights of man appear expressed by different names such as natural rights, individual rights, among others, demonstrating the difficulty in establishing a defined concept. However, according to the author José Afonso da Silva (2005), the expression fundamental human rights would be the most correct to use, since "fundamental" designates legally recognized situations without which people cannot survive, and "human" refers to the fact that these rights must be realized for all equally.

It is possible to present as main documents related to human rights the Declaration of Virginia, which began with the concern about a democratic government, since they believe in basic natural rights of man, followed by the Declaration of Independence of North America and influencing the emergence of Declaration of the Rights of Man and of the Citizen (1789). In addition, there is the Universal Declaration of Human Rights (1948), created by the UN, responsible for mentioning principles and human rights that should be followed by all nations. However, it is important to highlight that, despite the importance of these documents, all of them present an excluding character in relation to women.

Faced with this scenario, in which women did not have specific rights recognized, the Universal Declaration of the Rights of Women and Female Citizens was developed by the French contemporary Olympe de Gouges, in 1791. In this sense, a critique regarding the use of the word "man" as equivalent to "humanity" is seen, requiring the addition of feminine terms, that is, women also need political representation like men and representation in private life. Given this context, its preamble presents the need to explain and mention the female gender, to demonstrate that the place of women, as subjects of rights, was not contemplated in effective terms. Therefore, there is no way to say that this statement proves to be sexist, since it makes a solidary proposal for men and women to live in harmony for gender equality. However, the claims proposed by Olympe de Gouges were not met and as a result they were beheaded.

In addition, it is also important to mention the text Claiming the Rights of Women (1792), written by Mary Wollstonecraft, addressing the questioning of the scope of the principle of universality. In this way, the author is concerned with the tonic of education, believing that if women are not educated as men are, they will be responsible for blocking the progress of humanity. Education should be an important point for women to exercise their reason and not be seen as inferior. Furthermore, the philosopher also questions the autonomy of women and their participation in the political sphere, considering that female representatives in parliament are important.

These notions were of extreme relevance in the historical struggle of women. But it was only in 1893 that we can observe, in New Zealand, the achievement of the right to vote for the first time in history through the Electoral Act of 1893, representing an important symbol in order to influence other countries.

Spurred on by this situation, in 1908 there was a strike by women who worked in a factory in New York, as they were in precarious situations of work plus minimum wages, claiming for their rights. In 1909, there was the first celebration of women in the United States, inspired by the movement that had taken place the previous year.

In 1911, March 8th was recognized as International Women's Day, through the political demands of Russian women and other countries.

In the face of the atrocities of the Second World War, the Declaration of Human Rights was developed in 1948, whose role was to protect human rights universally in order to guarantee for all individuals the rights of equality and freedom. However, the criticism about this document is evident, as it was not able to meet the real needs of women in a scenario of constant gender inequality.

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In this context, it is clear that the social formation we know today reflects the structural oppression of women over time. In this way, patriarchal society dictates relations of dominance and power of men over women, as can be seen in the job market and in politics. One of the major consequences of this scenario is: different types of violence against women.

According to Beauvoir (1970), the condition of subordination imposed on women cannot be explained by the feminine nature. However, what we can observe is a social and anthropocentric construction, in which the man is seen as the subject and the woman an object:

> [...] the triumph of patriarchy was neither an accident nor the 110 result of a violent revolution. From the origins of humanity, their biological privilege enabled men to affirm themselves alone as sovereign subjects; they never abdicated this privilege; they alienated part of their existence in Nature and in Woman; but they won it back afterward; condemned to play the role of the Other, woman was thus condemned to possess no more than precarious power: slave or idol, she was never the one who chose her lot (BEAUVOIR, 1970, p. 97).

It is important to incorporate women's fight into our daily lives in order to promote the social recognition that each woman deserves and, thus, combat the established view of women as objects of use, submission or property.

III. MacKinnon's Criticism of Pornographic Violence

In patriarchal society there is a very explicit scenario of violence, mainly due to the way pornographic media deals with sexual violence against women in culture. In this sense, MacKinnon understands the need to combat stigmatization of men and women, resulting from determinations of patriarchal society, since there is a naturalization of the role of subordinate to women and of dominant to men. Thus, it is possible to understand that a process of degrading violence against both men and women is established, and that it is directly related to pornographic media.

To better understand this context, it is possible to perceive in the work "Are Women Human?", by MacKinnon, a previous analysis related to the place occupied by women. In this sense, the author demonstrates her indignation regarding the situation of generalized rapes experienced by women during the Kosovo war, considering it important to recognize these acts as crimes. However, it can be seen that many believe that violence in a war scenario, in relation to women, would characterize an exceptional dimension. However, at the end of the conflicts, these violent acts are naturalized and understood as actions that women must get used to, both in times of war and in times of peace.

Thus, we see the low effectiveness of human rights in relation to women, demonstrating a context which does not seem to consider them as human, since their rights are constantly disrespected.

Thus, it is understood that the sexualization of the various forms of gender inequality are described and driven by the pornographic industry. In one of her interviews, MacKinnon states that pornography can be defined as sexually explicit materials that use graphic and filmed scenes as instruments to create a scenario of subordination and oppression towards women.

Therefore, we can understand that pornography builds a way of characterizing sex as a moment in which women assume a condition of subordination and exploitation. In this sense, the pornographic industry is responsible for boosting the culture of abuse and rape, since women are considered objects to be controlled and not subjects, that is, they do not have autonomy of their actions or their bodies.

The documentary released by Netflix, "Hot Girls Wanted", shows scenes from the daily lives of girls incorporated in the pornographic industry, as well as data, which reveal the problems of this scenario. In this sense, 40% of online pornography shows violence against women. Under this context, we see that actresses become objects of pleasure and are seen as undeserving of respect. (HOT..., 2015)

According to sociologist and professor of gender at the University of Wheelok in the United States, Gail Dines, it is clear that there is a strong relationship between pornography and violence. "Studies show that in the case of men inclined to engage in sexual violence, the more pornography they watch, the greater the chance that they will commit crimes", she explains. (ZANETTI; MOTTA, 2017)

It is through pornography that men develop an understanding of pleasure through the suffering and humiliation of women, strengthening the culture of male chauvinism, misogyny and rape. (LOUISE, 2016)

In addition, it is easy to understand that pornographic consumption results in the naturalization of scenes of verbal and physical violence and cases of rape in social life. In this way, there is a great influence on people who watch this type of content, since it promotes the female image as an object of man's pleasure. In this context, it is important to reflect on how this industry affects children and adolescents, since they are in a moment of identity formation, values and, mainly, their sexuality in order to later achieve complete autonomy. When faced with the content provided by pornography, their sexual behavior will be constructed in a negative way and will result in an alienation of how they should behave in sex.

According to MacKinnon, there is a concern with the fact that scenes of sexual violence become natural and enter people's private lives. This is because

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it is demonstrated through the graphed scenes that the women represented want what is done to them and that violent practices occur spontaneously. In this sense, the social effects are harmful to women and men, since this aspect of subordination and inequality is experienced and promoted at various times, such as in family and work relationships. Therefore, it is not only the individuals singularized by pornography that suffer its damages, but also the women and men as a collectivity.

Thus, we can understand the character of subordination made explicit, which describes the perpetuation of violence as one of the perverse effects of pornography for women. Thus, Mackinnon (1995) characterizes the pornographic industry by its male domination, which is responsible for setting standards, which transform women into objects.

IV. The Rhetoric of the Law

First, in order to be able to understand what is described and presented by Catharine MacKinnon about the relationship between the law and pornography, it is essential to make a brief introduction about the historical components present in her texts. When talking about this subject, we have as a reference the reading of the book "Only Words" in order to understand the way in which the US takes on the issue of pornography in the society. Therefore, the first analysis encompasses the laws and the US Constitution.

The First Amendment to the US Constitution prevents the US Congress from infringing six fundamental rights. Excluding the passages referring to religious freedom, the right to assembly and the right to petition, it is important to emphasize that the text fully guarantees freedom of expression and of the press. In this way, the North American legal system ensures this right that protects the freedom of expression of opinions. If on the one hand we have the 1st amendment, on the other we have the 14th amendment, that is, the one referring to equality between the sexes, presenting principles in order to assist in the protective protection of women.

In this context, we can analyze that MacKinnon believes that there is a rhetorical effect in the way questions are said and wants to demonstrate that this aspect appears in the law. In this sense, there are interpretive forms that condition models of subordination to patriarchal society, favoring only those groups that have control of pornographic media. Thus, she criticizes the US legal system for the way they use the first amendment to protect violent acts, discrimination and oppression, which encompass the pornography scene.

The first amendment presents a guarantee regarding freedom of expression, that is, the population has the right to express themselves without worrying about interference from the US government. Therefore, the producers and consumers of the pornographic industry are framed in this legal requirement. In this way, we can understand that in the United States it is assumed as a type of discourse, therefore, any attempt to interfere in its impacts is alleged to be unconstitutional by the Judiciary. Thus, the elements present in pornography are seen as "content", "point of view" and "message". (MACKINNON, 1993, p. 10)

Therefore, after this analysis, the current law understands that what is reproduced in these scenes should not be understood as a form of discrimination, but only a type of communication, which could only result in offenses or defamation. Thus, in her book "Only Words" it is explained that:

> [...] in this approach, the approach of current law, pornography is essentially treated as defamation rather than as discrimination. 14 That is, it is conceived in terms of what it says, which is imagined more or less effective or harmful as someone then acts on it, rather than in terms of what it does. Fundamentally, in this view, a form of communication cannot, as such, do anything bad except offend. (MACKINNON, 1993, p.11)

In other words, the idea that pornography is not responsible for building any kind of reality is widespread. However, Mackinnon maintains that the productions of the pornographic industry should not be protected by the 1st amendment. In this way, it is understood that pornography cannot be defended as just words, since it is seen through these scenes the degradation of women's bodies, submission of the female figure, aggression and sexual discrimination. In this way, the way in which the pornographic media makes use of this freedom of expression results in the explanation of real forms of violence, which segregate and subordinate.

Therefore, we have to understand that pornography does not only present words, because something is made explicit in those graphed, filmed scenes and its effects are present in social reality, both in violence and in the way in which it was done. Under this context, there should be no First Amendment protection, which protects freedom of speech.

To better understand this thought, in the first chapter of "Only Words", Mackinnon presents an example, relating pornographic and racial issues. In this sense, she demonstrates that by placing a notice in a certain place that says "only whites", she is not only explaining an idea or a discourse. But what we have is an act of discrimination and, consequently, a form of segregation. In a similar way, pornography can be understood, that is, it does not convey an idea of subordination or sexist thoughts, but configures attitudes of discrimination. Therefore, when verbal and physical aggression, inferiority in relation to men and the use of women as objects of use and disposal are seen in the graphed and filmed scenes, these facts are not represented, but performed. That is, subordination

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occurred in performing these acts. Therefore, the protection afforded to the pornographic industry does not match what is described by the first amendment should be.

In addition to the arguments demonstrated, it is important to make a parallel analysis in relation to the law. Thus, it is certain that pornography has graphed and filmed scenes, which demonstrate an explicit sexual violence towards the feminine through subordination linked to the image of women. That is, the patriarchal character is presented in these films, in which the woman is conditioned to a sexualized otherness and the man to the role of subordinate. Thus, if we take this scope of the United States, when there is the possibility of curbing such violence present in pornography, the law only considers the absence of consent with the explicit use of physical force as a determinant of this situation. In this way, culture makes us believe in the idea that violence was naturalized and that women would already be used to this situation, so consent would be automatic to victims of violence, objects of such graphed scenes. Therefore, it is possible to see a way in which the law feeds patriarchal hegemonic strategies, allowing a defamatory aspect for men and women.

There is a mistake in considering that law and its theories can assume a neutral front in relation to gender and the ways men and women position themselves in society. In this sense, there needs to be a reaction, as there is no possibility of continuing to claim that the victims of this violence gave their consent to suffer these abuses. Thus, one must think about the value of the legal norm, since if it is interpreted only through the evaluative perspective of some groups, it is not possible for legal awareness to reach the entire social sphere. That is, a group of people would be conditioned to a mentality of privileges in relation to others. Therefore, there is a rhetorical interpretation of the law, which harms the democratic system insofar as the pornographic media establishes stigmas fixed in the way women are seen, in addition to a protection of the law due to freedom of expression established in the first amendment.

V. Pornography and Violence against Women in Brazil

Pornography, extremely present in Western societies, also has a great influence on Brazilian culture. It can be defined in Brazil as any type of material, which aims to create or increase sexual arousal in the recipient and which presents the explicit exposure of the genitals or sexual acts (Hald, 2006).

Being one of the most profitable industries in the world, according to Pornhub data, in 2018, the site received more than 33.5 billion hits, with this number increasing by 13% in March 2020. In addition, the average hits in Brazil is growing and, until July 2020, the use of pornography sites increased by 40%, according to a report by Estado de Minas (2020). It was also reported by G1, through the study released by the Sexy Hot channel, that 22 million people admit to consuming pornography in Brazil, with 58% of this amount referring to young people up to 35 years old and 76% are men.

Thus, the data presented demonstrate that the growing diffusion and visibility of the pornographic industry in Brazilian territory is evident, and it is important to discuss its impacts on social life, especially in relation to women, since it acts directly in the perpetuation of gender inequality. In general, it is possible to perceive that the unequal character in pornography is present through several aspects. For example, when characterizing the sexual act as unilateral, that is, men's desires must be met through the use of women, because what is important is male sexual gratification. However, the most evident form of this inequality in pornography takes the form of violence against women.

According to the Convention of Belém do Pará (1994), violence is defined above as "any action or conduct, based on gender, that causes death, harm or physical, sexual or psychological suffering to women, whether in the public or private spheres" (Art. 1°). In this sense, it is important to understand that violence against women is directly related to the patriarchal character prevailing in Brazil, in which men believe they have power and control over women. From a deeper analysis, we can see that this type of violence occurs both in the private sphere, that is, inside the home, in the family environment, being practiced by people close to them; as much in the public as in the work environment and in the street itself.

Through historical analysis, we see that women had their legal and effective recognition only in the Federal Constitution of 1988. The Art. 5º presents the guarantees and fundamental rights to each and every citizen, stating that "all are equal before the law, without distinction of any kind...". However, it is clear that over time, achievements have occurred and the legislation is responsible for taking charge and guaranteeing more rights to those who need greater protection.

In this way, we can observe that five types of violence are defined and typified in the domestic and family scope, through the Maria da Penha Law: physical, moral, psychological, sexual and patrimonial. Despite their differences, it is important to mention that they do not occur in isolation from each other, with serious consequences, as the cultural panorama of patriarchal society trivializes and legitimizes these attitudes. Thus, it is understood that violence perpetuates through "moral" aspects that Brazilian society imposes on girls from an early age, creating an environment of submission in relation to men.

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In this context, it is possible to make a parallel with Mackinnon's thinking, applied to the reality of the United States, in Brazil as well. In this way, a survey carried out in Brazil shows that, when analyzing the PornHub website, the "most viewed" section in Brazil contained violent acts in 95% of its content: physical violence (68.4%), sexual violence (57, 9%) and psychological (10.5%). Furthermore, if we dig deeper, the physical violence featured scenes of men hitting women in the face, treating them aggressively, pulling hair and pressing down on their throats. In the videos of sexual violence, the representation of a sexual act without consent and the coercion of sexual practice was common. In acts of psychological violence, the representation of coercion to the sexual act through threats was observed (GRATON, 2019). According to Ribeiro (2016) pornography presents some common scripts that represent the idea of male authority and female subalternity.

Thus, it is clear that pornography, when constructing scenes in which women are present to be dominated and possessed, creates a sexual reality that becomes widespread and experienced in the Brazilian context. In addition, a factor that helps in the growth of this process is the easy access to pornographic materials, by children and adolescents, through their smartphones. In this way, such popularization caused by the internet helps to directly influence the lives of these consumers, creating a negative reality about the relationship between men and women and sex itself.

It is clear, then, that the pornography industry is part of the lives of Brazilians, especially boys and men. Thus, the growth of these people is marked by scenes that represent the submission of women, manifested by the serious violence to which they are subjected.

VI. The Revenge Porn Practice

In the face of advances in the media, we see an enormous ease in the rapid transmission of information, forming a scenario that requires responses from Brazilian law. In this sense, a legal discussion arises about technological innovations, due to their influence on the development of new problems for the science of law. In other words, new paradigms of violation of currently codified legal rights appear and it is the role of Law to accompany these changes in the social pattern. In this context, we can understand the emergence of *Revenge Porn* (revenge pornography), that is, the act of sharing, through the internet, photos or videos containing scenes of nudity or sex, without the authorization of the person being shown, with the objective of to harm the victim.

In this context, when analyzing this phenomenon in a society indoctrinated by patriarchy, it is clear that the predominance of women as victims of these acts characterizes Revenge Porn as a type of gender violence. According to research produced by the Cyber Civil Rights Initiative, with the End Revenge Porn campaign, in 90% of revenge pornography cases, the victims are female. In this sense, cases in general are the result of the end of an intimate and affective relationship between agent and victim, in which the agent shares intimate photos he had of his ex-partner in order to humiliate her.

Given the above, it is important to observe the male chauvinism rooted in Brazilian society: when intimate photos of a man are released on the internet, he will probably be praised; however, if these are photos of a woman, she is humiliated and offended, while the person responsible for the disclosure, most of the time, gets away with it. Therefore, the established sexist pattern and the power of domination of men exercised over women is clear.

Thus, the seriousness of this problem appears to be growing in society, since the virtual environment is responsible for the increasing objectification of the female body. In this way, the male dominance scenario legitimizes the exploitation and abuse of women's sexuality, encouraging violence against them. Thus, the control of female sexuality is found in the crime of revenge pornography, since, when exposed, the dignity of the woman is questioned and she is judged socially.

Thus, as it is a problem that causes many impacts on the lives of victims and individuals, it is necessary to understand how the law can help in order to combat cases of revenge pornography.

Firstly, when considering the Maria da Penha Law, many believe that it only has support in the matter of physical violence, but it is possible to perceive that this law presents punishment for the most different types of violence, among them: physical, moral, psychological, sexual and patrimonial. In this sense, revenge porn cases demonstrate effects that result in these types of violence. Thus, despite the existence of reasons for using the Maria da Penha Law, the types of actions that were related to the practice of pornographic revenge were included in the sphere of injury and defamation.

Only in 2018, Revenge Pornography gained its own classification in the Brazilian legal system. On September 24, 2018, Law No. 13.718/18 was enacted, which amended Decree-Law No. 2.848 from December 7, 1948 of the Penal Code. Thus, article 218-C provides:

> Art. 218-C. Offer, exchange, make available, transmit, sell or exhibit for sale, distribute, publish or disseminate, by any means - including by means of mass communication or computer or telematics system -, photography, video or other audiovisual record that contains a scene of rape or rape of a vulnerable person or that condones or induces its practice, or, without the victim's consent, a scene of sex, nudity or pornography: (Included by Law nº 13.718, of 2018).

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Penalty - imprisonment, from 1 (one) to 5 (five) years, if the fact does not constitute a more serious crime.

Penalty increase § 1º The penalty is increased from 1/3 (one third) to 2/3 (two thirds) if the crime is committed by an agent who maintains or has maintained an intimate relationship of affection with the victim or for the purpose of revenge or humiliation.

Thus, this law brought important changes in national law in relation to sexual crimes. In addition, although the law does not frame "Reveng porn" as a crime in itself, it is considered a cause of increased penalty for the crime of disclosing a sex scene or nudity without the victim's consent. Thus, this classification makes a necessary filling of a normative gap that existed in the Brazilian legal system. Therefore, given the great social demand and the growing dissemination of intimate images, it was necessary to create measures aimed at punishing this conduct based on the principle of human dignity, inviolability of honor and right to privacy.

In this context, it is possible to understand that Brazilian society is marked by the culture of blaming women in the crimes of revenge porn, noting the presence of gender violence in the vast majority of cases. In this way, the social judgment of female sexuality becomes common, which, added to male chauvinism and patriarchy, establishes a male domination that seeks to dictate a predetermined sexual behavior of women.

VII. By Way of Conclusion

Given the above, initially, a parallel can be drawn between the issue of human rights throughout history and the development of gender inequality. It was seen that during the late 18th and 19th century there were already movements and development of documents referring to human rights that raised several questions about the position of women. However, it was only after the events of the Second World War that society began to really care about the importance of guaranteeing human rights. In this sense, it was seen that the issue of gender, encompassing the claim of these rights for women, was still under construction.

Thus, it is understood that inequality between men and women constitutes a cultural mark that characterizes the entire West, highlighting male domination. Thus, one of the cruelest perspectives of inequality between the sexes is the violence established against women, violating the human rights advocated by all the declarations.

Thus, based on the ideas of Catharine MacKinnon, the attention given by the author to the issue of the objectification of women and the violence against the feminine established by patriarchal society is essential. In this sense, she understands pornography as a great driver of this scenario, one that is responsible for linking women to a figure that is only for the sexual satisfaction of men. In this context, MacKinnon presents that pornography does not only discriminate against women present in the act, but the community as a whole, since it has the role of naturalizing violent acts and submission of the feminine, hurting their human dignity.

In addition, it is demonstrated from a legal point of view, highlighting that the law is presented in a wrong way, since pornography cannot be understood only as a formal character, but for everything it causes in society. In this way, pornographic materials should not have protection, in the United States, regarding the first amendment, since their graphed and filmed scenes imply perverse effects in reality. Therefore, pornography shapes and reinforces the position occupied by women in society, acting directly in the sexual discrimination and subordination of the female figure. That is, pornography is a discourse that does things and not just says things about women.

A practice that has gained attention in recent times is Revenge porn, which is directly linked to violence against women, being a form of male domination through cybernetic means. In this sense, when talking about revenge pornography, patriarchal society has corroborated in blaming the victim for the crime and validating the aggressor's posture. Thus, the current Brazilian legal system included, through law 13718/2018, Art. 218-C, typifying the conduct of disclosure by electronic means of intimate photos and videos, of a sexual nature, without the consent of the victim.

The analysis proposed by MacKinnon leads us to understand that the level of humanity of women is collapsing, and it is important to understand the collective damage it causes. In this way, she proposes a change based on the social experience of women, in order to combat the forms of oppression and violence established against the feminine in the culture. Thus, the great challenge of the history of women's struggle is built, that is, the development of instruments that guarantee the effectiveness of their protection and recognition as human beings.

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