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Media Outlets and Gender Violence: An Abusive Relationship?

By Juliana Leme Faleiros

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INTRODUCTION

Women's human rights have only been officially recognized as such in 1993, at the World Conference on Human Rights in Vienna, Austria. The outcome of this event, besides tackling issues regarding the development and establishment of modern democracy, led to a closer relationship between women and bourgeois values, specially those of liberty and equality. Thus, the conference is assumed to have been a landmark for the recognition of women as subjects, and new perspectives were targeted towards socioeconomic developmental issues among the participating countries of the event.

In the Brazilian context, despite the paradigm shift occurred in Vienna, as well as the Federal Constitution and international treaties of which the country is a signatory, violence and inequalities are still faced in many levels: the country is ranked as the fifth in terms of femicide, wages are lower in comparison to men's, abortion rights are restricted under legal authorization — preventing women from exercising autonomy over their choices —, and women are underrepresented in the public political sphere, to list a few examples. Therefore, evidence reveals a failure to implement the legal statutes that determine equality and freedom nationwide.

Bearing this scenario in mind, one might ask the reasons why, despite the many struggles by the feminist

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movements and its subsequent victories in the legislative sphere, the data continue to demonstrate such alarming disparities. The persistence of violence against women, in its most diverse layers, deserves attention and further investigation.

Such reality opens up possibilities to locate the root of the problem in the very structure of the Brazilian society itself, which is why, perhaps, it has been so difficult to raise awareness, face, and eradicate inequalities and violence. This observation leads to the question of which paths should be followed, and which actors could be protagonists in these emancipatory processes.

In light of the media's substantial role in the sociocultural construction, this paper aims at reflecting upon the way in which means of communication work towards the execution of human rights. The objective is, thus, to think about whether there is a disposition for the establishment of a new civilizing threshold, or if there is an inclination towards the mere legitimation of the *status quo*.

To further explore the role played by the media, the concept of symbolic violence in Pierre Bourdieu's *Masculine Domination* (2001) will be employed. The purpose of this article, therefore, is, through a bibliographic review, to reflect on possible re-significations of the concept of violence, expanding its scope in a way that Brazilian society could, based on a constitutional and infra-constitutional framework, build a just, free, and supportive society on the basis of substantial democracy, citizenship, and dignity.

For this purpose, this article is organized into four sections: the first one deals with the relevant Brazilian and international legislation on the theme; the second one presents statistical data on gender violence; the third one examines the theoretical understanding of symbolic violence according to Pierre Bourdieu; and, finally, in the fourth item, the Argentinian legislation regarding the scope of this discussion, namely the relationship between media and gender violence, will be analyzed.

Prior to doing so, however, there are two essential aspects to the development of my argument which require further clarification.

The first one concerns the use of gender as a category of analysis, not limited to the study of women, neither to a comprehension of identity based on the biological genitals at birth. Gender has been a recurrent

word both in academia and in the political arena, encompassing polysemic and antagonistic meanings at the same time. In this article, as it is not part of the proposed objectives, the understanding of man and woman, male and female, will be used without making theoretical articulations to issues of gender identity or sexual orientation, once such themes cover deep concepts with an extensive literature that goes beyond the scope of this investigation.

The second element to be clarified is that, while choosing to address issues pertaining to women, it is also necessary to point out that gender constructs in contemporary society also affect men. Even though the impacts are different, there is a significant increase in academic research on masculinities. However, this distinction does not exclude the relational character of gender as a construct: while a certain type of masculine is built, a notion of feminine is also emerged, and vice versa. There is no intention, in this work, to develop an argument in order to rival these groups, but to reflect on structural characteristics of this dynamic based on Pierre Bourdieu's contributions. Therefore, the perspective of gender violence directed at women is made explicit here, keeping in mind that such theoretical concept is not limited to the theme.

I. CONSTITUTIONAL AND INFRA-CONSTITUTIONAL FRAMEWORK ON THE TOPIC

The 1988 Brazilian Federal Constitution establishes, in its article 5, that men and women are equal in terms of rights and obligations, and that the Brazilian State must guarantee the rights to life, freedom, and equality.

The text, in its article 1, also states the fundamentals of the Republic, human kind dignity and citizenship, and on these two constitutional pillars lie the entire organizational and political structure of the Brazilian State. It is important to say that dignity, within constitutional rights, refers to all human beings, which gives centrality to this principle as a source for the interpretation of the entire order. Moreover, citizenship is understood as a concept that bears within itself the link between the individual and his or her political community, embracing civil, political, and social rights, underscoring substance to life with dignity.

In terms of the current constitutional content, it is appropriate to bring about the article 3, which sets out the objectives of the Republic. It is worth mentioning that this list includes the projects of building a free, just, and supportive society, eradicating social inequalities, and promoting the welfare of everyone, regardless of any discriminatory aspect of identity, such as gender.

The Brazilian maximum law, then, at least in its official document, imposes, in addition to equality among men and women, the pursuit of a non-violent

society. In regards to this legal standing and the focus of the present work - issues of gender violence affecting women-, the Brazilian State is a signatory to international treaties that deal directly with this issue, aiming at curbing discrimination and facing any violence scenario.¹

The Convention for the Elimination of Discrimination Against Women (CEDAW), approved in 1979, aims, in short, to put an end to any exclusion based on sex which could, in any way, harm women. The idea is that any distinction or restriction should be used solely for the purpose of promoting equality, and that actions of this nature should be conducted through public policies, with the inclusion of laws to provide access to education and the job market, as well as establishing penalties for measures against this objective, both in the public and private spheres. According to article 5, the signatory States, such as Brazil, are obliged to establish measures, including those of a legislative nature, in order to:

modify the socio-cultural standards of conduct of men and women, with a view to eliminating prejudices and customary practices, and of any other nature, which are based on the idea of inferiority or superiority of either sex or on stereotyped roles of men and women. (UNO, 1979. My own translation)

The Inter-American Convention to prevent, punish, and eradicate violence against women (Belém do Pará Convention), in turn, is a regional document that, for the first time, dared to take a fundamental step by formally recognizing that "violence against women is a violation of human rights and fundamental freedoms and limits, in whole or in part, the observance, tenure, and exercise of such rights and freedoms." (OAS, 1994. My own translation). In addition, it establishes, in its Article 1, that violence is "any act or conduct based on gender, which causes death, harm, or physical, sexual or psychological suffering to women, both in the public and private spheres." (OAS, 1994. My own translation).

Thus, in parallel fashion to CEDAW, the Belém do Pará Convention imposes the implementation of public policies to eradicate violence against women on the signatory States and, in its article 2, understands that violence against women can be physical, sexual, and psychological, inside or outside the domestic sphere, in the public and private arena, perpetrated by the State or its agents.

There is, therefore, a wide recognition that the occurrence of such practices is highly reprehensible,

¹ The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), approved by Legislative Decree No. 93, on November 14, 1983, and ratified by Decree No. 89,460, on February 1, 1984, with reservations removed by Decree 4,316, on July 30, 2002. And the Inter-American Convention to prevent, punish and eradicate violence against women (Belém do Pará Convention) approved by Brazil on August 31, 1995, through Legislative Decree nº 107, and ratified by Decree 1,973, on August 1, 1996.

requiring both repressive and preventive measures, reaching the criminal scope, and establishing public policies to expand the call for actors towards its realization. In addition, as it can be noted from the reading of the text, the Belém do Pará Convention calls on the media, in its article 8, item 'g', to formulate "appropriate dissemination guidelines to contribute with the eradication of violence against women in every form, and enhance respect for the dignity of women." (OAS, 1994).

Aligned with this regional pact, there is the Law no. 11.340/2006 in Brazil, widely known as the Maria da Penha Law. This Law mirrors the aforementioned rules in a national legislative instrument and institutes preventive, protective, and punitive measures in order to assist women who are victims of domestic or family violence, stating that violence is any "action or omission based on gender that causes death, injury, physical, sexual or psychological suffering, and moral or property damages." This law represents a qualitative leap in the fight against such violence and, according to Eliana Calmon:

[...]it is more than a legislative diploma. It is a law that brings together a set of penal and extra-penal rules, containing principles, objectives, guidelines, program, etc., with the primary purpose of reducing judicial delays, introducing decriminalizing measures, reducing impunity and, at the end, as a major goal, to protect women and the institution of family. (2009, p. 66. My own translation)

For Calmon (2009), the Maria da Penha Law is an orderly and coherent set of propositional, preventive, protective, and punitive measures with the clear objective of breaking the cycle, or vortex, of violence that Maria da Penha Maia Fernandes symbolizes. With regards to preventive measures, in line with the Belém do Pará Convention (art. 8, 'g'), the item III of article 8 of the Law 11.340/2006 brings the media to the forefront of the debate, in the following terms:

Art. 8 The public policy that aims to curb domestic and family violence against women will be made through an articulated set of actions by the Union, the States, the Federal District and the Municipalities and non-governmental actions, under the following guidelines:

[...]

III - the respect, in the social media, of the ethical and social values of the person and the family, in order to curb stereotyped roles that legitimize or exacerbate domestic and family violence, according to what is established in item III of art. 1, in item IV of art. 3 and in item IV of art. 221 of the Federal Constitution; [...] (BRAZIL, 2006. My own translation)

These instruments set the tone for the legal framework towards the issue of women and the role that the media must play. It is not simply a recommendation, but a mandatory call to companies within the communications's industry, delegating a place for them in the fight against gender violence.

It is also worth noting that the existing legal orders about social communication, both constitutional (art. 220 to 224) and infra-constitutional, despite being meager, are closely linked to the fundamentals and objectives of the Republic. It is pressingly necessary to mobilize a strategic reading of the entire legal framework - Constitution, treaties and ordinary laws - without, in any way, constituting censorship or the restriction of freedom of speech.

This articulation would be linked to what is called a constitutionality block, that is, a unit, a set of rules that must be understood in its entirety even if it is geographically found in sparse documents. In a systematic and teleological reading of the text, Piovesan agrees with this statement, "especially in light of the expansive strength of the values of human dignity and fundamental rights as axiological parameters to guide the understanding of the constitutional phenomenon." (2013, p. 114. My own translation). According to her, the constituent power "is today increasingly bound by principles and rules of international law. It is as if the international law were transformed into a parameter for the validity of national constitutions themselves" (2013, p. 116. My own translation).

Alongside the concept of "constitutionality block", one can add what German jurisprudence has called the private or horizontal effectiveness of fundamental rights. There are even those who call the effectiveness of fundamental rights in relationships between individuals or the link between individuals and their fundamental rights (NAKAHIRA, 2007).

Thus, media outlets do not escape from the commitments assumed by the State in the international community, or even from what has been established domestically. In other words, any company that is part of the media is mandatorily bound by the entire legal framework, especially in relation to the constitutional issues that are not only in the Federal Constitution text itself, but in infra-constitutional treaties and laws. Just as companies have been dedicated to establishing compliance for environmental or anti-corruption issues, for example, gender - as well as racial - issues must also be at the center of internal policies and content production.

Therefore, the media environment, be it the television, radio or any other electronic medium, is not detached, unharmed or released from respecting and fulfilling the orders regarding the fight against domestic violence. The media is, in fact, as circumscribed as any other public or private entity. It is explicitly summoned, in the strict sense of the word, by the aforementioned legislative instruments.

However, as it will be discussed in the following section of this work, despite the self-evident legislative progress, the statistics that have been systematically collected by several public and private organizations point out that such legislative instruments have not been

effective in promoting a significant transformation in Brazilian society.

II. THE DATA ON GENDER VIOLENCE IN BRAZIL

The violence experienced in Brazil is known to be alarming. It is not characterized as armed conflict, but as armed violence, which, according to Hamann-Nielebock and Carvalho, means that there is an "intentional use of force, with firearms or explosives, by organized or semi-organized groups, against individuals, groups or State, inhibiting the advance of a sustainable development". (2008, p. 105. My own translation)

The authors also say that studies reveal "that several of the causes, consequences, and challenges found in these situations [armed conflicts] are also found in countries that experience situations of armed violence" (HAMANN-NIELEBOCK, CARVALHO, 2008, p. 107. My own translation). Thus, even though scholars find distinctions between armed conflict and armed violence, there are also relevant points of convergence.

This parallel is important, for the purpose of this article, because the data collected in reports on this topic - armed conflict and armed violence - place Brazil at the top of the rankings. According to the UN, "Brazil has a rate of 30.5 homicides per 100,000 inhabitants, the second largest in the South American region after Venezuela with 56." (2019. My own translation). The "Atlas of Violence" (IPEA, 2020) also reports that a woman was murdered every two hours in 2018, and between 2008 and 2018, there was an increase of 12.4% in murders among black women, while there was a decrease of 11.7% among non-black women in the same period.

The study "Violence against women: femicides in Brazil" demonstrates that between 2001 and 2006 the number of femicides was 5.28 per 100 thousand women, while between 2007 and 2011 the rate was 5.22 women, a very small drop. According to the World Health Organization (WHO), the country's average rate is 4.8 per 100,000 women (*Agência Senado*, 2018).

Between 2001 and 2011, it is estimated that 50,000 women were murdered and, as stated, "it is believed that most of these deaths were due to domestic and family violence against women, since approximately one third of them took place inside their homes". (GARCIA, *et. al*, 2013. My own translation)

In addition to the comparative data between armed conflict and armed violence demonstrating the depth of the problems experienced by Brazilian society, it is important to highlight the psychological effect pointed out by international safety scholars who say that "the longer the conflict, the greater the chances of hostility being identified as normal and, consequently, the more difficult it will be to restore the confidence

levels of the pre-violence phase" (HAMANN-NIELEBOCK AND CARVALHO, 2008, p. 109. My own translation). Furthermore, Hamann-Nielebock and Carvalho add that:

regardless of the similarity in symptoms and side effects for civilians who are not directly involved in these hostilities, since the situation in Brazil is not characterized as 'armed conflict', the civilian population affected by armed violence does not have any protection. (2008, p. 113. My own translation)

Both of the aforementioned highlights - the continuity of violence and helplessness among the civilian population - reveal the intensity, social roots of the problem and, perhaps more importantly, its normalization. The impacts on civil society, therefore, tend to conform to this scenario, promoting the desensitization of individuals in relation to the issue of women, naturalizing violence against this vulnerable group.

Once again, looking into the comparative data between armed conflict, armed violence, and femicide serves to showcase that the Brazilian scenario regarding violence against women - no matter its nature - is equivalent to a war scenario, because, according to the 2019 Public Security Yearbook, a woman suffers domestic violence every two minutes in the country (FÓRUM, 2019).

In a ranking of 83 countries, Brazil occupies the 5th position in femicide, and it should be stressed that 88.8% of these crimes were committed by a partner or ex-partner, that 65.6% of the crimes were committed at home, and the apex age of the victims is 30 years.

Regarding sexual crimes, the Yearbook reports that there are 180 sexual assaults a day, the equivalent of approximately seven per hour. The same report informs that more than 80% of the victims are female, 53.8% are under 13 years old, and 85.5% of the aggressors are male. Still on the issue of sexual violence, the report informs that "in relation to the relationship with the abuser, 75.9% of the victims have some type of connection to the aggressor: relatives, partners, friends, among others" (FORUM, 2019, p. 118. My own translation).

Regarding underreporting, this same document states that the last survey carried out on the notification to the competent law enforcement entities concerning crimes of this nature, in 2013, indicates that only 7.5% of the victims did so. Thus, there are "[...] the lowest rates of notification to the police, which shows that the numbers analyzed here are just the most visible face of a huge problem that victimizes thousands of people every year" (FORUM, 2019, p. 115. My own translation).

In addition to these forms of violence (considered ostensible), there are also other forms stated in the Maria da Penha Law that deserve attention: psychological, patrimonial and moral. These are expressions of gender violence that are very difficult to

establish, demonstrate, and prove, but that, with the same intensity, add to the spiral of violence to which many women are subjected. Physical violence, which can lead to femicide, is just the tip of this iceberg.

Psychological violence, abuse or harassment all leave marks, in some cases, even more profound than physical violence, as it greatly affects self-esteem and self-recognition. In general, it is practiced without witnesses and the aggressor limits the victim's actions - minimizing her ability to perform even simple tasks -, discourages her from carrying out projects such as studying, imposes a certain way of acting, being and the organization of one's life. One of the effects of such attitudes is the social isolation of the victim and the perception that she is stuck in a situation with no way out.

Patrimonial violence (also called economic or financial violence) affects the victim's ability to manage her own life and her own assets, and can be externalized through limiting actions, or those that even result in financial loss. Such conduct can also lead the victim to remain in an abusive relationship due to a complete inability to leave. In summary, patrimonial violence affects the victim's autonomy and, therefore, comes close to emotional violence.

The last among the forms of violence contained in the list of Maria da Penha Law's article 7 refers to moral violence, affecting the victim's reputation, the way the aggressor presents or manifests himself in relation to her within the social group in which they belong, expressing itself through the array of conducts provided in Chapter 5 (On crimes against honor) of the Penal Code, crimes of slander, defamation and injury.

The specifications stated in the Brazilian Law no. 11.340/2006 are of utmost importance to clarify the violent conduct to which women are subjected and, in which they often, given their involvement and degree of dependence, are unaware of their own status as victims. Moreover, making it explicit in the law enables the establishment of protective and punitive measures, as well as preventive policies in both the public and private spheres, in this case, the media.

Even with such specifications, the cycle of violence is permeated by highly reprehensible practices in a set of actions that can characterize some of the identified forms of violence, be it all, or just one of them.² The complexity of the gender violence issue requires, in fact, the commitment of all the agents, since

² In September 2020, the pastor Edson Araújo of the Deus é Amor church, unaware that he was live on TV, verbally assaulted his wife Débora on camera. Apparently, by the sound of the video there was also physical aggression. After the repercussion, he released a video with explanations, but was later removed from his duties. This case is interesting because it is an example of the cumulative forms of aggression in situations of domestic violence. Cf. (REDAÇÃO MARIE CLAIRE, 2020).

more than punishing, it is necessary to guarantee the prevention and protection of women.

The 180-hotline is a communication channel created in 2005 to assist and guide victims of domestic violence. In 2019, for example, it received 63 reports of femicide; 2075 attempts at femicide; 2320 reports of moral violence; 3209 of psychological violence; and 2317 of sexual violence, among others (BALANÇO, 2019).

This institutional channel of communication is a possible means of guidance, but the data presented above points to a disparity, revealing that, perhaps, it is still an inefficient resource in dealing with this kind of violence. There is a need for joint actions by all powers, in all spheres, aligned with civil society, in a universal pact working vertically and horizontally.

It is worth noting that, during the covid-19 pandemic affecting the whole world, domestic violence has increased in Brazil, indicating that it is closely related to other structural inequalities in society.

The survey "One virus and two wars", carried out by independent media outlets during the pandemic period, found that in March and April 2020, among the twenty states that released data on domestic violence, there was an increase of 54% in nine of them; a decrease of 34% in other nine states, and in the two remaining states the index was leveled off.

As a result, on July 8, 2020, the Brazilian Law no. 14.022 was enacted, determining that domestic violence lawsuits will not have their deadlines suspended, as well as imposing on all of the judiciary system professionals the maintenance of public services for appropriate support to the victims. (REAL, 2018).

In this context, it is necessary to think about effective instruments as well as possible reasons for desensitizing, normalizing, and naturalizing the violence experienced in Brazilian society.

Thus, in the next section, theoretical reflections proposed by Pierre Bourdieu will be brought up to consider how "the division between the sexes seems to be 'in the order of things', [...] normal, natural, to the point of being inevitable" (2001, p. 17). This so-called natural sexual division, assuming the male biological as both a criterion and matrix, separates, diminishes, hierarchizes and justifies negative discrimination and violence in the most diverse forms against women.

III. PIERRE BOURDIEU'S CONTOURS OF SYMBOLIC VIOLENCE

Pierre Bourdieu (1930-2002) was a French sociologist who dedicated himself to the study of socioeconomic inequalities and social reproduction. He contributed to the understanding of contemporary society by exposing the unequal distribution of

resources and powers of what he nominated economic, social, cultural and symbolic capital.³

For him, this unequal distribution is linked to the concept of “habitus”, which is:

a system of individual schemes, socially constituted of structured (in the social) and structuring (in the mind) dispositions, acquired in and by practical experiences (in specific social conditions of existence), constantly oriented towards functions and actions of daily action. (SETTON, 2002, p. 63. My own translation)

The “habitus”, thus, helps to clarify and dilute the individual-society dichotomy, as it captures the allegedly existing movement in this dichotomy, and exposes the way the social structure impregnates people in the form of “durable dispositions, or trained capacities and structured propensities to think, feel, and act in determined ways, which then guide them in their creative responses to the constraints and demands of their existing social environment.” (WACQUANT, 2007, p. 66. My own translation).

With these reflections, Bourdieu’s thought enabled the understanding that there is nothing innate or natural in human actions, but that, on the contrary, everything is socially constructed and that this construct, given its complexity, spreads across all spheres of life. Even with its high penetrability, as a construct, it is, however, always open to ruptures and transformation.

Another very important contribution brought to the field of human sciences by Pierre Bourdieu, and which is directly linked to the present discussion, is found in his book “*Masculine Domination*” (2001). In this work, the author questions “the *historical* mechanisms responsible for the *relative dehistoricization* and *eternalization* of the structure of the sexual division and the corresponding principles of division.” (BOURDIEU, 2001, p. vii, viii. Author’s emphasis). He intends to reveal “the processes responsible for this transformation of history into nature, of cultural arbitrariness into the *natural*” (BOURDIEU, 2001, p. 02. Author’s emphasis).

According to the French sociologist, the masculine domination is naturalized and perpetuated in a paradox externalized by the symbolic violence, which is “gentle violence, imperceptible and invisible even to its victims, exerted for the most part through the purely symbolic *channels of communication and cognition*” (BOURDIEU, 2001, p. 01-02. My own emphasis)

Bourdieu points out that there is an arbitrary naturalization of what is socially constructed, men and women are “‘genders’ as sexually characterized habitus” (BOURDIEU, 2001, p. 03). Thus, there is a long-lasting process (LIMA, 2017) establishing “the interiorization of exteriority and the exteriorization of interiority” (WACQUANT, 2007, p. 66. My own translation), imposing behaviors and certain roles as if they were natural, but which, under historical and

scientific lenses, prove to have been systematically constructed. While opposing the naturalization of gender, Bourdieu states that there is a relational existence and:

each of the two genders is the product of the labour of diacritical construction, both theoretical and practical, which is necessary in order to produce it as a body *socially differentiated* from the opposite gender (in all culturally pertinent respects), i.e. as a male, and therefore non-female, habits or as a female and therefore non-male habitus. (2001, p. 23-24. Author’s emphasis)

While defining and distinguishing sexualized bodies, it is then decided that everything that is masculine is positive. Rationality and capacity are both attributed to the masculine being, to the male figure. On the other hand, the female subject is responsible for docility, fragility, and emotion in a process that silences, vilifies, and excludes her. Thus, women are subjected to male domination in a constant stratifying and centralizing whirlwind.

These structures of domination are the result of historical work in a recurrent reproduction aided by important contributions from institutions, such the family, the church, schools, the State (BOURDIEU, 2001), including — among the list of agents reproducing the masculine domination — the media. In this rearranged movement between society and the individual, Bourdieu proposes that the masculine domination is branched through what he calls symbolic violence. In other words, everything that

is instituted through the adherence that the dominated cannot fail to grant to the dominant (and therefore to the domination) when, to shape her thought of him, and herself, or, rather, her thought of her relation with him, she has only cognitive instruments that she shares with him and which, being no more than the embodied form of the relation of domination, cause that relation to appear as natural. (BOURDIEU, 2001, p. 35).

Given the complexity required to think about oneself, to be the subject and object of the reflection of knowledge, symbolic violence is constantly fed by all of the involved, be it the dominant and/or dominated. These are concrete situations that organize society and, in many cases, show themselves in a gentle and imperceptible way, considering the adhesion of the “participants” in the situation.

Bourdieu highlights that the symbolic force is “a form of power that is exerted on bodies” (BOURDIEU, 2001, p. 38) through an objective, real work, which is also learned and reproduced. Symbolic violence thus resides in the “mystified consciousnesses” (BOURDIEU, 2001, p. 41), but, above all, “in dispositions attuned to the structure of domination of which they are the product” (BOURDIEU, 2001, p. 41) and, therefore, breaking free from the masculine domination demands “a radical transformation of the social conditions of production of the dispositions that lead the dominated

³ On this subject please see *In*: (BOURDIEU, 1983).

to take the point of view of the dominant on the dominant and on themselves.” (BOURDIEU, 2001, p. 42).

In this train of thought, of radical rupture, dominant, dominated, public and private agents need to make conscious efforts and the media, also called as a protagonist given their space in contemporary society, can take the lead in this mandatory endeavor to reach a minimum civilizing threshold.

If, from Bourdieu’s standpoint, knowledge is not enough to overcome such levels of violence and incivility, without it, that would certainly be impossible, hence the need for the media to reposition themselves on this issue. The content displayed by them has such a reach in society that, as an instrument of broadcasting, it has actually become an instrument for creating reality. (BOURDIEU, 1997, p. 29).

In a society of the spectacle (DEBORD, 2003), mediated by technology, the media assume an increasingly central role. We are all exposed, uninterruptedly, to the information produced by these outlets, which allows us to affirm that they are responsible, as highlighted above, for the very creation of reality. It is not surprising then, that the soap operas televised by *Rede Globo* make use of this movement while articulating reality and fiction: in the soap opera *Amor de Mãe*, for example, the TV show host Luciano Huck goes to the home of Lurdes (a character played by Regina Casé), and in the soap opera *Rei do Gado* the then senators of the Republic, Eduardo Suplicy and Benedita da Silva attend the wake of the fictional senator Caxias (played by Carlos Vereza).

The soap operas, even presenting sensitive themes to society such as same-sex relationships (*América*, *Babilônia* and *Amor à vida*), have been reproducing stereotypes in disagreement with the provisions of the Brazilian Law 11.340 / 2006.

One example lies in the pattern of establishing happy endings symbolized by the resolution of conflicts through the imposition of a romantic duo. However, on this last aspect, it is noteworthy that, for female villains, the ultimate punishment is loneliness or death: in the plot of *Amor à Vida*, the character Amarilys Baroni (played by Danielle Winits) was punished by ending up alone, while Aline Noronha (played by Vanessa Giacomini), is arrested, and further electrocuted in an attempt to escape. As for their male counterparts, their fates tend to change significantly: Marco Aurélio (played by Reginaldo Faria) in the soap opera *Vale Tudo* managed to escape at the end of the plot. Félix (played by Matheus Solano), in *Amor à Vida*, despite being evil and having thrown his baby niece in a dumpster at the beginning of the show, is forgiven and ends up living with his love, Nicolas Corona (played by Thiago Fragoso), in a beach house while taking care of his estranged father, César (Antônio Fagundes) with whom

he had maintained a conflicting relationship throughout the plot.

Feminine and masculine carry different places and fates in the realm of imagination and, as Denis de Oliveira points out in an interview to Ramos:

violence also takes place when the possibility of negotiation is denied. In the narratives, there is always the story of the hero who will defeat the villain. The problem is that one always wins while the other loses, there is no possible mediation. So the one who has the qualities of the ideal type according to the media is entitled to do anything to defeat the other. These elements all make up media violence. (RAMOS, 2009. My own translation)

The denial of multiplicity and complexity, in a shallow and stagnant dichotomy, removes the human being’s ability to create; this format depicts humans as an imitation factory. (ROMANO, 2012, p. 113). Vicente Romano says that this reality is not innocent or harmless; the use of binary and, in this case, hierarchical language is, in fact, the concealment of such complex reality. (ROMANO, 2012, p. 227).

Regarding the broadcasting of news outlets, it is worth remembering the way in which the media conducted the criminal acts against Eloá Pimentel and Nayara Silva, perpetrated by Eloá’s ex-boyfriend, Lindemberg Fernandes Alves. There were over four days of a progressively televised spectacle. At one point, the police invaded the site without success: after hours being beaten by Lindemberg, the girls were shot by him and Eloá did not survive. Both of the victims were minors.

The award-winning documentary “*Quem Matou Eloá?*” [*Who Killed Eloá?*] (2015) is very perceptive in demonstrating the mistakes and abuses committed by the media, showing that a tragedy was turned into a show, and that successive violence resulted in audience capitalization by the outlets, especially television channels. The overexploitation of the fact with live interviews, both of the victim and the aggressor, shows the mistaken and naturalized understanding of what was happening: the practice of gender violence and not a disagreement between people in love.

In fact, it was not the representatives of the media, not even their employees, who committed the barbaric act of murdering the girl and attempting to take the life of her friend. However, what stands out is the naturalization of gender violence, in a coverage that proved to be profoundly reproductive of violence and stereotypes, contrary to the current legal system orders.

Another enlightening example of the media’s exploration of gender-based violence took place in February, 2020. After Marcela Aranda Thomaz Baptista, 21 years old, pregnant, went missing, the *TV Record* show *Cidade Alerta* pursued the case. On February 18, journalist Luiz Bacci informed Marcela’s mother, on live television, that her daughter had been killed by the girl’s boyfriend. The collective *Intervozes* called the Federal

Attorney's Office for Citizens' Rights to be investigate the journalist and company on their malpractice.

The violence perpetrated by the media is not practical or concrete, but symbolic, and it represents the practice of media violence introduced above. What has been seen is that the media move between the "tension [of] moments of liberated fantasy and the reestablishment of the scheme of order" (MARCONDES FILHO, 1988, p. 40. My own translation) and there is a tendency to naturalize gender-based violence in a hierarchy between men and women.

IV. MEDIA VIOLENCE: THE NEED OF ITS RECOGNITION TO FIGHT AGAINST GENDER-BASED VIOLENCE

Changing the understanding and current status quo is an adamant task to be assumed and, as a starting point, it is necessary to explicitly recognize that the media can reproduce violence, mainly in the symbolic level. Expanding what constitutes violence is, therefore, necessary, including media violence, as it happened in Argentina.

Rita Laura Segato attributes "a fundamental role in the transformation process" (2010, p. 123. My own translation) to the Legal System and sees it as a battlefield. The need to politicize the private sphere (BENTO 2011) and the urgent need to tackle the issue of gender-based violence require an increase in the legislative instruments hitherto in effect, and, for this reason, the case of Argentina can be taken into consideration. In agreement with the Convention of Belém do Pará, Argentina, in March 2009, included the Law 26.485 in its legal system. It is a comprehensive protection law designed to prevent, punish, and eradicate gender-based violence.

Article 5 describes five types of violence - physical, psychological, sexual, economic or patrimonial, and symbolic - and Article 6 interestingly establishes modalities, that is, the ways in which the different types of violence established in the previous article can be manifested. These modalities are: domestic, institutional, work-related, and against reproductive, obstetric, and media freedom.

The way in which Argentina has systematized its legislation is notable and transversal, comprehensive and at the same time profound, in an attempt to cover all the problems that involve gender issues. It should be noted that symbolic violence is perceived as one that "through stereotyped patterns, messages, values, icons or signs transmits and reproduces domination, inequality and discrimination in social relationships, naturalizing the subordination of women in society" (ARGENTINA, 2009a. My own translation). In addition, Law 26,485 explains what is meant by media violence as the:

[...] publication or dissemination of stereotyped messages and images through any mass media, which directly or indirectly promotes the exploitation of women or their images, injures, defames, discriminates, dishonors, humiliates or attacks the dignity of women, as also the use of women, adolescents and girls in pornographic messages and images legitimizing inequality of treatment or building sociocultural patterns that reproduce inequality or generate violence against women. (LEI ARGENTINA, 2009a. My own translation)

From the reading of these two items - article 5, 5 and article 6, f - it appears that the Argentinian model is consistent with Pierre Bourdieu's theory. The existence of symbolic violence and, thus, of the media, is properly recognized, and parameters for its confrontation are established, recruiting companies in the communication's industry to act on the frontlines of these actions.

As stated by Santomé, media violence is one of the forms that symbolic violence acquires. The mention in the law as a special type is a proper legislative measure since it facilitates its identification." (2020, p. 114. My own translation). It is important to note, this time, that such mechanisms were established against the naturalization of what is socially constructed, as brought by Pierre Bourdieu, and that, for this reason, are examples to be followed.

Besides, the Argentinian Law 26.522 (ARGENTINA, 2009b), known as "*Ley de Medios*", was fully incorporated in 2013 after a debate on its constitutionality. The law regulates the performance of the media and determines attention to the content related to children, teenagers, people with disabilities and, regarding the theme of the present discussion, the full protection of women's rights, with explicit mention of the Argentinian Law 26.485. As Faleiros points out, these "laws that combine and converge for social transformation, for combating stereotypes and building socio-cultural patterns that produce equal conditions are appropriate." (2016, p. 97).

Brazil, given the paradox presented in sections 1 and 2 regarding its legal framework and statistics, needs to make itself available to rethink and learn from its Latin American neighbor, bearing in mind that the laws are starting points to raise the civilization threshold in an attempt to build a violence-free society.

It is known that women's conditions have undeniably changed in many ways in recent decades. However, while there has been change, there has also been continuity, hence the understanding of paradox brought by Bourdieu (2001) that the masculine domination is, at the same time unconscious, but also "no longer imposes itself with the transparency of something taken for granted." (2001, p. 88). This concealment, for example, resides in the training of bodies and the taming of minds to maintain the status

quo, both for women and men, bringing about the need for a legislative expansion.

Rita Laura Segato understands this permanent expansion of the normative system as fundamental. According to the scholar, laws can limit discriminatory practices as well as deep convictions laden with prejudice, as they affect, albeit slowly and sometimes indirectly, the morals, customs, and substrate from which violence emanates. (SEGATO, 2010).

Including media violence in the list of forms of violence to which women are subjected is an urgent task, consistent with the constitutional theory, international laws, and the current social demands.

Finally, one should highlight the need to recognize the existence of a harmful war scenario for Brazilian women and, thus, the obligation to assume a commitment to change this situation by using instruments that prevent the continuity of the masculine domination.

V. FINAL REMARKS

This article aimed at analyzing the relationship between media and gender-based violence, investigating whether media outlets have a positive attitude towards this issue. In summary, as pointed out from the title, it was discussed whether there is an abusive relationship between Brazilian communication companies and gender-based violence.

A paradox between the legal framework establishing instruments for the prevention, protection, and punishment of those involved and statistical data on the alarming situation of violence against women in Brazilian society was presented.

It is worth noting that the legal mechanisms hereby demonstrated are all based on the constitutional principles of citizenship and the dignity of the human being (art. 1, II and III of the Brazilian Federal Constitution), and in line with the objectives of the Republic to build a free, just, and solidary society, promoting welfare for everyone in a society without prejudice or discrimination, be it of any kind (art. 3, I and IV of the Brazilian Federal Constitution).

However, despite the existence of these legal mechanisms, the Brazilian society still lives with the persistence of gender-based violence, and many academics have developed valuable research to investigate possible causes and solutions for the problem. In this paper, it was decided to look into the role of the media.

The Brazilian legislation is explicit in calling media outlets to act as protagonists, determining measures to review their choices and transform their products in order to offer content that is properly related to the legislation, in order to raise awareness about gender-based violence among the population. However, to some extent, this has not been the keynote of action

and, therefore, Pierre Bourdieu was brought into light with his reading on the masculine domination.

As demonstrated, the violence carried out by the media goes beyond the broadcasting of concrete cases of violence. The main point raised by this article looked at the existing symbolic violence in the reproduction of stereotypes that, according to Pierre Bourdieu (2001), takes place with the adherence of the dominated, albeit unconscious, to the way of thinking and acting of the dominant. In other words, there is a historically developed social construction that naturalizes roles for both men and women.

Thus, symbolic violence supports the so-called media violence. That is, the way women are represented puts them in humiliating positions, explores their images, reproduces stigmatizing stereotypes with economic and/or social domination purposes, without necessarily broadcasting images of ostentatious violence, explicit or effective, in a demonstration of a veiled kind of violence.

Therefore, the list of forms of violence against women should be expanded based on the Argentinian legislation, "*Ley de proteccion integral a las mujeres*" - Law 26.485, which includes media violence among others, and calls on the media to rethink methods of disseminating and broadcasting their content.

Bringing the concept of media violence and, thus, of symbolic violence, is a starting point to re-signify the intricacies of gender-based violence, broadening the spectrum of action and bringing greater substance to the legal system, especially the provisions of Article III of the Brazilian Law 11.340 / 2006, as well as paragraph g of article 8 from the Belém do Pará Convention.

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