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## Instrumentalisation and Objectification of Human Sexuality

### Overstepping limits

Tabloidisation is to be an accessible and simplified picture of reality, which is also controversial and vulgar, overstepping the limits of the intimate. In this sense tabloidisation would mean both primitivisation of the message as well as transmission shock. It is problematic which element would be dominant and affect the categorisation of individual messages. Tabloid message feeds mainly on emotions, which indicates the development of mass media in the “hot media” direction<sup>1</sup>. It should be noted that the human body and its sexuality, due to the cultural context, can be a subject of tabloid news. Intensification of the shock, vulgarity and overstepping the limits of the intimate are of crucial importance, which means that in the content there is a merger of violence, the body and sexuality.

In the rapid development of the information and communication technologies body, sexuality and violence related content is becoming increasingly available; it long ago moved from the textuality level onto the level of visual communication<sup>2</sup>. If you enter a keyword into Google search-engine, the results are as follows: sex – 3.2 billion results, sex as graphics – 4.1 billion, BDSM – 183 million, the same as a graphics BDSM – 14.3 million<sup>3</sup>. Saturation with the content concentrated on the body, violence and sexuality causes among others breaking cultural ta-

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<sup>1</sup> See: M. McLuhan, *Understanding Media: The Extensions of Man*, Mentor, New York 1964. The significance of the impact of mass media on human life also in: P. Levinson, *Miękkie ostrze, czyli historia i przyszłość rewolucji informacyjnej*, MUZA SA, Warszawa 2006.

<sup>2</sup> Cf. K. C. W. Kammeyer, *A Hypersexual Society. Sexual Discourse, Erotica, and Pornography in America Today*, Palgrave Macmillan, New York 2008.

<sup>3</sup> As of 2012.

boos, which can be clearly seen in changes in the material displayed in the media. The saturation with this type of content results in specific consequences for the recipients, which is reflected in forming some kind of aesthetics and emotional competence acquisition. We deal with the processes of socialisation and enculturation – on one hand we acquire such a value system by learning, on the other hand we develop in the culture in which we live with its “artifacts” and “narrative”.

Saturation with ICT, and thus access to pornographic content which uses in its “plots” paraphilia schemes, causes sexual behaviour change, which establishes a new kind of “technological hentai”<sup>4</sup>, a contemporary deviant who gets sexual satisfaction with and using technology. While the very issues of sexuality and the discourse on it are moved towards the methods of satisfaction, the body, nudity and violence become the tool of inducing shock, stunning with vulgarity and breaking taboos in order to satisfy sexual needs and curiosity. The possibility to access previously restricted content or content which was previously not feasible due to the lack of common media transmission, causes that this type of message has its target consumer. Facilitated transfer of carnality and violence is becoming one of the elements of what can be called a “culture of cruelty”, fitting into the structure of contemporary popular culture<sup>5</sup>.

### The body and nudity in Western culture

Nudity and the body is a taboo in Western culture, which is reflected to the image of the first people living in Eden. The state of innocence of Adam and Eve is truly represented by the images of painters from different periods – including M. Masaccio, Michelangelo, H. Bosch, L. Cranch, J. Jordaens and many others.

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<sup>4</sup> The word “hentai” in Japanese has different meanings, for example immorality, metamorphosis, eccentricity, a deviant and pervert. The word “hentai” is also used as a short term of “hentai seiyoku”, meaning sexual deviation. See: M. McLeland, *A Short History of ‘Hentai’*, “Intersections: Gender, History and Culture in the Asian Context” 2006, no. 12, in: <http://intersections.anu.edu.au/issue12/mcleland.html> [Access: 10 May 2012].

<sup>5</sup> On the subject of “culture of cruelty” in popular culture among others in: M. Krajewski, *Kultury kultury popularnej*, UAM, Poznań 2003, p. 126–165.

A major impact on the understanding of the sinful and related to the sexual taboo in European culture had the Catholic Church and the Christian religion at all – through the Bible, the texts of the Fathers of the Church and the doctrine. All this was linked with the concept of sin, and the subject of the original sin was one of those issues which were strongly dogmatised in the Catholic Church's teaching. Undermining the essence of original sin would be a threat to the concept of salvation and the meaning of the crucifixion of Jesus Christ<sup>6</sup>.

The starting point is the collapse of the original justice which prevailed in Eden – a result of the disobedience of Adam and Eve. Before breaking the ban of God the first people were in the state of “holiness and original justice”. “The original holiness” meant participation in the life of God, and “original justice” was based on a life of harmony between Adam and Eve, human harmony, harmony between human beings and other creatures<sup>7</sup>.

Freedom of Adam and Eve concerned the freedom from sensual pleasures, desire of wealth and affirmation of oneself. From the perspective of the issues related to human sexuality, Adam and Eve were free from unrestrained senses, desire, selfishness, and egocentrism. So where is the evil associated with the sin of the first people (*peccatum oryginalne*)? Its beginning should be associated with the abuse of freedom. The original sin situation should be explained by self-affirmation, putting human-being before God. Adam and Eve committed a sin which should be associated with human nature – selfishness, the desire to catch up with God, and lust<sup>8</sup>.

Considerations in this regard can be carried out on various levels, but it should be noted that the adoption of the interpretation of the original sin by the Catholic Church doctrine influenced the discussion on human nature and corporeality in the western world. Doctrinal disputes over the importance of *peccatum oryginalne* resulted in strengthening the religious dogma; however, as different result was a pejorative stigma imposed on human sexuality and nudity, which was related to immorality and decay of human nature<sup>9</sup>. In the context of social control, physicality and hu-

<sup>6</sup> See: G. Agamben, *Nagość*, W.A.B., Warszawa 2010; R. Tannahill, *Sex in History*, Scarborough House, London 1992, p. 136–161.

<sup>7</sup> *Katechizm Kościoła Katolickiego*, Pallottinum, Poznań 2002.

<sup>8</sup> *Genesis 3.5*.

<sup>9</sup> G. Agamben, op. cit., W.A.B., Warszawa 2010, p. 66–99.

man sexuality became the object of construction and power – which can be described as one of the processes of formation of biopolitics<sup>10</sup>.

### Objectification and embodiment

A caricature of good human nature are the works of de Sade, in which we deal with a mixture of perversion, violence and objectification of the human body. In one of the major works of the author, the “120 Days of Sodom, the school of libertarianism” is basically a catalogue of behaviour types full of violence and unhealthy sexuality<sup>11</sup>. In 1975, basing on works of D. A. F. de Sade, was made a film called “Salò, or the 120 Days of Sodom” by P. P. Pasolini, the expression of which was reinforced by locating the film in fascist Italy<sup>12</sup>. Despite the accumulation of obscene scenes and perverse content, the idea of the film was rather to show the degeneration of the political system of fascist Italy. While the film “The 120 Days [...]” by P. P. Pasolini is a study of degeneration of humanity and the “naked power”<sup>13</sup>, his earlier film “Pigsty” focused on overstepping social norms and was quite a controversial attempt of nihilisation, savagery and disgust<sup>14</sup>. Cannibalism and sodomy intertwined in the film are to be the tool to describe the revolt against social norms. Absurdity of the scenes in the film is strengthened by sharp theatricality and formalism of acting. Deviations of the main character are to describe the revolt against paternalist and capitalist society. One of the characters, an industrialist, says: “Tomorrow there will be no trace of the humanist culture. And the conscience will no longer be a burden”. Despite its controversial

<sup>10</sup> M. Foucault, *Historia seksualności*, t. 1: *Wola wiedzy*, Warszawa 2000; Ch. Schiling, *Socjologia ciała*, PWN, Warszawa 2010, p. 83–112; U. Zbrzeżniak, *Michel Foucault. Ku historycznej ontologii nas samych*, SCHOLAR, Warszawa 2010, p. 104–133.

<sup>11</sup> D. A. F. de Sade, *Sto dwadzieścia dni Sodomy, czyli szkoła libertynizmu* (*Les cent vingt journées de Sodome ou l’École du libertinage*), A. Liber, Kraków 2002.

<sup>12</sup> *Salò, or the 120 Days of Sodom* (Film of 1975, Dir. P.P. Pasolini).

<sup>13</sup> The term “naked power” was introduced by B. Russell. Using a metaphor to characterise this form of power Bertrand Russell writes among others about the “power of butcher over the sheep”, the power of the ruling over subordinates, authority based on force, which is applied to the subjects. The legitimisation of the “naked power” stems from the very fact of its existence. See: B. Russell, *Władza. Nowa analiza społeczna*, KiW, Warszawa 2001, p. 71–88.

<sup>14</sup> *Pigsty* (Film of 1969, Dir. P. P. Pasolini).

content, the film does not dazzle with the image, which means that the visualisation was not literal. This method of visual aesthetics is far from contemporary films described as pornographic with elements of violence. Modern BDSM movies, available on such sites as punishtube.com, redtube.com, xhamster.com (and many others), despite often advanced assembly techniques, they are to deliver excitement and fulfil human sexuality in the form of satisfaction of sexual impulses.

J. P. Sartre used the term “embodiment”, which would show the human body in some situation, deprived of its natural motility. A sadist is trying to show the unnatural corporeality by forcing some behaviour. His actions represent a desire to possess the other person and depreciation of his subjectivity – it is one of the strategies for the implementation of erotic love<sup>15</sup>. In the case of the media (different technology of transmission) the body and violence we deal with trivialisation and the content being deprived of moral context; the structure of moral narrative is infringed. The message is not a means of social control (as in the cases of archaic myths), but an aesthetic form intended to shock, to give entertainment and satisfaction.

The problem of instrumentalisation and objectification of corporeality may be considered in many contexts such as: 1) a new aesthetic form in the popular culture, 2) commercialisation and exploitation of taboos, 3) increased opportunities to access the media by means of developing information technologies, 4) as a response to the needs of the recipients, 5) the problem of the impact of the media on aesthetics and morality of the recipients. Moreover, we should distinguish the problem of situational context of using violence in the psychological area – a good example here will be different situations: 1) actual sexual violence, 2) actual sexual relationship of BDSM partners, and 3) sexual violence in pornographic films. In fact, in each of these situations we will talk about different forms of instrumentalisation and objectification of human corporeality.

### **Private sphere and public sphere**

Attachment to the division into the private and public may be linked with the legacy of Roman jurisprudence. The division into the private

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<sup>15</sup> J. P. Sartre, *Byt i nicość. Zarys ontologii fenomenologicznej*, Zielona Sowa, Kraków 2007, p. 483; G. Agamben, op. cit., W.A.B., Warszawa 2010, p. 84–87.

and public may be attributed to Ulpian Domitius<sup>16</sup>. *Ius publicum* can be reduced to the constitutional, administrative, criminal, sacral law<sup>17</sup>. It is debatable whether the described public sphere was distinguished and had no effect on private life, yet it is difficult to conclude that the mechanism of creation of the law regulating social relations did not result from the political system, which, in turn, resulted from real socio-economic conditions in the ancient Rome. Equally debatable may be the principles of H. Arendt, who claimed that the public sphere would be the quintessence of freedom, finding its reflection in the political community. It should be noted that the Greek political community was limited to the freedom of citizens, and not everyone was a citizen of the polis. Politics was associated with equality of citizens, the equality was associated with freedom, which means that everyone had the right to participate in the public life, which was to take place through discourse and confrontation of ideas<sup>18</sup>. It is difficult to put the political agora aside from the real socio-economic relations; it is as if to analyse contemporary political systems basing only on the legislative provisions.

The public sphere associated with social practices, a special type of participation and dominant discourse, creates a kind of configuration where it is rather difficult to extract something which can be called a private life. All of the elements that characterise the public sphere determine the private life and regulate it to varying degrees. A good example is the sexual sphere of man, which is influenced by the discourse of ethics and legal regulations, which are predominant in a particular historical and cultural sphere. A specific example of this kind of relation is the attitude to pornography or human corporeality at all. L. M. Nijkowski defines as pornography the public discourse which is used to define the representation of sexuality and corporeality, which therefore cannot function in public life<sup>19</sup>. In this definition we deal with an indication that the term “pornography” is an instrument of social control. However, it is assumed that social control is rarely concerned with what

<sup>16</sup> *Digesta Iustiniani* (D.1, 1,6,1).

<sup>17</sup> *Lex duodecim tabularum* (Tables IX and X).

<sup>18</sup> H. Arendt, *Polityka jako obietnica*, Prószyński i S-ka, Warszawa 2007; H. Arendt, *The Human Condition*, University of Chicago Press, Chicago 1998, p. 22–78.

<sup>19</sup> L. M. Nijkowski, *Pornografia, historia, znaczenie, gatunki*, Iskry, Warszawa 2010, p. 50.

would be associated only with participation in public life, it rather broadly interferes with private life. Thus limiting “pornography” to the problem of contents excluded from the sphere of public presentation would be too simplistic; however, it would give an opportunity to analyse the problem in the context of social control.

An example of the fact that it is difficult to separate the public from the private, also what constitutes a *ius publicum* and that governs the relations of private life, is the development of regulations concerning criminalisation and decriminalisation of pornography. In Europe the first penalisation of pornography was made in Austria in 1642 (Act of Ferdinand III). It should be noted that until the mid-nineteenth century the notion of pornography was used to identify works which treated about the issues of prostitution and prostitutes<sup>20</sup>.

In the context of socio-political changes in Europe, the elimination of the importance of pornography treated as a tool of political struggle should be stressed. For example, L. M. Nijakowski indicates that the symbolism of debauchery, cohesive in the eighteenth century sources in France, served also to criticise the aristocracy and the representatives of the church authorities<sup>21</sup>. While the nineteenth century, by a succession of technical capabilities (e.g. photography and cinematography), more and more deprived the pornographic content of the political, philosophical, etc. The cultural changes also affect the extent of penalisation of pornography. Nevertheless, it should be noted that pornography and fight for access to it was still a political issue. As an example of that can serve the person of the founder of the magazine “Hustler” – L. Flynt. It could be said that the political context is still important, which should be associated with competition between more liberal and conservative attitudes within individual societies.

The problem of the harmful effects of pornography became so significant that already in 1910 it was decided that regulations in international law will be necessary – the Convention for the Suppression of the Circulation of Obscene Publications was adopted. Subsequently International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications was adopted in 1923<sup>22</sup>. In individual countries there

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<sup>20</sup> J. Warylewski, *Przestępstwa przeciwko wolności seksualnej i obyczajności. Rozdział XXV Kodeksu karnego. Komentarz*, C. H. Beck, Warszawa 2001, p. 190.

<sup>21</sup> L. M. Nijakowski, op. cit., *Iskry*, Warszawa 2010, p. 123.

<sup>22</sup> *Convention for the Suppression of the Circulation of Pornographic Publications* (Dz. U. of 1922, No. 21); *Convention for the Suppression of the Circulation of*

are different ways of regulating the phenomenon of pornography, which is expressed by different methods of decriminalisation or criminalisation of pornographic sources. Differences in culture and the diversity of legal systems in different countries is not favorable for establishing a uniform position within the international community. Nevertheless, there is no doubt that we are dealing with an attempt to regulate the sphere of private life through the instruments which can be used only through participation in the public sphere.

**“Pornographic content related to presentation of violence”**  
**– art. 202 § 3 of the Criminal Code**

Polish Criminal Code (CC) in the article 202 § 3 states that: “Whoever, in order to distribute produces, preserves, or imports, stores or owns or distributes, or publicly presents pornographic materials involving minors or **pornography related to presentation of violence** or the use of an animal is punishable by imprisonment from 6 months to 8 years”. This article concerns the so-called “hard pornography”, which cannot be produced for distribution, recorded, imported, nor can it be stored, it also may not be the subject of ownership, shall not be distributed, or cannot be publicly presented. We are interested in only a special kind of “hard pornography”, which in its content includes elements of pornography and violence. A problematic issue in literature is the very notion of pornography – that is how to distinguish pornographic content from erotic one<sup>23</sup>?

Article 202 § 3 contains the term **“pornography related to presentation of violence”**. Early records of the Code used the phrase **“with the use of violence”**, which was used by producers of pornographic films,

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and *Traffic in Obscene Publications* (Dz. U. of 1927, No. 71, as amended Dz. U. of 1951, No. 59); L. Gardocki, *Prawo karne*, C. H. Beck, Warszawa 2002, p. 248–249.

<sup>23</sup> R. Góral, *Kodeks karny. Praktyczny komentarz*, WZPP, Warszawa 1998, p. 274; L. Gardocki, op. cit., C. H. Beck, Warszawa 2002, p. 249–250; J. Warylewski, op. cit., C. H. Beck, Warszawa 2001, p. 202–218; G. Hawkins, F. E. Zimring, *Pornography in a Free Society*, Cambridge University Press, Cambridge 1991, p. 20–29. See also the: Supreme Court Judgment of 23 November 2010 (IV KK 173/10, “LEX” No. 667510) and the thesis of M. Derlatka in: M. Derlatka, *Definicja pornografia a zasada nullum crimen sine lege*, “Prokuratura i Prawo” 2005, No. 11, p. 147–150.

because the form could be classified as “hard pornography” when there was genuine violence<sup>24</sup>. An extreme example of actual use of violence would be films of the “snuff” type – films presenting actual scenes of murder or rape. Other examples can be films of the “gore” type (films saturated with brutality, often horror movies with huge amount of blood and various human viscera, movies, often showing subtle sexual deviations).

It is easily seen that with advanced technology it is difficult to state if the used form of violence is authentic, which is not necessarily understood by the recipient of “hard pornography”. The development of computer technology has facilitated the usage of special effects, which in the past were possible to use only by standard film studios, for a wider group of people<sup>25</sup>. Hence the production of pornographic films may not only be based on simple and aesthetically questionable forms such as “gonzo”, “POV” or films maintained on purpose or not in the style of “amateur”.

Under article 202 § 3 of the CC classification of the pornographic content of BDSM type or rape scenes becomes problematic. In general, the problem of “reality” of the scenes or consent of the actor on violence against him/her should be stressed. There is no doubt that the word “use” indicated narrower interpretation and applicability of art. 202 § 3 of the CC than the word “presentation”. In this case, the application by the legislative of the phrase “presentation of violence” aimed at elimination of forms which would imply a sense of tolerance for acts within the scope of “sexual violence”<sup>26</sup>. Moreover, the recipient of the “hard por-

<sup>24</sup> J. Warylewski, op. cit., C. H. Beck, Warszawa 2001, p. 190–231; B. Kunicka-Michalska, J. Wojciechowska, *Przestępstwa przeciwko wolności seksualnej i obyczajności oraz czci i nietykalności cielesnej. Rozdziały XXIII, XXIV, XXV i XXVII Kodeksu karnego. Komentarz*, C. H. Beck, Warszawa 2001, p. 126–127; M. Mozgawa in: *Kodeks karny. Praktyczny komentarz*, ed. M. Mozgawa, Wolters Kulwer, Warszawa 2010, p. 423.

<sup>25</sup> Thus, in the judgment of the Supreme Court of 23 November 2010 (IV KK 173/10, “LEX” No. 667510) it is pointed out that: “The term »pornography connected with presenting violence« as used in art. 202 § 3 CC covers also acted by actors scenes of violence associated with the content as referred to in the above mentioned provision, as well as scenes of this kind produced by a variety of other visualization techniques”.

<sup>26</sup> Doubts about the changes in art. 202 § 3 CC including in: B. Kunicka-Michalska, *Przestępstwa przeciwko wolności seksualnej i obyczajności popełniane za pośrednictwem systemu informatycznego*, Ossolineum, Wrocław 2004, p. 100–101.

nography” does not need to be aware about authentic or simulated violence – it is enough for the film just to look this way. Hence it should be concluded that the legislator had wider objectives for enhanced penalisation of “hard pornography”, which include among others eliminating a sense of permission for acts of violence. The current wording “presentation of violence”, present in art. 202 § 3 of CC, prohibits presentations of played by actors scenes of violence, which means that a vast number of available on the web videos and graphics have characteristics described in the art. 202 § 3 of CC. There should be a question asked concerning the sense of creating law, the executability of which is limited, at least due to advanced technologies or possibility for effective prosecution implemented by relevant services.

### **Ending**

The text described the issue of instrumentalisation and objectification of corporeality in connection with violence. The starting point for the analysis is the problem of tabloidisation of communication in relation to the specificity of the mass media and developing communication technologies. The purpose of the forms is to increasingly intensify shock, vulgarity and overstep the intimate. The result of this is a combination of violence, the body and sexuality, later – violation of the associated with these elements taboo. This problem is illustrated on the example of pornography with elements of violence.

In the first place, attention should be paid to the changes in the forms of content concerning its technical ability to create and publicise. The problem of corporeality and sexuality should also be considered in connection with the influence of European culture on human sexuality, which is reflected in the way of regulating this aspect by the legal system today. A good example is the attempt to solve the problem of availability and popularisation of messages which contain the so-called “hard pornography” (here limited to pornography using and presenting violence). Additionally, the problems related to forms containing elements of pornography and violence should be stressed, i.e., 1) the actual sexual violence, 2) actual sex relationships of BDSM partners and 3) sexual violence in pornographic films. In fact, in each of these situations we will talk about different forms of instrumentalisation and objectification of human corporeal-

ity. These issues may be considered on the basis of many social science disciplines – philosophy, psychology, law, etc.

This work presents the problem of pornography using and presenting violence basing on the example of Polish criminal law, which is reflected in the final section of the text. The analysis of this issue focuses on art. 202 § 3 of the Criminal Code. It also presents the analysis of the effects of the changes implemented in § 3, namely changes in the wording of pornographic content “**using violence**” to pornographic content “**presenting violence**”. It is important to identify social and legal implications in relation to technical possibilities of recording, production and distribution of this type of forms.

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### Summary

The article discusses the issue of instrumentalisation and objectification of corporeality and sexuality. The issue was considered in the context of forms possible to distribute by the media. The starting point is general tabloidisation in the contemporary culture, which changes due to new technologies of production, recording and distribution. The body, nudity and violence are becoming a tool of inducing shock, dazzling with vulgarity and breaking taboos in order to satisfy sexual needs and curiosity. The ability to access previously restricted content or content which was previously not feasible due to the lack of universality of the media, causes that these forms find their customers.

This problem has been reduced to the so called “hard pornography” (pornography using and presenting violence); however, attention should be paid to a broader range of issues which included 1) the actual sexual violence, 2) real sexual relations of BDSM partners and (3) sexual violence in pornographic films. In fact, in each of these situations we will talk about different forms of instrumentalisation and objectification of human corporeality.

The text presents the thesis that the legal sphere related to *ius publicum*, which is shaped by participation in the public sphere, has a significant impact on private life. Hence the dominance of particular social narratives (ideology, ethics, etc.) affects the legal sphere, which interferes to a great extent with the private sphere of people. We should also stress the change in the meaning of what was called pornography – from tools to express political ideas to contents aiming at providing amusement and satisfaction on different levels.

The legal issue related to the so-called hard-core pornography (pornography using and presenting violence) has been generally presented on the example of the Polish Criminal Code. Of particular importance is art. 202 § 3, which defines criminal penalties for distribution, production, recording, importing, storage and possession of “hard pornography” (the text is limited to the analysis of pornography using and presenting violence).

## Instrumentalizacja i uprzedmiotowienie ludzkiej seksualności

### Streszczenie

Artykuł podejmuje problematykę instrumentalizacji i uprzedmiotowienia cielesności i seksualności człowieka. Problem rozważany był w kontekście przekazów, możliwych za pomocą środków społecznego przekazu. Punktem wyjścia jest tabloidyzacja przekazu w ogóle we współczesnej kulturze, która zmienia się dzięki nowym technologiom produkcji, utrwalania i przekazywania treści. Ciało, nagość i przemoc stają się narzędziem wywoływania szoku, epatowania wulgarnością i przełamywaniem tabu w celu zaspokojenia potrzeb seksualnych, jak i ciekawości. Możliwość dostępu do treści wcześniej zabronionych lub treści, które wcześniej były nieosiągalne z powodu braku powszechności przekazów, powoduje, że przekazy te znajdują swoich odbiorców.

Problem ten został sprowadzony do tzw. „pornografii twardej” (pornografia z użyciem i prezentacją przemocy), jednakże należy zwrócić uwagę na szerszy zakres tej problematyki czyli m.in. 1) faktycznej przemocy seksualnej, 2) faktycznych relacji seksualnych partnerów BDSM i 3) przemocy seksualnej w filmach pornograficznych. W zasadzie w każdej z wymienionych sytuacji będziemy mówić o różnych formach instrumentalizacji i uprzedmiotowienia cielesności człowieka.

W tekście przedstawiono tezę, że znaczny wpływ na życie prywatne ma przestrzeń prawa związaną z *ius publicum*, która kształtowana jest przez partycypację w sferze publicznej. Stąd dominacja poszczególnych narracji społecznych (ideologii, etyki itd.) wpływa na przestrzeń prawną, a ta ingeruje w szerokim zakresie w sferę prywatną człowieka. Należy również zwrócić uwagę na zmianę znaczenia czegoś, co określano mianem pornografii – od narzędzia wyrażania idei politycznych do przekazów mających jedynie za cel dostarczanie rozrywki i satysfakcji na różnych poziomach.

Problem prawny związany z tzw. twardą pornografią (pornografia z użyciem i prezentacją przemocy) w ogólnym zarysie przedstawiono na przykładzie rozwiązań w polskim kodeksie karnym. Szczególne znaczenie ma art. 202 § 3, który określa odpowiedzialność karną za rozpowszechnianie, produkcję, utrwalanie, sprowadzanie, przechowywanie i posiadanie „twardej pornografii” (w tekście ograniczono się do analizy pornografii z użyciem i prezentacją przemocy).