ANTIGONE BY SOPHOCLES AND THE FUNDAMENTAL LEGAL ISSUE: THE ETERNAL TENSION BETWEEN LEGAL CERTAINTY AND NORMATIVE CORRECTION

EDUARDO SEINO WIVIURKA[1]

TRANSLATED BY FELIPE ZOBARAN

ABSTRACT: Sophocles' *Antigone* has a prominent place in the Philosophy of Law. This tragedy expresses legal dilemmas and offers symbols that carry multiple interpretations. Throughout the centuries the work has been read, mostly, from a dualistic bias in which antagonistic pretensions of justice of Antigone and Creon collide – the satisfaction of one point of view implies the destruction of the other. However, François Ost offered a new interpretation of the tension proposed by Sophocles, finding a third moment in which the conciliation between opposites is possible. Such a moment would be occupied by the jurisdictional function in which hermeneutics would seek the best conciliation between the litigating parties. This research, after discussing an overview of *Antigone's* plot and detailing Ost's contribution, goes beyond Ost and argues from prominent names in contemporary Philosophy of Law (namely, Habermas, Alexy and Dworkin) that the tension present in *Antigone* is structurally analogous to legal issues faced throughout history.

KEYWORDS: justice; tragedy; philosophy of law; civil disobedience; François Ost.

> "*Antigone*, which is, in every way, one of the most sublime and most perfect works of all time." (Hegel)

> "It is not lawful for mortals to avoid the misfortunes destined for them". (Sophocles)

---

[1] Professor of Philosophy and Constitutional Law at the Law School of Centro Universitário Curitiba (UNICURITIBA). PhD in Philosophy at Universidade Federal do Paraná (UFPR). Master's degree in Law at Universidade Federal do Paraná (UFPR). Specialist degree in Pedagogical Training of University Professors at Pontifícia Universidade Católica do Paraná (PUCPR). Bachelor's degree in Law at Centro Universitário Curitiba (UNICURITIBA). Curitiba (PR), Brazil. CV Lattes: http://lattes.cnpq.br/2763403841685669. ORCID: https://orcid.org/0000-0003-3813-3522. E-mail: seinoew@gmail.com.

1 INTRODUCTION

Antigone has the same importance for the Law that *Oedipus Rex* has for Psychoanalysis. Oedipus killed his father and married his mother, a situation that led Sigmund Freud to theorize the Oedipus complex – which expresses the hostile desires that boys feel for their fathers and the loving impulses toward their mothers. In *Oedipus Rex* was portrayed the dilemma that served as a cornerstone for Freudian Psychoanalysis.

In turn, *Antigone* brings another key conflict – no longer between the person and their family, but between the family and society. In the latter part of the Theban trilogy is portrayed the fundamental dilemma of Law, which remains essentially the same from ancient Greece to the present day.

As is characteristic of tragedies, there is the expression of irreconcilable contradictions, leading to the inevitable anguish generated by the impossibility of solving tension without implying any loss. Signs are used to express the conflict, which may receive different interpretations from the narrative's attempt to mediate two extremes.

From the juridical readings, the Sophoclean tragedy presents a conflict between Law and Justice. In more complex terms, it can be said that there is a tension between legal certainty, a typical function of the Law, and the need for *correction*, in the sense that the content of the law is in conformity with or acceptable to the values of a given epoch. This conflict has been interpreted over the centuries in different ways and by a plurality of authors, but it is not the purpose of this study to discuss the myriad of literary, legal and philosophical biases, but rather to expose a recent interpretation that seeks to take a step beyond dualities.

This research aims at deepening a discussion about *Antigone* initiated by François Ost. The Belgian jurist understands that even if the tragedy of Sophocles exposes irreconcilable extremes, there is the possibility of mediation between the sides in judgments that take place in the narrative. The Philosophy of Law, when discussing justice, and the Theory of Law, in developing explanatory theoretical models, cannot confine themselves to identifying conflicting elements. Law and Justice have collided for centuries, and theoreticians have always sought the best mediation between these different orders. The culmination of this tension, and part of the task

of the jurist, is to harmonize in the best possible way what the law imposes and what values demand at the moment of a judgment. The excellent harmonization consists in an eternal search of juridical hermeneutics.

In order to promote the proposed discussion, this paper is divided into three parts. In a first moment the Greek tragedy that is the object of reflections is presented, and, briefly, the central plot of the narrative is described, as well as the importance of *Antigone* in the history of Literature. It is then made clear why performances of the play *Antigone* are performed worldwide until nowadays and why, in Law Schools, simulated trials are organized based on the play, especially regarding the violation to positive law that the protagonist commits.

In the second part, readings of the play are discussed, especially those made by jurists. Most of them are dualistic readings, and each name mentioned could yield a study of its own, but the purpose of their exposition in this article is to present the reference that servers as a contrast to Ost's interpretation, which offers a contribution in which opposing views make contact. The paper then reaches a third moment that goes beyond the contradictions previously seen as insoluble.

Finally, going beyond Ost, the discussion leads to how *Antigone* expresses the fundamental dilemma of the jurist's function, which can be traced to Sophocles' work. It is the conflict between legal certainty and correction that is put from mediations with the thinking of Jürgen Habermas and Robert Alexy. Both jurists recognize an inevitable tension of the juridical phenomenon that appears at the moment of the realization of the Law through the action of a magistrate.

Studies like this propose interdisciplinarity between Law and Literature, with several possible intersections between the fields. One can discuss Law in literature, Law of literature, or literature as a critical exercise to evaluate the Law. In any case, literature helps to ground and interpret reality, sometimes even anticipating legal issues. Ultimately, written art is a source of life experience, and thus it gives useful metaphors to the Law.

Ultimately, it is the dialogue between art and reality. The Law says how reality should be; art shows how reality could be. Both have their symbolic worlds and they sometimes meet, and when that happens,

literature inspires us to look at the world in another way, in the light of the beautiful and high metaphors. After contemplating such a noble expression, never again do we look at reality simply as it is or ought to be.

In Ferreira Júnior's (2016) discussion of the relationship between Law and Literature[2], there are equivalent traces between procedural fiction, proper to a trial, and literary fiction – which allows us to use typical methods of literary study to analyze legal issues. Going beyond the more widespread methodology of seeking juridical concepts in works of fiction, the key hypothesis of this research is that *Antigone* occupies a special place among the fields of study. As will be developed, rather than finding legal concepts in Sophocles' tragedy, the tension between Creon and Antigone serves as an allegory to express the fundamental problem of any Law Theory or legal process: the tension between different pretensions of justice, or in the vocabulary of the Philosophy of Contemporary Law, the tension between correction and juridical certainty.

2 THE NARRATIVE BY SOPHOCLES AND THE METAPHORS OF ANTIGONE'S JUDGMENT

In ancient Greece there was no separation between politics and religion. Such instances, now separated, shared the stage for dramatizations, both to preserve and teach the tradition of religious rites, and to promote political debates. The will of the gods and the political sphere were seen as the same thing.

There are several key concepts to the interpretation of Greek literature, and the main one is the relationship between human society and the natural order guided by gods. The Greeks conceived the social order based on the natural order; Homer, Hesiod, Herodotus, among other names in Greek literature, had as background the same mythology and the same Greek society, the same imaginary and the same reality. But every writer had its peculiarities. They interpreted the gods' will each in their own way and described a *polis* under their own perspective. Sophocles (496-406 B.C.) experienced the rise and fall of Athens, for example. As a young man

---

[2] An important study establishing the state of the art in methodological terms, besides making contributions proposing additional instruments of analysis, is made by M. Paola Mittica, in the article "What happens overseas? Law and Literature in Europe" (2015).

he held administrative positions and fought in military conflicts, and in his old age, he experienced the crisis of Athenian democracy. In his life he got to know the political life of his city closely, an element that appears in his works (Rosenfield, 2002, p. 5-8).

Sophocles had great success in literary contests, always competing with great writers who also left their name in history, like Aeschylus and Euripides. *Antigone* is one of seven preserved tragedies of Sophocles. He wrote it for a contest, which he won in 441 or 440 B.C., which earned him the election for military strategist, the highest honor possible to a citizen of Athens at that time.

Of all the Greek tragedies, *Antigone* was the most discussed one, and became an object of countless reflections. Kamerbeek, Hegel, Hölderlin, Nietzsche, Heidegger, Lacan, Derrida, Aristotle, are some of the great names who studied the Sophoclean work[3]. It is a play with almost no narrative description, consisting essentially of dialogues between the characters, but it is in the lines of these dialogues that the tragedy develops.

Antigone is the third part of the Theban trilogy and there is a prelude to the narrative that needs to be mentioned. Oedipus had been cursed for having killed his father, Laius, then King of Thebes, and mistakenly married his mother Jocasta. He had four children, Eteocles, Polynices, Ismene and Antigone. With the death of Oedipus, a civil war began by the dispute of the succession to the throne. The two brothers, Eteocles and Polynices, commanded antagonistic forces, and during the battle they dueled and wounded each other. Both died and Creon, Oedipus' brother, took the throne.

---

[3] The present research does not establish the state of the art regarding the wide theoretical production referring to the tragedy of Sophocles. Hegel's reading serves as a counterpoint to Ost's proposal. However, other paradigmatic interpretations that can be object of other studies can be found in: *Rhetoric* by Aristotle, which offers an important counterpoint between Natural Law and Positive Law; Nietzsche's *The birth of tragedy*, which analyzes aspects of the Sophoclean work as a whole, especially its impact on the construction of philosophical ideals; *Specters of Marx* by Derrida presents an interpretation on aesthetics based on *Antigone*; in *Ethics of the psychoanalysis*, Lacan incorporates *Antigone* in debates of psychoanalysis from a philosophical foundation, counterpoint the model of Kantian ethics to the moral code found in the character Antigone; Heidegger, in his *Introduction to Metaphysics*, found a key concept to understanding the *Greek being* expressed in some characters in the narrative, especially in the chorus of the play; but of all interpreters, Kamerbeek, in *The Plays of Sophocles*, more broadly established the readings already made and in his work commenting on the tragedies of Sophocles.

The new King of Thebes considered that Eteocles was right during the conflict and therefore blamed Polynices for the inconvenience caused. Creon then conferred all possible funeral honors to the nephew who, in his view, was on the right side, and decided to punish the other even after his death. He did this by forbidding his body to be buried, being left in the open air to be devoured by wild animals.

In the face of these events, the final piece of the Theban trilogy begins with a dialogue between the sisters Antigone and Ismene, who, in secrecy, discuss Creon' edict that forbade the burial of Polynices' body and shedding tears on it. However, Antigone, who assumes the archetype of heroin, thinks of burying her brother and asks her sister for help.

Ismene is reluctant to help, invoking arguments that women could not oppose the forces of men who have the function of rulers. It was left to her to keep the duty of obedience, and therefore she finds herself in a conflict too, since Antigone feels denied by her sister, even if that is not her intention. She acknowledges the injustice of the situation but reaffirms her lack of strength to oppose – which is no more than an excuse for Antigone.

The latter, in turn, was in an irreconcilable dilemma: the divine laws forced her to bury her brother and Theban law prohibited. Bad omens and discontent of the gods would be attracted if funeral obligations were disregarded, since those who paid funeral tributes to Polynices would be subject to capital punishment. Divine laws and human laws, previously compatible, now faced a paradox: to comply with one law would betray another. Despite the conflict, Antigone is resolute, and without fear of death, accomplishes the will of the gods.

The next scene is played by Creon, who as the new King enunciates desired qualities of a ruler, such as making decisions in the best interest of the city, without omitting important matters. He shows a readiness for the exercise of his function and also affirms that he cannot favor friends to the detriment of the motherland. That is why Polynices, even being part of his family, would have to be punished. His nephew had attacked Thebes, and the only way to punish a person after his death was to forbid his death to be mourned – making the body remain unburied and thus devoured by animals.

A chorus in the play which, according to the interpretation, represents the popular opinion or the advice of elders, suggests to Creon that the burial is the will of the gods. But the King is irreducible in revoking the prohibition of burying Polynices, a decision under capital punishment. The conflict between the two central characters, who represent opposing forces, was inevitable from the beginning of the tragedy. Antigone then buries her brother.

In the unfolding scene, guards take the news to the King that someone buried Polynices. Immediately, the soldiers are scolded by the King for not having fulfilled the duty of guarding the body, but before major repressions, the city's military forces set a trap: guards dig up the body of Polynices, and Antigone, while trying to repeat their act of honoring her brother, is captured and taken to Creon.

Creon and Antigone stand facing each other. Her trial, which is the determining moment for the reading made in this research, begins when Creon asks if she had knowledge of the law and Antigone confesses that she did. She is given a chance to declare her ignorance of the law and to have a different penalty, but the heroine is irreducible. She states that it was not Zeus who promulgated the decree and that no command of a mortal has power to counter divine laws which, though unwritten, are irrevocable.

Creon is accused of tyranny by Antigone, who claims that only the king himself did not realize what he was doing. She claims the support of the Thebans, who would agree with her if it were not for the fear that Creon inspired and the silence they held to please the king. For her, it was untenable for a mortal to go against Hades, who demanded that the two brothers received the same rite. The God of the underworld should be given that which belongs to him.

On the other hand, Creon's rationality believes that it would be unfair to give the good man the same treatment that the criminal received. Thebes could not treat his friends the same way it treated its traitors. As with Antigone, for Creon there is only one way of looking at the situation. Thus, the death sentence, already foreseen from the beginning, is pronounced.

In the following act, Haemon, the son of Creon and betrothed of Antigone, decides to speak with the King. There follows a discussion about

the king's postures, and the obedience of a people to his ruler. One of the most interesting statements is when he says that Creon could rule alone only if the city was made of only one man, without needing to regard to the order of the gods and the yearnings of the people. Haemon states that the people, although in a reserved way, supported Antigone. Such reasons are raised to support an appeal by the son for Creon to revoke the condemnatory edict. Creon yields, and the condemnation of Antigone happens to be imprisonment in a cave.

Following to that, oracles are heard and, through the voice of Tiresias, they alert Creon. The relation between the world of men and the world of the gods was weakened, so that the prayers of mortals were no longer heard by the deities. Creon is prophesied to suffering, and finally, after being reluctant, he decides to free Antigone and bury Polynices.

The narrative has, then, its tragic outcome. When they release Antigone, they discovere that she had hanged herself. Frustrated that he cannot save his bride, Haemon also commits suicide. Eurydice, Creon's wife, on learning of her son's death, also kills herself[4].

These are the central points of the plot for the study proposed here. By the lyricism of Sophocles, in the work analyzed, there is no possible mediation between the law imposed by Creon and the feelings of Antigone. An early reading may point to Creon as a selfish tyrant, but he is not a villain. His arguments have logic and justification. The King of Thebes can be accused of not dialoguing, being obsessive in law enforcement and of having lack of vision (Oliveira, 2013, 95-96). But when analyzing discussions on the play, there seems to be similar traces in Antigone.

As a characteristic of tragedies, this play seeks to mediate extremes. Antigone, in the archetype of heroin, is forced to choose between two outcomes, and regardless of her decision, there will be support for criticism pointing out mistakes. Choosing one obligation leads to neglect another duty.

There are always two orders in the Sophoclean tragedies: divine order and earthly order. The conflict between them causes suffering and makes life unbearable, and thus it is better to embrace death. At the end of the

---

[4] This brief description of the acts of the play was elaborated from different Portuguese translations of *Antigone* (Sófocles, 1999; 2007; 2009).

narratives, the characters are more dignified than they were in the beginning. The reconciliation between orders, or at least their attempt, allows for dignity (Carpeaux, 2011, p. 71-74).

Another important tension, as Northrop Frye states in analyzing the structure of myths, stems from the model of society presented in *Antigone*. There is a tension between egos, whose loyalty to a leader diminishes the individual. In his words:

> In the sinister human world, an individual pole is the tyrannical leader, inscrutable, implacable, filled with melancholy and with an insatiable will, commanding loyalty only if he is egocentric enough to represent the collective ego of his followers. The other pole is represented by the *pharmakos*, or sacrificed victim, who must be killed to strengthen the others (Frye, 2014, p. 278).

The conflict with the Law of the State is what makes Antigone a symbol of all resistance. Without it, she would just be a sentimental character. In any case, numerous conflicts can be expressed with the analogy in the last part of the Theban trilogy, as discussed in the next session.

3 THE INEVITABLE TENSION BETWEEN LAW AND JUSTICE: FROM DUALISM TO CONCILIATION

There are many possible interpretations of the Sophoclean work. And this does not imply that some are true and others are false because there are several levels and possible perspectives for reading. Wayne Morrison, for example, claims that there is tension between the public and private; duty to the family in conflict with duties to the State; love and duty; men and women; tension between male reason and female emotionality; between old and young; gods and men; society and individual; the importance of the dead versus the living; theoretical reason and practical reason; nature and culture; among others. Such interpretations are considered dualistic. Still, the most recurring conflicts are the legal ones (Morrison, 2006, p.28).

In the field of law, one of the most commonly used approaches is to use Antigone's central dilemma to express the opposition between natural law and positive law, as done by Aristotle, in that there is the conflict between a natural duty that serves as an imperative for the burial of Polynices and a legal duty of the prohibition to render funeral tributes due to Creon's decree. Another recurrent legal reading is to interpret Antigone's

decision to bury her brother as an act of civil disobedience, which retakes the discussions around the conception of justice to legitimize the decision of the protagonist.

Hegel promotes a richer interpretation. He is able to successfully dialogue with the most important interpretations of Sophocles' work up to his time and thus is taken as a theoretical framework to represent the dualistic readings. This view must be constructed in this article so that, later on, it is possible to present a contrast with Ost's interpretation. Hegel, in addition to punctuating existing conflicts in the work – state public law and family duties; duty in relation to the brother and family interests; public good and the will of the gods – understands that the protagonists oppose to each other and act only from the part of the world they represent individually. He states "Antigone, Creon, etc. certainly have individual desires, but the substantial ones, which constitute the pathetic content of their acts, is legitimate and justified and therefore have a universal interest" (Hegel, 1996, p. 622-623).

For Hegel, from the latent tensions of Greek society, each character acts in the name of a *universal* idea.[5] Ismene interprets the question from natural Law, which subordinated women to men in ancient Greek society. Antigone was moved by divine Law, which determined the duty of burying relatives. Creon was guided by a positive Law, and so on. Each was compelled to obey type of Law, and with that they were obliged to disobey the others. The German philosopher maintains that Antigone is moved by a divine injunction to perform her acts, an absolute injunction. There is a social requirement to follow the laws of the community, as well as a supra-state requirement to bury her brother's body and give to Hades what belongs to him. Creon, in turn, is entrusted with the perspective of the community and, as ruler, refuses to grant to an enemy of the State the proper funeral.

Hegel uses the tragedy of Antigone to express elements of his thought, identifying a dialectical, synthesizer movement towards the whole. Thus,

---

[5] The concepts of "*universal*" and "*essence*" in Hegel are not the object of analysis in this research. In any case, he understands that from Antigone it is possible to extract a metaphor to exemplify his view of philosophy. But this will not be discussed because it would require an incursion into concepts of his philosophy, such as dialectic, which would deviate from the proposed object.

conflicts between instances are inevitable, such as duties to the family and duties to the State. To recognize one side is to deny the other. Previously, each sphere was part of a polis, projected in clashes in which each part claimed the totality of the ethical substance. Creon and Antigone, in this sense, are representatives of the substances of the State and the family, or of the divine order. But both arrogate representation of the totality, which is why each will deny the validity of the opposite pretension (Salgado, 1996, 280).

Each character acts on behalf of a *telos*. Creon is justified in making the prohibitory edict while seeking the good of the city. Antigone represented a sacred force that moved her to fulfill her duties to the gods and to her family. Hegel expresses this understanding in the *Phenomenology of Spirit*:

> Seeing well only one side and very badly the other, this consciousness which belongs to the divine law sees on the other side only the violence of human caprice, while the one who abides by human law sees only on the other side the obstinacy and disobedience of the individual who insists on being their own authority. For the prescriptions of government have a universal and public meaning, exposed in the light of day; the will of the other law, however, is examined in the darkness of the lower regions, and in its external existence it manifests itself as the will of an isolated individual who, as contradicted by the former, constitutes a brutal outrage (Hegel, 1996, p. 253).

Both Antigone and Creon make sincere efforts to save Thebes, but the clash between the different designs is inevitable, which leads to its tragic end. In the interpretation of Hegel, Antigone, when burying the brother, accomplishes the fulfillment of a divine order, of the blood, of the brotherly love. Creon, in turn, represents the will of sovereign power, the rule of the state. Both do not fight for themselves, but for the ideals of others. Two legitimate and morally justified forces facing each other are at the very heart of the Greek dramatic structure (Hegel, 1993, p. 656).

Hölderlin, another well-known interpreter, sees a matter of succession present in the plot, identifying implied elements in the text. Through the dialogues, Antigone and Creon make reference to the symbol of the power, the palace, like *their house*, since Antigone understands that her lineage would have precedence in the succession. For Hölderlin, the inheritance problem is implicitly rendered and makes it more difficult to

read the conflict between the religious question and the state policy. The heroin name's meaning reinforces this indication – *Anti-gone* means: *anti*, in place of (or against), and *gone*, progeny (Rosenfield, 2002, p. 11).

The chorus of the play at one point refers to Antigone as *last root* that she brought in herself, in her union with Haemon, as the possibility of giving continuity to her lineage. Information on the historical context of the work reinforces this interpretation, according to Rosenfield:

> In fact, what would Antigone represent in historical Athens? At the time of Sophocles, there was a legal institution that guaranteed a particular status to the daughter of a deceased chief. This instrument – the epiclerate – guaranteed to the daughter the right to birth a successor for her dead father, thus ensuring the continuity of the lineage and the power. Had Antigone been a princess of the fifth century, Creon would have been obliged to marry her in the epiclerate scheme with her nearest kinsman – Haemon, son of Creon (Rosenfield, 2002, p. 11.-12).

Such elements justify why Creon apparently treats Oedipus' daughters with harshness. Beyond the religious dispute, there would be a whole dynastic matter in confrontation (Rosenfield, 2002, 23).

The considerations presented thus far indicate the panorama of interpretations made of the tragedy. Each commentator mentioned would justify a study dedicated only to his thinking. It is not intended, however, to expose the depth of the reflections on the tragedy of the mentioned theorists, but to punctuate elements that enrich the reading of *Antigone*. Still, in addition to the dualistic readings that counteract elements of the tragedy, François Ost indicates a hypothesis of a dialectic between the opposites.

Antigone is marked by the refusal of injustice, causing her rebellious cry to echo for twenty-five centuries, starting from Athens. Ost considers her reckless to have been deaf, by ignoring Ismene's sensible objections, by ignoring the positive law she violated, by not listening to Creon.

The novelty of Ost's interpretation is the thesis that the claims of Antigone and Creon should not be thought of in opposition but communicated dialectically. Creon, in the dichotomous reading, performs a narrow interpretation of the needs of the *polis*. He ends up ignoring a number of factors necessary to the public good in the name of a Manichaeism between friends and enemies. It is a unilateral polis that

confers no space to the other. Precisely these others, like the son and the wife of Creon, that are punished at the end of the narrative. Antigone, in turn, holds oppositions of equal magnitude. Ost says that sometimes she possesses an animal behavior and, in others, a conduct compatible with that of the gods.

Hegel assumes the antagonistic reading paradigm. He identifies two worlds that will be destroyed in confrontation. Creon is associated with human law and its virtues. Antigone, in turn, arrogates to divine law and is moved by emotional, fraternal, and feminine attributes. This encounter, which for a moment balances before the end of the tragedy, leads to the disappearance of the two essences. The characters are only avatars of the part of the world they represent (Ost, 2004, pp. 200-201). As for Ost, he tries to find in the tragedy of Sophocles a meta-message present in the narrative. The propositions of Creon and Antigone are both just and unjust, civil disobedience too, which would lead to a third way of interpretation.

For Ost, an important layer of the plot is the confrontation between Creon and Antigone, which would express the tension between the reason of the State and the objection of conscience. A question is raised as to the extent State acts may be valid. In a way, Ost resumes the conflict between the Law in force and the ideal Law, terms that he prefers, instead of positive Law and natural Law. The prohibition on honoring the dead affects the family sphere, something that is not clear whether is in the power of the City-State's legislation. Besides, Creon hindered the right of Hades. On the other hand, it is proper for the Olympian gods to protect the homeland and punish those who threaten it. The border of the just and the unjust is not clear in these questions (Ost, 2004, pp. 189-190).

The positive is not on a single side either, for the position of Haemon, the choir, and Tiresias is a contested question. In view of this, one must always seek deliberation on this, and it is a negative political act to refuse the debate and decide alone – which applies to both Antigone and Creon.

In this context of feeling of injustice, civil disobedience is brought to the forefront. This is an internal challenge to the State itself, which is expressed by a non-violent public act, contrary to the law, but with the

intention of promoting a change in the law or in a policy of government. In that sense, Antigone stands next to Henry Thoreau, Mahatma Gandhi and Martin Luther King. The latter, who has the famous declaration "he who violates a law because his conscience considers it unjust, and voluntarily accepts a prison sentence in order to arouse social conscience against this injustice, demonstrates in reality a superior respect for Law" (*apud* Ost, 2004, p. 176). Sophocles' Antigone figures, therefore, like a fantastic and unequal model of resistance to the power. She makes use of a last remedy when no other alternative persists. The denials between the protagonists lead them to reciprocal destruction, since Creon and Antigone refuse to yield. This conflict is the consequence of different conceptions of justice. Each character has their reasons to support their respective beliefs that what they are doing is right.

There are many terms in the original Greek text that refer to justice and are used by the protagonists to defend their views: *Dike* worries about the justice of the dead, invoked by Antigone in the play; *Themis* is the oldest name of the goddess of justice. In Greek poetry she is dedicated to family and divine justice; *thesmos*, word mentioned by the choir, refers to the old laws passed from generation to generation, having been established by the gods in the past; the term *nomos* can be understood as *law*, is used equivalently, and several times, by the protagonists. *Nomos* can be read as "rule prescribing the sharing of goods, setting limits", but progressively was established in the democracy of Athens and came to have the sense of law bringing a mandatory custom; Antigone also invokes *nomina*, which are traditions, and can also be interpreted as laws of divine origin (Ost, 2004, p. 193-196).

Of this, Ost says that it is not possible to associate the justice claimed by Antigone to the natural Law, not at least in a restrictive interpretation. For the Belgian jurist, "the position of Antigone is clear: the political *nomos* only has validity within the framework drawn up by the divine and immemorial names" (Ost 2004: 196). The debate about justice is complex in the tragedy because there is not only one form of rule, Law or justice with absolute prevalence over the others.

The paradox is in focus, several justices collide. The exposition is conducted so that the reader may take advantage of one part, sometimes another. Sometimes one defends the Law in force and at other times the ideal Law is evident. The essential is not a Law to overcome the other, because the tension will always exist. Ideal Law signals the intrinsic limit of positive Law, but at the same time it does not make positive Law unnecessary. In the words of Ost:

> We could also say that the relations of law in force with the ideal law are comparable to those between the material sources and the formal sources of law: the latter are visible and positive, they enjoy the aura of officiality and occupy the entire legal space apparent – superficial spirits can be content with this; the former operates in the shadow and outside the official channels – the learned spirits recognize in them, in the form of the process of customary formation, of expression of principles, of claiming rights, the true genesis of the juridical thing. To put it another way, the law in force is of the order of the instituted, the ideal law is instituting. And one cannot pass without the other: the instituting forces are poured into the instituted forms, into a positive collaboration movement (2004, p. 205-206).

Sophocles' tragedy exposes this dialectical movement of relationship between levels. It is both necessary and impossible, both to conform to the Law in force, and to seek the ideal Law. However, there is a possible mediation. It is theoretically acceptable for a rule to be fair in its origin, but to be unfair in its specific application – attention needs to be paid to this. Having said it, Ost states that at the moment of the judicial decision it will be necessary to search for a correction in view of the specific case (Ost 2004, 206). A rule that was fair yesterday may not be appropriate to reality today anymore, and a modification or revocation should be made. In this part of Sophocles' tragedy, Ost understands there is a learning process about how this movement of Law occurs.

The tragedy presents a conflict between two worlds that do not dialogue, but is it possible to have an alternative in the judicial process? Ost understands that it is. He finds room for discussion in some judgments that appear in the work. As examples, Polynices was condemned, Antigone had a trial, and as Ismene and the guard were afraid to be charged. It is possible to discuss justice circumstantially in these moments and not in the abstract. Law, both today and in Ancient Greece, has never been reduced to the

written regulation because it also manifests itself in the form of a decision (Ost, 2004, p. 208).

In her case, Antigone bluntly confessed the practice of conduct. Then Creon examined whether she knew of the prohibition, which she proudly declared to be so. She knows of her fate but wants to challenge the city's decision about her unburied brother. Haemon debates with the father and manages to convert a capital condemnation that weighed on her to prison in a cave. Creon, for Ost, incarnates in diverse moments the legislative, judicial and executive function, because he creates the law, conducts the trial and grants pardon.

The King of Thebes had the power to carry out these functions even against the opinion of all. This is a recurrent conflict in Sophocles' works. In addition to the piece discussed here, in *Ajax, the women of Trachis Electra and Philoctetes* is placed the conflict between an individual and an unjust political order. There is an indirect presence of the people in the play, which is shown as public opinion, which sometimes appears in the choir, or in the figure of the guard as representative of the people. Nevertheless, in the Theban monarchy, the opinion of the people can be disregarded, since Creon is knowledgeable of the virtues and the powers exclusive to the monarchs. Moreover, from readings on the Law of Ancient Greece, Ost claims that he endorsed the possibility of prohibiting funeral tributes to enemies. This appears in Plato's *Laws*, in the texts of Xenophon, and also in the works of Euripides, as well as in other tragedies of Sophocles himself. The deprivation Creon imposed was no stranger to the time.

Antigone, Haemon, elders, and finally Tiresias, tried to persuade the King, but their efforts had no results. Antigone, after frustrated attempts at persuasion, calls for acts of resistance. She made her decision driven by an urgency to cease as soon as possible the exposure of the body of her unburied relative. There are, however, varied interpretations of Antigone's resistance, as a solitary act of conscientious objection, civil disobedience, or even a symbolic transgression to become a martyr. Regardless of the legal institute that best complies with her act, the refusal of an unjust order is underlined. Antigone's civil disobedience assumes several characteristics. In her action is a transgression of a rule of Law in force, in which there is an

appeal to the public conscience, coming from a minority or an active group, that acts in a peaceful way, consciously and voluntarily transgressing the contested law, with the aim of modifying or challenging the disobeyed norm based on a sense of justice that calls for a higher Law (Ost, 2004, pp. 223-228).

In her consciousness, immediately, and lacking reflection and rationality, the subjective feeling of injustice is formed. Although it is not possible to define the concept of justice in order to know what is fair, following Plato's steps, it is possible to clearly identify situations permeated with injustice. It is not possible to look at the sun directly and not get blind, but it is easy to see misrepresentations in the shadows formed. From this, Ost proposes that *Antigone's* formulation is about injustice, not about schools and theoretical concepts that only emerged after the tragedy. She has a conviction that is self-sufficient and has no need to argue or convince.

All these tensions clash in the judgment of Antigone. Creon, in deciding on her fate, deliberated on the various justices present in the work. Total conciliation has always been impossible, but it is at the jurisdictional moment that the best balance between the worlds can be sought. This is where dialogue takes place and a non-unfair decision could be made. In the absence of this, the tragic outcome followed.

By demonstrating the conflict between different pretensions of justice and placing the judgment as a point of convergence, Antigone is consecrated as the starting point of the Philosophy of Law. It is the ambition of this area to provide a rational guideline for practical life. The task of the philosopher of law is not exactly the metaphysical idea but the contribution through reflections to the best solution of judicial cases in practical life where irreconcilable claims of justice meet (Morrison, 2006, p. 31).

4   CORRECTION AND LEGAL CERTAINTY: THE CENTRAL ISSUE OF LEGAL DICUSSIONS

The relation between legal certainty and correction is a perennial problem of law theory and practice. The tension between these two fundamental elements is needed to deepen the discussion about the nature, concept and purpose of the Law, among other central questions that have

not had definitive answers for more than 2,500 years and occupy the reflection of the great jurists (Alexy, 2015, p.1).

Jürgen Habermas analyzes the tension between legal certainty and normative correction, both at the time of the legislative creation of the norms, and in its application. Antigone's dilemma, both in Hegel's model and in Ost's, may be related to this problem. The tragedy of Sophocles exposes the central question of law, and whether from a philosophical perspective or from the theory of law, the central question, from ancient times to today, is expressed as the problem between legal certainty and correction. On the one hand, it is necessary to respect the right law, on the other side justice of an ideal law is demanded.

Robert Alexy argues that legal certainty and correction are principles that collide and in that consideration is expressed a dual nature of law. As Habermas thinks, there will be a tension between the dimension of facticity, a real dimension that defines authority and effectiveness, and on the other hand, the quest for the validity of Law, an ideal dimension that is concerned with the content of Law.

Legal certainty stabilizes expectations of behavior through the legal order, providing consistency and a coherence with the legal past of a given society, considering the respective social context. That is why this first principle requires that the legal system determines, as far as possible, the set of rules that must be observed by the recipients. Because of this central characteristic, there is a connection between legal certainty and positive law.

On the other hand, the principle of correction requires that the content of the Law be correct. In a simpler way, it is necessary that the content is fair, which passes through moral questions. Alexy includes the need for a correction at a conceptual level of law, which inevitably leads to the use of a non-positivist model of law. If the importance of justice for legal discussion is recognized, which is a premise accepted by post-positivist theorists facing difficult cases, a dual nature of law is required (Alexy, 2015, p.2). At the same time that the law exercises its imperativeness, its action must be legitimate and accepted by its stakeholders. There must be practical reasons for the subject to fulfill his lawful duties, such as not to

commit criminal acts and pay his taxes. Correction presupposes justification of what is commanded, prohibited or authorized. Such duties need a rational justification, which in Alexy's thought takes the form of a rational argument based on discursive procedures. However, there are several other rational models to discuss the correction of the Law.

Legal certainty, ensuring that expectations in terms of conduct are ensured, can be achieved through the positivity and effectiveness of the commands. On the other hand, correction, in order to be secured, requires, in addition to justice, legal certainty. Correction refers to both the real and the ideal order, as the claim to justice, in order to be effective, cannot be limited to an ideal plane. Such principles often collide, and none will prevail over the other in any cases, for this tension is part of the nature of Law and appears in all legal systems (Alexy, 2015, p. 6-7). This leads to other problems that need to be examined, especially legal issues.

Habermas presents the problem, also expressed by the allegories present in *Antigone*, as follows:

> The problem of the rationality of jurisprudence is therefore to know how the application of a contingent right can be made internally and reasoned rationally at the external level, in order to guarantee both *legal certainty* and *correctness* (Habermas, 1997, p. 247).

It is also noted that the questioned tension arises at the moment of the creation and application of Law. At both times consistency and acceptability must be observed. Throughout the history of Law, different theoretical models have sought to deal with the need for normative correction, as a pretense of fair decision, and with legal certainty, guaranteeing the expectation of behavior from the norm.

Alexy enriches the discussion by identifying a paradoxical element in Fundamental Rights, and more broadly in the legal system. There is a tension between democracy and constitutional jurisdiction that implies that fundamental rights are both democratic and undemocratic, or legitimate and unlawful – adapting to Antigone's dilemma. Fundamental Rights are democratic at the moment of their creation by a legislative body that has legitimacy for popular representation. In an initial moment, the

legislator can record in a harmonious catalog of several fundamental rights and guarantees, such as liberty, property, life, equality, among other rights commonly cited in constitutions. It is given conditions for people to realize their life plans, ensuring the continuity of democratic institutions. On the other hand, they are undemocratic because in the judicial moment the decision will not always correspond to the will of the majority, or to the best arguments. The rights, previously harmonic, now collide, and the prevalence of one implies the removal of another. In addition, at the same time a constitutional court is above the democratic process. Rights previously created democratically, in a specifically difficult case, can be excluded by a vote of difference and the population is excluded from any discursive procedure (Alexy, 2008, p. 49-54).

The great challenge of jurists is to deal with special cases, such as when the undemocratic moment of rights occurs, when the justice of one implies the injustice of another, when it is impossible to satisfy all the principles at the same time – characteristics present in Antigone. In these situations of impossible conciliation, the best solution must be sought by using the two principles that must be harmonized. Each legal theory balances this problem differently. The main differences between these legal models stem from how they justify and balance the claims of correction and legal certainty.

Until the advent of legal positivism, theories based on some conception of Natural Law dominated the discussion. Each one having a content in terms of different correction but had as constant that the Positive Law should observe the Natural Law. After abandoning a construction based on metaphysics, Habermas identifies in the contemporary academic landscape, five legal theories that directly addressed the problem of correction and legal certainty. Each one offered a different answer to the question that can be used to analyze the tragedy of *Antigone*.

The first is *Legal hermeneutics*, which follows a procedural model of interpretation. Hans Georg Gadamer is the theoretician, whose reflections were later internalized in legal discourses by thinkers like Konrad Hesse and Friedrich Muller. In this area, the judicial decision is preceded by a pre-

interpretation, or pre-understanding, that verifies the relationship between norm and reality. In the search for a rational solution of the juridical question, respecting the historical context and the dominant *ethos*, the tradition is used to legitimize the decision. This model favors correction and thinks of legal certainty in a secondary way. Finally, despite Gadamer's thought having its current relevance, and influencing a generation of jurists, it finds difficulty in applying the concept of correction to plural societies. Approaching this model of Antigone, the protagonist had a base in the traditions that would legitimize her action. Creon's prohibition was but one element, among others, that could be considered in the elaboration of a decision more coherent with the dominant values that would ultimately prevail, as indeed they prevail at the end of the tragedy.

The second theory is called *Legal Realism*, because it considers the decision process under a realistic perspective regarding the power relations that govern the process of law enforcement. The judge himself is inserted in a historical context and undergoes different pressures of power that influence his conviction. For Legal Realism, it is not possible to distinguish legal elements from politicians in the judicial decision-making process. Social values in this model also end up being dominant, but the correction is found in relation to who has greater influence in the judicial decisions. Using this perspective to analyze the work of Sophocles, it is noted that Creon has the determining authority in the decision-making process. The gods may have influence in tradition and in the talk to the Oracles, but within the palace, in the centrality of power, it is the voice of the King who rules. Thus, by the correction of who holds the power, Creon would be legitimized to rule freely, as he did it.

The third is *Legal Positivism*, with emphasis on Hans Kelsen, who analyzed the Law in a purely methodological way. He removes moral and political influences from his description of Law – thus overcoming *Legal Hermeneutics* and *Legal Realism*. Without any affectation of any kind, and without any tribute in terms of correction to outside influences, the decision-making process is examined in a strictly formal way, with absolute primacy of legal certainty. Justice is a desirable attribute for the

participants of a community, but not necessary to characterize the Law. Moreover, in the event of a difficult case in which the legal order is insufficient, the positivists believe that the magistrate would have a wide discretion (Hart, 2007, p. 155). In the tragedy discussed, it is unquestionable that the King of Thebes was the competent authority to create and enforce the Law, thus, it is impossible, from Legal Positivism, to bring forth any discussion of justice. Such an axiological perspective is foreign to the science of law.

These first three theories mark the debate in the context of Legal Positivism. But with legal post-positivism, in the search for a rapprochement between Law and values in a non-metaphysical form, Habermas punctuates the last two theoretical models: Ronald Dworki's Law as Integrity; and the Procedural Theory of Law, having as its theoretical framework Habermas and Alexy.

Dworkin criticizes the previous theoretical models and thinks a Theory of Law together with a Theory of Justice. It confers validity to the content of legal norms from a rational justification developed in a Theory of Justice, which in turn, resorted to a social organization ontologically prior to justice, in which common values can be found. Dworkin states that "each one accepts political integrity as a distinct political ideal and treats the general acceptance of this ideal" (Dworkin, 1999, 255). When the norms are positive, the moral contents of the principles originated in the community are assimilated. The integrity of the community guides legislative and jurisdictional activity.

In this model, which is not intended to be exhausted at this time, Dworkin seeks to ensure both legal correction and certainty, especially when the judge is faced with a difficult case. The justice of the decision would be given to the extent that it has a justification outside the law, which was given when fundamental principles were incorporated in the creation of law. On the other hand, there are expectations of behavior that must be ensured, and this is done to the extent that the values and their guidelines are pursued by the legal decision. If legal form is assured, as well as the axiological destination point, would the legal certainty be simultaneously assured. Basically, it modifies the way to ensure legal certainty. Such a

principle would be reached to the extent that there was correction, since this is the main expectation of the subjects.

The ideal application between legal certainty and correction would be a Herculean task. That is why Dworkin performs the mental experiment of Judge *Hercules*, who would be omniscient and would decide considering all sources of law and all political principles and objectives outside the law. Only a judge with such a capacity would be able to perform the best possible interpretation and decide a difficult case in the best way. Despite being an ideal judge, it serves as a counterfactual reference to judge reality. The more correctness and legal certainty will be present in a decision, the more internal and external principles of the law are considered (Dworkin, 1999, p. 305). Interpreters can seek the best existing interpretation by getting as close as possible to the Herculean ideal.

Dworkin offers a model that can surpass previous theories, but the basic tension between correction and legal certainty still rests on ideal elements, remaining open to interpreters limited to the best form of deciding, in a fair and according to the Law. Hercules is the only judge capable of offering a correct solution and he does so in a monological way. Initially, citizens are important for the acceptability of the principles of justice, but in judicial decision, the ideal judge suffices for himself. Dworkin does not seem to deal adequately with pluralism from the ideal judge.

Each magistrate would place himself, as far as possible, in the position of performing the Herculean work, thus remaining the central objection. Such a theoretical model is closest to Ost's account of the tragedy of Antigone. An ideal judge, from the conception of Law as integrity, would consider the existing principles of justice (seeking external correction) and balance with the law in force (with the internal aspect that regulated the conduct). It is not clear what Hercules would decide, as there are several elements to be considered, but it would undoubtedly be the most solid solution of all models.

Finally, Habermas proposes a discursive model to understand the Law, conferring the central space for intersubjectivity. In his theory, which is not the object of direct analysis of this research, it also offers a reformulation of the way to achieve correction and legal certainty.

The procedural model is based on arguments that allow the presentation of reasons oriented to the consensus. If discursive conditions are observed at the moment of rational debates, allowing everyone to have the freedom of speech, in equality and without coercion, there will be legal certainty. The consensus for Habermas, whatever its content, provided the speech conditions are observed and the consent of all those affected, then it has correction. It is worth noting that the discourse process remains open so that new arguments can be put. The more legitimate the consensus, the closest to a Perelman's universal audience is reached[6]. The prevalence of the best argument is always sought.

Correction, therefore, is linked to the legitimacy of procedural theory that seeks to guarantee the rationality of the democratic process that establishes the legislation. This is a complex theory, but with the simple point of arrival. If a democratic society decided that something would be fair, following the discursive procedures, that decision is endowed with correction. To mediate the decision-making process and the creation of legal norms with the issue of normative correction is pertinent and enriching to solve difficult cases, typical of the complex society. The discursive theory reveals consistent perspectives, which can raise the legitimacy of the foundation and application of law in plural societies. From this theory, it is impossible to anticipate what would be the outcome of the judgment of Antigone.

Even after centuries of Sophocles' tragedy, it is not yet known what the right solution to the case would be and may never be known. Each legal model already developed provides a different answer to Antigone's dilemma. The Theories of Law and Theories of Justice that debate on how best to provide Law and Justice, legal certainty and correction, face a perpetual task. The tragedy of Antigone serves to illustrate the fundamental dilemma, object of reflection, but consists of an unreachable task.

---

[6] In citing the universal auditorium, there is an allusion to Perelman's reflection: "It is obvious that the value of this unanimity depends on the number and quality of those who manifest it, the limit reached in this area by the agreement of the universal audience. This is evidently not an experimental fact, but a universality and a unanimity which the speaker imagines, from the agreement of an audience which should be universal [...]" (2005, p. 35).

Even if Sophocles' fiction is solved, or one solution seems to be more persuasive than the others, eventually prevailing in a universal Perelman auditorium, yet difficult cases may arise which will have the same fundamental structure as Antigone: on the one hand elements of Positive Law, on the other, demands for justice. Controversial cases will always exist potentially, and with this there will also be two moments, one in which legal norms and social values coexist, and another in which one value or one norm must prevail over the others. This is the interminable narrative of law and it is not lawful for jurists to avoid the difficult cases that the future holds.

5 CONCLUSIONS

From the presentation of the Greek tragedy *Antigone*, the dual interpretation was established as dominant. Among the interpreters was Hegel, who in his commentaries on the Sophocles' play celebrated the existence of irreconcilable extremes personified by Creon and Antigone.

From this perspective, the research established an unexplored connection between Philosophy of Law, Legal Hermeneutics and Literature. It is characteristic of the theoretical models existing in the Philosophy of Law to discuss theories of justice and how they relate to the positive legal order. Throughout the text it was possible to deal with the protagonism of this problem in some of the main paradigms of Law. Each theory balances the claims of correction and legal certainty form, which impacts on how such theories face problems on legal interpretation. In the decision-making process, at each trial, positive justice expressed in human law, or axiological conceptions of justice proper to an ideal law, can be given more importance.

It is proper for great works to bear multiple layers of interpretation. But in *Antigone*, and this praises the importance of the tragedy for the Law, every legal problem finds repercussion in the metaphors of the work. Each character embodies a different pretension of justice, just as it happens in any and all disputes.

The legal problem of argumentation has the same tension faced in Sophocles' tragedy. In *Antigone*, there were two valid and coexisting legal

orders: society should honor the gods and also had to fulfill the King's earthly commands. In a way, this harmonious moment corresponds to the democratic stage described by Alexy: rules that do not collide. However, a simple conflict in the concrete reality is enough to break havoc, so that the judicial moment must take action and decide in a non-democratic way. In the Sophoclean tragedy, the pretension of Antigone or that of Creon should give way for the other to take place. This is the undemocratic element punctuated by the German jurist. There is no possible reconciliation and the conflict must be resolved. The justice of one will always be the injustice of another. This is the daily tragedy of the jurist.

However, beyond the Hegelian dualism of *Antigone's* reading, we have seen that Ost sustains a possible reconciliation between seemingly immeasurable extremes. This should be the excellent performance of a magistrate in trying to reconcile standards that were created in a harmonic way, but that collide in a concrete case. The ideal solution is the tension between legal certainty and normative correction. Between what the law commands and what justice demands. Or as in *Antigone*, between the authority of Creon and the will of the gods. Different paradigms of Philosophy of Law have found different solutions to this dilemma.

The conciliation through the better application of the Law did not happen in the judgment of Antigone. By analogy, the response of legal positivism that recognized as the only valid right prevailed that emanated and applied by competent authorities. On the other hand, if the judge understood that Antigone had absolute reason, legal certainty would be compromised.

This research identifies a greater potential in Ost's contribution. *Antigone*, rather than allowing to work a certain legal concept, allows to work essential legal problem. Of course, it also has concepts that can be worked out, such as the tension between Natural Law and Positive Law. But more than that, it allows us to work out any legal issues. It is proper for allegories to be interpreted in many ways. And as numerous as such interpretations are, there is always room for new readings to emerge. This is the greatness of Sophocles' work.

Every jurist in interpreting a norm must repeat the decisions of Antigone. She had two main dilemmas: an internal one, which deemed the command of the competent authority to be unfair; and an external one, which was the violation of the rule by the act of disobedience. The interpreter, whether a magistrate of the Constitutional Court or a common citizen, must go through the questioning whether a given command is just or unfair and what to do from it. Regardless of the decision, it is proper to the jurist's work to rationalize and argue to support the better understanding of the Law.

REFERENCES

ALEXY, Robert. *Constitucionalismo discursivo*. 2. ed. Trad. de Luís Afonso Heck. Porto Alegre: Livraria do Advogado, 2008.

ALEXY, Robert. Legal Certainty and Correctness. *Ratio Juris,* v. 28, n. 4, p. 441-451, 2015.

CARPEAUX, Otto Maria. *História da literatura ocidental*. Brasília, Senado Federal, 2011. v. 1.

DWORKIN, Ronald. *O império do direito*. Trad. de Jefferson Luiz Camargo. São Paulo: Martins Fontes, 1999.

FERREIRA JÚNIOR, Ednaldo Silva. Semelhanças entre a ficção jurídica e a ficção literária: os processos judiciais enquanto narrativas ancoradas na realidade. *Anamorphosis* – Revista Internacional de Direito e Literatura, v. 2, n. 2, p. 349-370, 2016. doi: 10.21119/anamps.22.349-370.

FRYE, Northrop. *Anatomia da crítica: quatro ensaios*. Trad. de Marcus de Martini. São Paulo: É realizações, 2014.

HABERMAS, Jürgen. *Direito e democracia*: *entre facticidade e validade*. Trad. de Flávio Beno Seibeneichler. Rio de Janeiro: Tempo Brasileiro,1997. v. 1.

HART, H. L. A. *O conceito de direito*. Trad. de A. Ribeiro Mendes. 5. ed. Lisboa: Fundação Calouste Gulbenkian, 2007.

HEGEL, Georg Wilhelm Friedrich. *Curso de estética*: o belo na arte. Trad. de Orlando Vitorino e Álvaro Ribeiro. São Paulo: Martins Fontes, 1996.

MITTICA, Paola M. O que acontece além do oceano? Direito e Literatura na Europa. *Anamorphosis* – Revista Internacional de Direito e Literatura, v. 1, n. 1, p. 3-36, 2015. doi: 10.21119/anamps.11.3-36.

MORRISON, Wayne. *Filosofia do direito:* dos gregos ao pós-modernismo. Trad. de Jefferson Luiz Camargo. Revisão técnica de Gildo Sá Leitão Rios. São Paulo: Martins Fontes, 2006.

OST, François. *Contar a lei:* as fontes do imaginário jurídico. Trad. de Paulo Neves. São Leopoldo: Editora Unisinos, 2004.

OLIVEIRA, Janio Davila de. O discurso de Creonte na "Antígona" de Sófocles. *Fragmentum*, Santa Maria, v. 1, n. 38, p. 85-96, 2013. doi: 10.5902/13769.

PERELMAN, Chaïm; OLBRECHTS-TYTECA, Lucie. *Tratado da argumentação:* a nova retórica. Trad. de Maria Ermantina de Almeida Prado Galvão. 2. ed. São Paulo: Martins Fontes, 2005.

ROSENFIELD, Kathrin H. *Sófocles & Antígona*. Rio de Janeiro: Zahar, 2002.

SALGADO, Joaquim Carlos. *A idéia de justiça em Hegel*. São Paulo: Loyola, 1996.

SÓFOCLES. *Antígona*. Trad. de Donaldo Schuler. Porto Alegre: L&PM, 1999.

SÓFOCLES. *Três tragédias gregas*. Trad. de Guilherme de Almeida e Trajano Vieira. São Paulo: Perspectiva, 2007.

SÓFOCLES. *A trilogia tebana*. Trad. de Mário da Gama Kury. Rio de Janeiro: Zahar, 2009.