

Sepulchral Law and Human Dignity in Antigone

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Abstract: The present work intends to analyze the dynamics of the protection of the right to bury the dead, taking as reference the work *Antigone*, by Sophocles and the Civil Code of 2002. bury the dead with dignity, irrespective of society's stage of development. Moving forward in the discussion, as well as making a historical leap in time, it is presented within this research a discussion about the right to bury the dead as a fundamental right, protected by the Federal Constitution, in particular, with regard to the dignity of the human person, being one of the five constitutional pillars of the Democratic State of Law. Another point that is addressed is the Brazilian Civil Code 2002, through the main theorists who point to the protection of the rights of the dead in the society of the living. With this, it is intended to demonstrate that, although the rights of the personality extend to the deceased, in fact the Brazilian legislation is in mismatch vis a vis in relation to the rights of the personality of the deceased. From several theoretical notes, it is understood that the right to bury the dead in a dignified way is an obligation of the Brazilian State, and the will of the dead must prevail as long as it does not violate the Brazilian Legal Order. For that, the discussions raised from the work of Sophocles, come to collaborate with new possibilities of application of the sepulchral right in the world of the life.

Key words: personality rights; human rights, Jus Sepulchri

Introduction

The present work seeks to discuss the sepulchral law and the dignity of the human person from the work *Antigone*, Sophocles. In order to do so, notes were made on the historical construction of the recognition of funeral practices until the moment when societies began to recognize in their legislation, the protection of the right of the dead as an immanent necessity to the human condition, which transcends the very idea of territoriality.

At first, the narrative of the work *Antigone* and the value given to human dignity, linked to the burial of the body throughout the historical development of the most primitive to contemporary societies, are analyzed. The classic literary work of “*Antígona*” covers the period from 442 BC to the time of Pericles' government, the height of Hellenic culture, being the continuation of the plays “*Oedipus the King*” and “*Oedipus in Colonus*”, which integrates the Theban Trilogy, by Sophocles. In “*Oedipus the King*”, on a whim of the gods, Oedipus unknowingly kills his father, Laius, and marries his own mother, Jocasta. After a long time, when he was already the father of Eteocles, Polyneices, Antigone and Ismenia — fruits of the incestuous relationship, the prophet Tiresias reveals to Oedipus and Jocasta the tragic history of the Labdacias family. Desperate with the revelations that came to light,

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Jocasta commits suicide and Oedipus pierces his own eyes, in order to no longer witness his own misfortunes, nor his crimes that were committed out of ignorance. Oedipus decides to go into exile to meet death. Eteocles and Polyneices agree that the reign of Thebes would be the object of alternation between them, with a change in its ownership every year. However, the first to rule, Eteocles, at the end of the first year, refuses to leave the throne and comes into conflict with Polyneices, who, in the face of his brother's refusal, gathers an army in the nearby city, Argos, enemy of Thebes and attacks her. The conflict results in the death of the two brothers, wounded by each other and the assumption of the throne by Creon, as the closest relative of the dead he assumes power, being brother of Jocasta and "brother-in-law" of Oedipus, who reveals himself to be a despotic ruler, cruel and inhuman. Creon determines that Polyneices not be buried, which triggers Antigone's fight for her brother's burial and the raising of questions around the principle of the dignity of the body in the world of the dead by the living.

In the second moment of the work, the right to burial is discussed, from the perspective of human rights. Faced with so many violations of funeral law, it is necessary to resume Antigone's struggle with regard to the determinations of any authoritarian forces that may be against the dignity of the dead and the complacency of historically representative and symbolic funeral values and practices for the society of the living.

In the last part of the research, it is approached from the legal point of view the fundamentals present in the Brazilian Civil Code of 2002 and main theorists defending the protection of the rights of the dead in the society of the living.

2. Antigone and the Dignity of Burial of the Body

Since the predominance of homo sapiens as a being endowed with rationality and self-awareness resulting from scientific studies, the act of burying the dead has been endowed with supernatural characteristics and needs immanent to the human condition.

For Galvão (2018) the act of burying bodies is almost as old as the human condition itself. Researchers have discovered cemeteries estimated at 60,000 BC, with animal horns over the remains, indicating that the ritual of gifting the deceased and maintaining a living memory after death already existed.

The origin of the rite is not known for sure, but some explanations claim that the practice of hiding putrefying bodies was a way of survival for the social group that aimed to protect the soul of the dead in another life, that is, death is not the end, but the endless means of the continuity of a memory about someone belonging to a certain social group.

Also, according to Galvão (2018), the need to "hide" bodies under the earth, or even under stones, was also linked to the fact that putrefying bodies attract animals. Therefore, this was a way to protect themselves from predators, as well as to differentiate themselves from brute animals.

Although at the time the concept of human rights did not exist, a minimum condition of protection for living individuals was still sought and consequently the same treatment should be given to the after death, equivalent to the natural right of the person, we can compare analogously with the current law post mortem personality recognized by international legislation and the Brazilian legal system. The funeral practices of the living over the dead originating in prehistoric societies reveal the recognition of human remains. Therefore, the life of the dead is closely related to the life of mortals who, through funeral practices, carry out symbolic exchanges that are historically valued.

However, the first clashes on the issue of human dignity took place in Greece, in the words of Lima (2017, p. 66; Wolkmer, 2006):

It is in Greece, in the V and IV centuries BC. C. that refer to the origins of legal thought on the beginnings of human dignity in classical antiquity. It was the Greeks who moved away from mythology as the center of philosophical questions and inaugurated anthropocentrism, breaking with the mythological and divine tradition to explain the origin of life through human consciousness and rational thought.

In this perspective, the starting point would be to identify the *post mortem conflict* in Antigone, by Sophocles. The question of the dignity of fair burial goes far beyond the current concept of dignity, that is, here honoring the dead is represented as a divine law, and to go against this law would be to disregard all moral values inherited within a given time, with an additional aggravation to the descent into the dead world.

According to the natural law of Theban society, an unburied body would be conditioned according to Moreira (2018, p. 1):

Otherwise, the dead would be condemned to wander a hundred years on the banks of the Acheron River that led to the world of the dead, without being able to go to the other side, as was the case for someone who died without the solemnities and funeral honors. The right to a dignified burial was the “payment” that was made to reach the realm of the dead, where Pluto and the goddess Persephone ruled.

Thus, in Antigone, a clear dissociation or confrontation between the natural laws in opposition to the laws of the State is perceived, outlined in the character’s intimate struggle and his conscience in confronting the power of the State, questioning its legality in contrast to the traditions of the time supported by the laws. of the “Gods” not written, but manifest.

According to Moreira (2018; Torres Neto, 2009) Antigona, is the milestone of the emergence of the generalized idea of independent subjective rights and above positive law, which for a long period was widespread and later internalized in liberal constitutions. The drama happens because these entities that embody two positions conceived as legal clash within the human soul of the characters in the narrative and force them to take an excluding position, but necessary for the evolution and recognition of new possibilities of law.

Although Antigone lives in an androcentric society, it can be inferred from the historical records available within the narrative that this was one of the first conflicts between Natural Law and Positive Law materialized in the conception of the State *versus* the individual rights of people, or that is, the reasons of the State against the objections of human conscience.

Antigone represents a religious tradition that has its roots in the very foundation and structure of the city of Thebes. For Creon, the law was a matter of survival, both personal and political, of the state he represented as King at the time. Therefore, the positive law emanating from the State may be legal, but the question is whether it has the value of justice and is legitimized by social recognition.

It is important to highlight that Creon, when making use of the State for personal decisions with the aim of satisfying his particular criteria of fairness, would otherwise place absolute power above tradition, in opposition to the customary decision of the collectivity.

The fundamental question of the narrative lies in Antigone's motivation to challenge the State, as she only sought to bury her brother for reasons of human values and the defense of imposed laws contrary to religious tradition. The decision of the State was upheld and within human freedom, Antigone prefers to violate the norm, although being aware of the coming consequences, she remained unpolluted in her decision not to comply with a law considered unjust, remaining faithful to the traditions of natural law, which advocates the right to bury their dead with the principle of dignity.

Finally, Antigone's boldness elevates him to occupy a place of resistance on earth, regardless of the belief of proximity between men and gods. Thus, human actions on earth would be the main condition that the body could reach after death, according to the belief of the time, as human attitudes were held responsible by the Gods. In particular, making use of due measure to Antigone concerning the *jus sepulchri*, I intercede on behalf of the transgression, as an unburied body would be a great dishonor to the family.

3. Right to Burial and Human Rights

In the Brazilian case, more specifically, art. 6 of the Brazilian Civil Code, "the existence of the natural person ends with death". The point is, death configures the ends of the person's rights. Is there a personality right after death or not?

According to Lima (2015), Greek tragedy is based on the legal theme related to the right to burial (*jus sepulchri*), which encompasses the right to bury, to be buried and to remain buried in the world of the living.

To illustrate this issue, it is evident in our society the great difference in treatment given to the dead, in short, depending on the social class of the dead, it is questioned which dead people deserve reverence and deserve the preservation of their memory. What do the other dead culturally represent? How is our identity as a people, are we in fact guaranteeing what is written in the Universal Declaration of Human Rights?

According to Lima (2015), it is a right raised to the level of Human Rights, as made clear in the sentence handed down by the Inter-American Court of Human Rights, concerning the case of Gomes Lund et al. ("Guerrilha do Araguaia") vs. Brazil, of November 24, 2010, where:

The conviction of the Brazilian State resulted, among other acknowledgments of violations of rights and duties of reparations, the record that the disappearance of persons implies, to the disappeared victim and to their relatives, respectively, an undoubted affront to the preservation of the dignity of the deceased's body, and an obstacle to the construction of his memory by his living beings, by virtue of being deprived of the honor of carrying out their customs and personal faiths to say goodbye, as they culturally believe they should do (Lima, 2015, p. 1).

Certainly, we owe to the Greeks the great clash or debate concerning moral, cultural and human questions. To exemplify in Plato there is a search for studies and philosophical questions about man and his role in society, and in particular we can infer that the purpose of the polis would be the search for human dignity relative to the time.

It is evident that the discussion about social justice and dignity currently involves other values and questions, but the manifest struggle of Antigone still reflects in contemporary times. Therefore, it is important to highlight that Bertonecelo and Pereira (2009) defend the principle of human dignity to guarantee a fair burial to Polynices. It understands that the Law has been concerned with protecting the human body after death in order to give it a destiny where its dignity is maintained and to preserve symbolic values of human life within society. This right concerns the relatives of the deceased, being a family right (the life of the dead and the life of the living are intertwined), different from the treatment given to the separate parts of the body itself, and has the connotations and nature of a right property, as well as presents the dead's private information that is of interest to the living. The right to the corpse concerns the deceased himself, his memory, because on certain occasions there may be attacks on the memory of the dead, which breaks with human values.

Despite the reasoning of art. 6 of the Brazilian Civil Code that the personality is extinguished after death, in addition to no longer being a subject of rights, it is advocated here on the discussion of the limits of what is fair when attacking the dignity of the human person with death.

Lima (2015) argues that the right to be buried has roots in the dignity of the human person, a right that is not limited to the time of the individual's life period; extending itself even when the breath of life has already been swept from the body-slipping into what is conventionally called "dignified death", understood in its biological, cultural and sociocultural aspects.

In this perspective of the aforementioned author, the idea of burial surrounds circumstances of a moral, cultural and affective nature, all based, in equal measure, on the dignity of the human person, even if he is in a state of death.

Paraphrasing Lima (2015), burial, therefore, will only be consistent with dignity if the integrity of the corpse is respected, which also holds the rights of the personality that it is in the doctrine, it is worth checking the lessons of Rabindranath Valentino Aleixo Capelo de Souza, in "The General Law of Personality (1995)" and Silvio Romero Beltrão, in "Direitos da Personalidade (2005)".

Certainly, the absence of an objective conceptualization of human dignity in the 1988 citizen's constitution implies different interpretations and applications by the judge of the laws, so there is a possibility of subjectivity that can lead to inequity in the results of its application.

This fact is reflected in art. 1 of the Brazilian Constitution of 1988 in its item III, which advocates as a fundamental principle "the dignity of the human person". In fact, we realize that despite the absence of a conceptualization in the legal system, the principle of human dignity is present in the federal constitution in arts. 170, 226, as well as in the New Code of Civil Procedure and in the Code of Criminal Procedure in arts. 8 and 3, which makes it possible to exemplify.

Finally, the principle of human dignity in Brazilian legislation gains different contours and interpretations, whether applied to the living or the dead, the most important thing is that regardless of the discussions between principlist constitutionalists and guarantee constitutionalists, the preservation of fundamental guarantees and rights must be maintained as an indelible clause, and we can never accept new laws that will suppress human dignity as a basic principle of a democratic society and of humanitarian values.

4. Brazilian Civil Code 2002 and Main Theoretical

The beginning of the personality, despite being a topic that still generates controversy among scholars, in the current civil code, the civil personality is considered to be a live birth, corroborating the natalist theory.

For Pereira (2011) death is a legal fact that has numerous consequences for Legal Science, with repercussions that begin during the wake, in the preparations for the burial and extends after the burial.

All personality rights have their fundamental characteristics, inalienability, inaccessibility, indispensability, unavailability, and are absolute, having "Post Mortem" effects.

It is worth mentioning that in the Civil Code of 1916, the Right to honor was only implicit in some fields, such as marriage, filiation, adoption, among others.

In this sense Craveiro (2012) with regard to individual personality rights, the greatest manifestations of its legislative provision consist of the preliminary drafts of the Civil Code. First, Orlando Gomes. Second, that of the commission chaired by Miguel Reale.

The 1965 Civil Code Project was the first to expressly mention the right to honor as a personality right. This is how it was expressed in its article 28, which we transcribe:

Personality rights — The right to life, liberty, honor and others recognized by the human person are inalienable and non-transferable, and their exercise cannot be subject to voluntary limitation.

Single paragraph. Whoever is unlawfully hit in his personality may demand that the attack cease and claim damages, without prejudice to sanctions of other natures to which the offender is subject (Project of Civil Code, 1965).

The Civil Code of 2002 was our first piece of legislation to expressly provide for the Right to Honor *Post Mortem* in the private sphere.

Craveiro (2012) from reading the aforementioned device, it is clear that the law did not define what honor is and the delimitation of its concept, that is, it left a large margin of interpretation to the judge and the doctrine, a characteristic that is urgent in the writing of our current Civil Code as a whole.

Craveiro (2012) concludes that honor, and consequently *post mortem honor*, in the current Civil Code, does not have its concept delimited nor its scope defined. This situation causes some inconvenience to the Judiciary and some unfair situations.

Bertoncelo and Pereira (2009), observing article 12 of the Brazilian Civil Code, concluded that personality rights extend to the deceased. From this legal provision a range of discussions opens on the subject. The first of them resides in the fact of knowing what is meant by corpse and what is its legal nature. Once the definition of a corpse has been delimited and its legal nature verified, it is now possible to analyze whether the deceased actually has rights inherent to personality.

Paiva (2003) observes that according to the current Civil Code: “the person’s civil personality starts from birth with life; but the law saves, from conception, the rights of the unborn”.

In a different way Venosa (2004) verifies the birth with life through respiration. If we prove that the child breathed, then there was a live birth. In this field, Law makes use of the teachings of Medicine. If the child is born alive and then dies, it will be considered a subject of rights. Such proof is important for inheritance law, since from this fact it can receive inheritance and transmit it to its successors.

According to Monteiro (2012), however, the simple fact of birth is not enough. It is also necessary that the newborn has given unequivocal signs of life, such as wails and proper movements. Also breathing, evidenced by Galen's hydrostatic docimasia, is a conclusive sign that the child was born alive. Galen's Docimasia is based on the principle that the fetus, after having breathed, has its lungs full of air. Thus, immersed in water, they superswim, which is not the case with lungs that do not breathe.

Returning to Venosa (2004), the fact that the unborn child has legal protection should not lead to the idea that he has a personality as conceived by the legal system. The fact that he has the capacity for some acts does not mean that the order has given him personality. It is a situation that only comes close to the personality. This only comes from being born alive. This is an expectation of law. Birth gives the infant the capacity of law, but does not give him the capacity in fact. In fact, capacity is the faculty of asserting and exercising one’s legitimate rights.

Monteiro (2012) argues that the capacity for jouissance or the right arises at the beginning of the natural personality (birth with life), but the exercise in fact only takes place with adulthood, when the subject becomes capable of exercising all the acts of life. civil.

According to article 6 of the Civil Code of 2002: “The existence of a natural person ends with death; this is presumed, as for absentees, in cases where the law authorizes the opening of definitive succession”.

Thus, we will explore some concepts of Honor explored by Craveiro (2012):

i) Adriano de Cupis distinguishes two senses of the word, which can be taken as the intimate value of man, which cannot be offended, or as his esteem towards third parties, that is, his social consideration. And further on, it teaches us that the person has the right to preserve his own dignity, even fictitious, against attacks by the truth, since what is contrary to the dignity of the person must remain his own secret. Here, then, we see that the right to honor goes hand in hand with the

right to privacy, as well as the right to image.

ii) Carlos Alberto Bittar teaches that in the right to honor, the protected legal interest is the reputation, or social consideration for each person, in order to allow peace in the community and the very preservation of the dignity of the human person.

iii) Arnaldo Wald asserts that the right to honor prevents insulting references from being made, whether in literary works, films, plays, in addition to preventing certain phrases from being attributed to a particular person without their consent. From the author's concept, it can be inferred that the right to honor goes hand in hand with the right to image, as mentioned above, being sometimes, albeit erroneously, treated as synonyms.

Also, according to Craveiro (2012), honor can be divided into objective honor and subjective honor. Ângelo Mário Costa Trigueiros, objective honor, in turn, is subdivided into acquired honor, attributed honor and assumed honor.

Let's see, Craveiro (2012, p. 116 a, 117 bcd, 118 ef, 119 g, 133 h) in relation to Honra Post Mortem gives an overview:

a) For the Roman, the worst luck after death was not to have left a male descendant. Therefore, the family cult of which he would be the object after death would be extinguished and he would then be condemned to wander eternally in the shadows. This also helps to explain the ease with which adoptions were made, as they would serve to overcome this terrible situation in the eyes of the Romans.

b) The post mortem right to honor has a smaller doctrinal development than the right to honor, and this is due to the fact that for a long time the doctrine conceived that admitting it with a list of legitimated to defend it would be the same as admitting a transmissibility mortis causa of the right to honor.

c) However, post mortem honor, important as it is, could in no way fail to be protected. In this way, it started to be divided into different currents with regard to the grounds for the protection of post-mortem honor. According to Massimo Garutti.

d) The first current argues that the close relatives of the deceased are the ones entitled to defend their honor because they have a closer interest in the value of the deceased's personality. The second current maintains that the legitimacy of relatives to defend the honor of the deceased is based on the transferability mortis causa of the protection of honor, although with different rules from those operated in the succession of patrimonial relations. Finally, the third current proposes that the list of those legitimated to defend post mortem honor is based on the fact that close relatives are offended in the feeling of pity they have towards the deceased and that the offense to the memory of the deceased can become an offense to the honor of their family members.

e) The dead, no longer a subject of law, can no longer have rights and obligations. It is known that the legal personality is extinguished with death, and, having been extinguished, it no longer has the power to produce any effects.

f) In the case of the right to post-mortem honor, when the deceased is offended, in practice, the honor attributed to the family is protected in the first place, and also the honor assumed by some of its members. After that, and with a reflex effect, the honor of the dead is protected, pragmatically speaking.

g) The Civil Code, in the sole paragraph of its article 20, explains those entitled to defend the honor, good reputation or respectability of the dead. This list includes ascendants, descendants and the spouse. It should be noted that the Code does not establish a limit with regard to the kinship distance of ascendants and descendants in relation to the deceased.

h) The subjective right to defend post mortem honor belongs to the next of kin, and it should be clear that the

object of such subjective right is the protection of one of the attributes of the deceased's personality, which persists after his death, and not over his own personality, and not even about this one attribute that persists, namely, honor. The honor belongs to everyone who owns it. It is not transmitted.

Gonçalves (2015) goes further, what can be said is that with the end of life there is no end of rights, as the corpse has legal protection, and this can be proved by existing laws, such as: law no. 8,501/92, which provides for the disposal of corpses not claimed by public authorities, Law No. measures, as well as art. 12 of the Brazilian Civil Code, arts. 209 to 212 of the Brazilian Penal Code, art. 1st item III of the Federal Constitution, among others.

For Batista (2016) the Civil Code of 2002, the legislator deals with the protection of the transmission or publication of the word, the dissemination of writings, as well as the use or exposure of a person's image, making it necessary, therefore, to your transcript:

Art. 20 — Unless authorized, or if necessary for the administration of justice or the maintenance of public order, the dissemination of writings, the transmission of the word, or the publication, exhibition or use of the image of a person may be prohibited, at its discretion. application and without prejudice to the applicable indemnification, if they reach honor, good reputation or respectability, or if they are destined for commercial purposes.

Single paragraph. In the case of a dead or absent person, the spouse, ascendants or descendants are legitimate parties to request this protection (2016, p. 4).

Furthermore, Batista (2016) summarizes that, “the right to the image is that no one sees their portrait exposed in public or commercialized without their consent, and the right to not have their personality altered materially or intellectually, causing damage to their reputation.

Article 21 of the Civil Code of 2002, protection is intended for private life, inviolable, establishing, therefore, that the judge will adopt the necessary measures, at the request of the interested party, in order to prevent or stop an act contrary to this norm.

In relation to personality rights, the Federal Constitution, in its article 5, item X (ten), expressly wrote the rights to intimacy, private life, honor and the image of people as a fundamental individual right.

On the other hand, Moura (2015) explores other branches of law on the subject, states that in the criminal sphere, honor can be affected by the following crimes described in the Penal Code: slander, (false imputation of crime, article 138), defamation (offense to the reputation and social respectability of the person, article 139), or injury (insult to subjective honor, article 140).

Still in Moura (2015) in the civil sphere, the mechanisms of reaction to the injury caused to honor are the possibility of cessation of the harmful act (Article 12 of the Civil Code), compensation for the damage caused (Articles 12, 20 and 186 of the Civil Code) and specific reintegration, the latter based on reparation of the injured property or by public retraction of the aggressor.

Finally, from all the above, it is observed that the right of personality and protection of the dead goes beyond the field of civil law, we can verify related legislation on the subject in the Penal Code, Criminal Procedure Code, Federal Constitution, among others.

5. Final Considerations

From all the above, it is concluded that, among the criteria adopted by the Brazilian civil and criminal legislation, it remains to be noted that the State and society undergoes changes in customs, norms and other social relations, the Law also needs to accompany these transformations and changes of paradigms and overcome some

concepts in order to reform some laws that cause discrepancies in the aforementioned codes.

Burial represents the historical legitimation of practices that involve sociocultural dynamics, intentionally linked to the system of mortuary symbols, built by the societies of the living. The most important thing in the funeral act is not the question of valuing death, but the values that involve its representation within the world of the living. Historically, as discussed within this article, all societies have always had some kind of funeral rite.

The example worked from the classic work *Antigone*, by Sophocles brought up questions of rights immanent to the human condition. Hence Antigone's objection to the Theban Edict which determined that her brother should not be buried, under the condemnation of his political ideology. The case explained within the Greek tragedy also points out that death is in itself something difficult to accept, giving rise to the need to ornament death in rites as a way of supporting, within human relationships, the cessation of life of someone belonging to a group of people.

Based on national and international legislation, it is necessary to protect symbolic actions that are translated into funeral practices to guarantee the principle of human dignity. The dead body and its memory cannot be violated, because they result in the current right to legal protection.

References

- Baptista Denison (2020). "Rights to images and its legal limits", accessed on 18 Dec. 2020, available online at: <https://jus.com.br/artigos/47596/direito-a-imagem-e-seus-limites-juridicos>.
- Beltrao Silvio Romero (2005). *Personality Rights*, According to the New Civil Code, Sao Paulo: Atlas.
- Bertoncelo Juliana Aprygio and Pereira Marcela Berlinck (2020). "Right to corpse", in: *Proceedings of the XVIII National Congress of CONPEDI*, São Paulo, November 4–7th, 2009, accessed on 09 ten. 2020, available online at: http://www.publicadireito.com.br/conpedi/manaus/arquivos/Anais/sao_paulo/2502.pdf.
- Brazil Chamber of Deputies (2020). Draft Law 3263/1965. "Institutes the civil code", accessed on Nov. 2020, available online at: <http://www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=211133>.
- Brazil. Law N. 10.406, of Jan 10 of 2002. "Establishes the civil code", accessed on 24th of Dec., 2020, available online at: http://www.planalto.gov.br/ccivil_03/leis/2002/110406.htm.
- Brazil. Law N. 3.071, of January 01 of 1916. "Civil code of the United States of Brazil", accessed on 24th Dec., 2020, available online at: http://www.planalto.gov.br/ccivil_03/leis/L3071impressao.htm.
- Craveiro Renato de Souza Marques (2012). "The right to honor postmortem and its protection", master's dissertation in Civil Law, University of São Paulo Law School, São Paulo.
- Galvão Camila (2018). "The origin of burial, walk and other customs linked to death", accessed on 09 Nov. 2020, available online at: <https://www.megacurioso.com.br/comportamento/75478-a-origem-do-enterro-do-velorio-e-de-outros-costumes-ligados-a-morte.htm>.
- Gonçalves Carine Kelly (2015). *Post-Mortem Personality Rights*, Graduation Monograph of the Law Course of the Integrated Faculties of Caratinga-FIC, Caratinga (MG).
- Lima Gisele Laus da Silva Pereira (Jul/Dec 2017). "The beginnings of human rights from the ancient age to the middle ages in the history of western civilization", *Brazilian Journal of the History of Law*, Vol. 3, No. 2, pp. 61–81.
- Lima Lucas Correia de (2020). "From Antigone to Adilio", accessed on 18 Dec. 2020, available at: <https://jus.com.br/943485-lucas-correia-de-lima/publicacoes>.
- Monteiro Washington de Barros (2012). *Civil Law Course, V. 1: General Par.* (44th ed.), Sao Paulo: Saraiva.
- Moreira Rômulo de Andrade. (2020). "Antigona, a tragedy", accessed on: 18 Nov. 2020, available at: <https://romulomoreira.jusbrasil.com.br/artigos/533944819/antigona-uma-tragedia>.
- Moura Ana Gabriela Braga Procópio de (2015). *Postmortem Protection of Personality Rights on Social Networks*, Monograph (Graduate in Law), Federal University of Rio Grande do Norte, Center for Applied Social Sciences. Department of Law, Christmas, RN.
- Paiva Ja Almeida (2003). "The civil personality of man starts with birth with life", *Consultor Jurídico Magazine*, November 24, 2003, accessed on: 21 Jan. 2021, available online at: https://www.conjur.com.br/2003-nov-24/personalidade_civil_comeca_nascimento_vida#:~:text=O%20art.,%2C%20os%20direitos%20do%20unborn.%22&text=Or%20seja%2C%20todo%20stillbir

th%20was, todo%20unborn%20ser%C3%A1%20um%20stillbirth.

Pereira Jefferson Botelho (2021). “General aspects about funeral law. Need for codification for legal security”, *Jus Navigandi Magazine*, No. 2887, 28 May 2011, accessed on 21 Jan. 2021, available online at: <https://jus.com.br/artigos/19204>.

Souza Rabindranath Valentino Aleixo Capelo de (1995). *The General Right of Personality*, Coimbra: Coimbra Editora.

Torres Neto José Lourenço (2020). “Antigone of sophocles: A summary of the ancient justice dilemma”, accessed on 18 Nov. 2020, available online at: https://www.jurisway.org.br/v2/dhall.asp?id_dh=4841.

Venosa Silvio de Salvo (2004). *Civil Law: General Part* (4th ed.), Sao Paulo: Atlas.