

BETWEEN DISSATISFIED REALISM AND THE PACIFIST IDEAL THROUGH LAW: REFLECTIONS ON THE WORK OF NORBERTO BOBBIO

**ENTRE O REALISMO INSATISFEITO E O IDEAL PACIFISTA POR MEIO DO
DIREITO: REFLEXÕES SOBRE A OBRA DE NORBERTO BOBBIO**

**ENTRE EL REALISMO INSATISFECHO Y EL IDEAL PACIFISTA A TRAVÉS DEL
DERECHO: REFLEXIONES SOBRE LA OBRA DE NORBERTO BOBBIO**

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ABSTRACT

War is, undeniably, one of the problems that is always present among the most important concerns of various human groups. For this reason, it is one of the recurring themes in the works of many authors who have analyzed the possibilities of establishing peace in international society over the last few decades. Among these authors, the Italian jurist Norberto Bobbio stands out. This author is indeed concerned with the subject and does so from a theoretical perspective that can be called peace through law. From this perspective, this research asks: can Norberto Bobbio be considered an idealist or a realist author from the point of view of international relations? The preliminary hypothesis is that, although he does not have an idealistic view of international relations, his unsatisfied realist perspective is based on the idea that law plays a central role in the quest to build a scenario of lasting peace. For this reason, the first section looks at the life and work of Norberto Bobbio, and then discusses his pacifist proposal. To this end, the hypothetical-deductive scientific method and the bibliographical research technique were used.

Keywords: International Law. Human Rights. Norberto Bobbio. Peace. Unsatisfied Realism.

RESUMO

A guerra é, de fato, um dos problemas que estão sempre presentes entre as preocupações mais importantes dos diversos grupos humanos. Por isso, é um dos temas recorrentes nas obras de muitos autores que analisam as possibilidades do estabelecimento da paz na sociedade internacional no decorrer das últimas décadas. Entre estes autores, destaca-se o jurista italiano Norberto Bobbio. Este autor se preocupa, de fato, com o tema e o faz a partir notadamente da perspectiva teórica que pode ser denominada de paz por meio do direito. A partir desta

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perspectiva, a presente pesquisa pergunta: Norberto Bobbio pode ser considerado um autor idealista ou realista do ponto de vista das relações internacionais? Tem-se como hipótese preliminar que, embora não possua uma visão idealista das relações internacionais, a sua perspectiva realista insatisfeita parte da ideia de que o direito tem um papel central na busca da construção de um cenário de paz duradoura. Por isso, a primeira seção busca retomar a vida e a obra de Norberto Bobbio, para, em um segundo momento, discorrer sobre a sua proposta pacifista. Para tanto, foram empregados o método científico hipotético-dedutivo e a técnica de pesquisa bibliográfica.

Palavras-chave: Direito Internacional. Direitos Humanos. Norberto Bobbio. Paz. Realismo Insatisfeito.

RESUMEN

La guerra es, sin duda, uno de los problemas que más preocupa a diversos grupos humanos. Por ello, es un tema recurrente en las obras de numerosos autores que analizan las posibilidades de establecer la paz en la sociedad internacional durante las últimas décadas. Entre estos autores, destaca el jurista italiano Norberto Bobbio. Este autor se interesa genuinamente por el tema y lo hace desde una perspectiva teórica que podría denominarse paz a través del derecho. Desde esta perspectiva, esta investigación se pregunta: ¿Puede Norberto Bobbio ser considerado idealista o realista desde la perspectiva de las relaciones internacionales? La hipótesis preliminar es que, si bien no tiene una visión idealista de las relaciones internacionales, su perspectiva realista insatisfecha se basa en la idea de que el derecho desempeña un papel central en la búsqueda de una paz duradera. Por lo tanto, la primera sección busca revisar la vida y obra de Norberto Bobbio y, posteriormente, analizar su propuesta pacifista. Para ello, se emplearon el método científico hipotético-deductivo y la técnica de investigación bibliográfica.

Palabras clave: Derecho Internacional. Derechos Humanos. Norberto Bobbio. Paz. Realismo Insatisfecho.



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INTRODUCTION

“And what if we were, on the contrary, rational beings lost in a labyrinth, who have realized that war, having reached the dimensions of atomic warfare, is quite simply a blocked path?”

Norberto Bobbio, in *“The Problem of War and the Paths to Peace”*

The world of States had its origin in the signature of the Peace of Westphalia in 1648 and has been through great transformations since then. The constant element, however, lies in the affirmation of the sovereignty concept and, consequently, its assertion in international relations.

This fact creates a significant set of difficulties with the building of an institutional framework for lasting peace through the law. In this way, it can be said that the sovereignty concept was a political limiter for the creation of a more convergent, fair and supportive scenario. In other words, the sovereign power of States has remained, beyond some limitations, forged in the use of force and violence, and faced towards the defense of national interests.

It does not mean, however, that the debate for the construction of a lasting peace scenario was not internationally present in classical international relations. On the contrary, the peace subject has never stopped being on the political agenda of the world of States, with many theorists dedicating themselves to the topic and, as a result, many peace-oriented projects have emerged. Those have been, on the majority, utopian attempts to regulate relations between States, until a “higher degree of mutual confidence” emerged (Miyamoto, 2000, p. 21). The perspective on the topic, however, may have a different meaning for developed countries and for emerging countries. Firstly, for developed countries, peace would mean their territorial integrity - and, therefore, the preservation of their national sovereignty. Secondly, for emerging countries, peace would mean the absence of a global conflict (Miyamoto, 2000).

The proposals, therefore, have always generated intense debate. The work *Perpetual Peace* (2006) by Immanuel Kant was one of the first and most important defenses of a peace project. This initial major formulation played a highly significant historical role and inspired other important authors to follow this path. In the field of law, two key authors stand out in this journey: the Austrian Hans Kelsen and the Italian Norberto Bobbio. Taken together, the works of these three authors were fundamental to the establishment of a pacifist paradigm within the scope of International Law, and this theoretical model can be named as 'peace through law.' This theoretical model can also be described as the paradigm of legal-political idealism, which stands in contrast to so-called political realism.

Indeed, political realism holds that, given the struggle for power among States and the inevitable conflict between their interests, the international society can only produce a scenario of peace through a balance-of-power system, rather than through the affirmation of principles and legal norms and international courts. In this way, according to this theoretical model, the possibility of peace is always a scenario of negative peace and, as such, is both fragile and inherently temporary. It is this view of the world of States that drives the critique of the legal-political idealism model, asserting that all attempts to build an institutional peace process are doomed to failure. This constitutes a significant, though excessively pessimistic, critique of

international relations.

In this way, the present article has as its general objective the reexamination of the theoretical contributions of the Italian jurist Norberto Bobbio to the theoretical framework known as 'peace through law'. This revisiting is essential for understanding current theoretical proposals that seek to overcome political realism. Accordingly, the first section aims to revisit Norberto Bobbio's life and work, while the second part of the paper discusses his pacifist proposal. The central research question guiding this analysis is the following: Can the analysis of international society developed by the Italian jurist Norberto Bobbio be considered idealist or realist? The preliminary hypothesis is that the author's proposal may be described as one of 'dissatisfied realism' – that is, although his approach does not adopt a utopian view of the subject, he believes it can contribute to the construction of a lasting peace.

Considering the methodology adopted for conducting the research, the bibliographic technique was employed, and the selected scientific method was the hypothetical-deductive approach, since the hypothesis will be tested at the end – either refuted or confirmed – to reach specific conclusions. Furthermore, this investigation is exploratory in nature and follows a qualitative approach, with each section of the results corresponding, respectively, to one of the specific objectives. The procedures employed included bibliographic review and indirect documentary analysis, using books and up-to-date scientific articles published in reputable journals in the field of Law and related areas, as well as works available on the World Wide Web.

LIFE AND WORK OF NORBERTO BOBBIO

Considered one of the greatest pacifists of contemporary times, Norberto Bobbio was a jurist, politician, internationalist, legal and political theorist, as well as a philosopher (Ferraz Júnior, 2013). According to Celso Lafer (2013), Bobbio developed a philosophy of law intended for jurists, that is, a philosophy concerned with the practical problems they face in their daily work, whether related to the structure or the function of law. Furthermore, it is worthy of highlighting that the author demonstrated a deep commitment to the defense of democracy and the protection of human rights – an emphasis shaped by his experience throughout the 20th century, as it will be discussed below.

Bobbio was born in Turin, Italy, in 1909, and passed away in 2004 (Tosi, 2016). In this way, he lived through virtually the entirety of the 20th century. As a result, he witnessed both

World Wars, the rise of totalitarian regimes, the extermination of millions of people deemed inferior to the so-called Aryan race, as well as the detonation of nuclear bombs that marked the beginning of the era of atomic deterrence. In addition, Bobbio lived through the Cold War, the fall of the Union of Soviet Socialist Republics (USSR), the Gulf Wars, the emblematic terror of September 11, and the significant growth of international terrorism (Tosi, 2016).

The author completed his education in Law at the University of Turin, Italy. It was during the 1930s that Bobbio became a Professor of Philosophy of Law at the University of Camerino, where he worked until 1939 (Tosi, 2016). That year, he assumed a teaching position at the University of Siena. One year later, he transferred to the University of Padua, where he taught until 1948. In that same year, Bobbio was invited back to the University of Turin, now as a professor. He remained there until 1979, when he retired.

In his autobiography, Norberto Bobbio notes that there is a moment of rupture in his life that marks a clear distinction between the "before" and the "after" of fascism (Lafer, 2009). His academic education took place in the "before," during the fascist period, while his major intellectual production occurred in the "after," between 1940 and 1990. This helps explain why Bobbio focused so strongly on themes such as democracy and human rights (Lafer, 2009). The philosopher also took part in the Resistance movement, as a member of the Action Party. It was within the academic environment that Bobbio became involved with the political group *Giustizia e Libertà*, and also participated in the founding of the *Partito d'Azione*, "which [fought] clandestinely against fascism and [was actively involved] in the 'partisan' resistance and in the reconstruction of Italian democracy." (Tosi, 2016, p. 19, our emphasis).

All these activities were fundamental to the development of his academic career and to his decision to become an intellectual committed to the issues of his time. The result of this process was that Bobbio became a notable academic, professor and activist of his era. However, before consolidating his position against fascism, the Italian had an ambiguous relationship with the movement due to his familiar environment (Tosi, 2016). The pressure of the dictatorship reinforced this ambiguous relationship, given that Bobbio was pursued during the fascist regime and, at a certain moment, he was obligated to write a letter to Benito Mussolini, declaring himself a fascist, which brought many disappointments to him.⁴

It was from this turbulent context – of being a young man and professor in a fascist society – that Bobbio built his academic life and was, slowly, managed to establish himself as a jurist

⁴ In this sense, see the work of Mario G. Losano about Norberto Bobbio (Losano, 2022).

authentically worried about democracy, human rights and defense of international peace. This made him one of the brightest authors of the 20 century and helped to deepen the theme of democracy as a method of political decision-making to strengthen peace, for it “counts heads rather than cuts them off” (Lafer, 2009, p.10). In this regard, the author argues that “the only and true qualitative leap in human history is not the transition from the realm of necessity to the realm of freedom, but from the realm of violence to the realm of non-violence” (Bobbio, 1999, p.110, our emphasis).

Considering it, to establish a global lasting peace scenario, according to the Italian philosopher, it would be needed more Democratic States, along with the corresponding expansion of democratization within them (Bobbio, 1986). In this way, Bobbio’s work- diametrically opposed to fascism- seeks alternative to the age of extremes (Hobsbawm, 1994) and to “the risks of its aftermath” (Ferraz Júnior, 2013, p.283). It was after the end of the two World Wars that Bobbio defined his theoretical framework. He embraced legal positivism – under the influence of Hans Kelsen’s – alongside logical neopositivist and the analytical method, as part of a neo-Enlightenment reaction (Tosi, 2026). For Norberto Bobbio (1995, p.26), “legal positivism is the doctrine according to which there is no law other than positive law”. This, however, does not mean that unjust laws cannot be criticized. On the contrary, they must be criticized. What must not happen is for the jurist to simply ignore them.

The reason is that positive law is enacted by the state and consists of a set of mandatory rules within a given society and time, If these rules are not followed, they allow for the intervention of a third party who resolves the conflict by imposing a sanction on the individual who violated the legal norm (Bobbio, 1995). This means that law is a set of norms based on coercion, and this is one of the criteria that distinguishes it from morality and religion. Recognizing this specificity of law is essential. In this way, Bobbio warns that caution must be exercised when accusing legal positivism—especially in its Kelsenian theoretical form—of having justified the totalitarian regimes that emerged in the 20th century (Fischer, 2014).

Accordingly, the legal positivism advocated by Hans Kelsen and Norberto Bobbio does not carry such implications; rather, it represents a “purely cognitive attitude that man adopts toward a certain reality” (Bobbio, 1995, p. 223, emphasis in original). Therefore, the legal positivism defended by Bobbio should not be confused with ethical legal positivism. The latter is a manifestation of an ideology – in other words, it is “the expression of an evaluative attitude that man adopts toward a certain reality, consisting of a set of value judgments concerning that reality”

(Bobbio, 1995, p. 223, emphasis in original).

In this sense, Bobbio's theoretical perspective does not involve this ideological dimension and does not imply, for example, the possibility of deducing the idea of justice from the validity of a specific law (Fischer, 2014). It is only in this sense that the extreme version of legal positivism influenced totalitarian regimes – and this is not accepted by the author. That is because, it was only after the terrors of holocaust that new substantive forms to law thought began to emerge. Indeed, since then, new perspectives for analyzing law have taken shape, which can be named post-positivist and that helped rescue justice and law morality ideas as essential components– concepts that had been abandoned since the decline of natural law theory.

Bobbio's positivist foundation was fundamental to his approach to the theme of peace. However, his admiration for the classics was also important. In this regard, as referred by Celso Lafer (2009, p.12, emphasis added), the author turned to Thomas Hobbes, Hugo Grotius and Immanuel Kant to produce "The problem of war and the ways to peace" (2003), in which the author "affirmed peace as a value that can be achieved through various forms of active pacifism". According to Bobbio (2003, p. 95-97) active pacifism "presupposes a critique of the traditional justifications of war and leads to action aimed at eliminating it. "[...] (Moreover) it stands before war as communism does before (individual) property, and as anarchism does before the State [...]" since war can no longer be limited, it must be abolished". For this reason, the active pacifism theory can be considered radical and revolutionary.

Likewise, the Italian legal philosopher consistently turned to classical thinkers to ground his theoretical reflections. It was through the reading of Thomas Hobbes (2012), especially his notion of the state of nature – a war of all against all – and the anarchic condition of Classical (or Modern) International Society, that Bobbio, by analogy, analyzed Contemporary International Society through a nontraditional realist lens (Lafer, 2009). Bobbio's political realism, therefore, takes on a methodological character, distinct from the conceptions of realism found in thinkers like Thrasymachus or Carl Schmitt—who comprehends politics exclusively as a conflict (Bovero, 2003). It is possible to describe the Italian jurist as a "dissatisfied realist" (Lafer, 2009, p. 17). In this sense, Bobbio (2009, p. 136, emphasis added) states:

[...] we must avoid two extreme attitudes: idealism and skepticism. The idealist is the one who, as mentioned, after assigning extraordinary tasks to the United Nations, now accuses it of having failed; the skeptic is the one who has always seen the United Nations as a hypocritical and bad-faith enterprise from which no benefit can be derived. Personally, I consider myself neither a disillusioned idealist nor a distrustful skeptic. And I would not recommend that anyone adopt either of these attitudes when judging

human affairs.

This positioning demonstrates how Bobbio recognizes the limits of international law, as well as the democratic society disabilities so that it is possible to improve it (Bobbio, 1986; 2004). Based on this thought, it is possible to say that admitting that democracy is imperfect, criticizing institutions— both internally and internationally – , and seek improvements, seems to the author, as being the only way of, effectively, reaching social progress within the framework of incipient democratic cultures (Bobbio, 1986; 2004).

Norberto Bobbio's realism is a fundamental part of his whole intellectual life. That is why, he always declared himself as a "unsatisfied realistic" or as a pessimistic idealist. This way of thinking is based on the author's vision about human inability to escape the labyrinth of life. In other words, it is based on his constant dissatisfaction with history's course and with his own disenchanted view of the facts, which always reveals his disbelief about the utopian perception of history. In that regard, Bobbio (2000, p. 240, emphasis added) said that:

Many times, I was asked to offer a crude depiction of reality, as if the attempt to understand evil in its most cruel aspects would somehow please or justify it. However, is not it through the unbiased observation of reality that we may find the possibility to change it? Until now, men have interpreted the world, said Marx; the point, however, is to change it. But how can we change it if we do not first understand it?

In this sense, for the establishment of a universal peace, it would be necessary to end the permanent state of war among all citizens within civil society—that is, to effectively achieve internal peace in that society (Bobbio, 2017, P. 226): this has not only failed to occur, but that is no evidence that it could happen". What has happened, in the author's view, is that over time, States – or juridical communities – have been formed in increasingly complex ways (Bobbio, 2017). However, without the existence of a global Rule of Law, international relations have not, in fact, overcome this hobbesian state of nature. So, peace established in this scenario is always precarious and provisional (Bobbio, 2017). In the author's own words:

In such a situation, the only possible (and desirable) solution to overcome the state of war – which continues to exist, no longer in relations between individuals as a result of the social contract, but only in relations between States – lies no longer in the unification of all individuals into a single universal civil society, something in fact impossible (and perhaps not even desirable, in the case of a despotic universal State), but in the union (Verbindung) of States – and first of all, the more civil States that may serve as examples for the others – into a permanent league (Bund) or federation (Föderation), which will have, in relation to the States that created it, a function analogous to that which the formation of individual States had with respect to individual persons." (Bobbio, 2017,

p. 226, emphasis added).

Thus, Bobbio's philosophical framework can be seen as rooted in Kant's Project for Perpetual Peace (2006), where peace is a principle of reason, yet infused with Hobbesian realism (2012), since Bobbio – like Kant – understood that human progress is not necessary, but merely possible (Bobbio, 2000). Indeed, the concepts of war and peace constitute an antithesis (Bobbio, 2000). These terms are intrinsically linked: peace is a state of non-war, just as war is a state of non-peace. For Norberto Bobbio, “not all wars have been, or are, imperialist” (Lafer, 2009, p. 13-14). Beyond colonial wars, the Italian philosopher identifies three other types of war: a) external—wars between states; b) internal – also known as civil wars; c) wars of national liberation (Bobbio, 2003).

However, peace goes beyond the conceptions of “state of non-war” and “state of non-peace”. That is because, to establish an ideal of positive peace, it is necessary to promote social justice for the reduction of social inequalities that persist in emerging countries. The fact is that in order to avoid wars, it is necessary to have a state of peace (Bobbio, 2000). The Italian philosopher, beyond addressing the problems of war and peace, warned about how the use of nuclear weapons has changed the logic and dynamics of contemporary warfare (Lafer, 2013). In this context, peace must be conceived in a positive manner—seeking paths and means to affirm peace itself and prevent the phenomenon of war (Lafer, 2013).

In this context, it is essential to understand the author's positions on the role of reason. Regarding this, Bobbio constructs three important metaphors (Bobbio, 2003):

- a) The metaphor of the fly in the bottle. Through this image, the author suggests that the fly wants to escape the bottle—the world, in this context, would be the set of flies in the bottle—and the function of philosophical reason would be to teach how to escape this situation, so reason would be omnipresent.
- b) The metaphor of the fish in the net. Through this image the author reveals that the fish wants to escape the fisherman's net but cannot. As Bobbio puts it “it believes there is a way out, but the way out does not exist” (Bobbio, 2003, p. 49). The only options are: i) existential despair; or ii) resignation in face of the inevitable – death (Lafer, 2013; Bobbio, 2003).
- c) The metaphor of the labyrinth. With this image, the author suggests that the task of reason is to search for exits through blocked paths – for example: peace at the international level as a solution to war, democracy, and human rights as expressions of respect for human

dignity (Lafer, 2013). This metaphor is particularly significant, since the individual entering the labyrinth believes it is possible to find an exit through tactile exploration. However, the usual outcome is encountering a blocked path and, from there, returning to seek another possible route.

Through these three metaphors, Bobbio (2003, p. 52-53) reflects: “if the final solution is inevitable, we are not like the flies wisely guided by the philosopher to the exit of the bottle, but as the fishes struggling helplessly in the net”. He then thinks: “and what if, instead, we were wandering rational beings in a labyrinth who realized that war—having achieved the dimensions of atomic warfare— is simply a blocked path?” (Bobbio, 2003, p. 53). Therefore, war can be comprehended as a dead end, and as such, should be abandoned, for that would be the most reasonable course of action. Yet, this should not lead us to give up, even in the face of challenges, it remains important to keep searching.

PACIFISM IN NORBERTO BOBBIO

The author takes this message seriously and seeks to construct a pacifist project. This project is clearly present in “The problem of war and the paths to peace” (2003). To start his reflection, the author brings to light three questions related to the theme: a) the concept of peace; b) the value of peace; c) the concept and forms of pacifism. Regarding the concept of peace, it can be understood from two perspectives: an internal one— which correspond to “being in peace with yourself” (Bobbio, 2003, P. 138), that is, the end of an internal conflict involving attitudes or behaviors of a given individual; and another one external— that reflects the absence or cessation of conflicts between distincts groups or individuals (Bobbio, 2003). This dichotomy between “internal” and “external” highlights the distinction between the moral sphere and the legal sphere.

Internal legislation means prescribing duties that the author has with himself, belongs to the domain of morality (Bobbio, 2003). External legislation involves prescribing duties towards other individuals or various groups, that is, its treatment belongs to the juridical world (Bobbio, 2003). The antithesis between war and peace, however, contains a caveat. The term war is considered strong, while peace is seen as weak. This is because “there is a great philosophy of war as a positive phenomenon, yet there is no great philosophy of peace” (Bobbio, 2003, p. 140).

Bobbio (2003, p. 142) defines war, in general, as “(a) a conflict, (b) between politically independent groups or those considered as such, (c) whose solution is entrusted to organized

violence”. Violence is, for itself: “(a) the use of physical force, (b) intentionally directed to the desired effect by the active subject, and (c) not consented to by the passive subject” (Bobbio, 2003, p. 143). So war and peace are parallel phenomena. According to pacifist models, peaceful solutions to international conflicts must always be prioritized— absolute nonviolence toward all forms of violence, since no war can truly be considered just (Bobbio, 2003).

This way, peace can go both ways: a negative— while a “state of generic things” and a positive as a “specific state, foreseen and regulated by international law” (Bobbio, 2003, p. 144). Choosing a positive peace is always preferable because the States involved regulate international stability. Bobbio does not comprehend the problem of peace as the most serious question of humanity. That is because “the problem of problems does not exist” (Bobbio, 2003, p. 147).

Once peace is realized, that is, the absence of wars, humanity will face other urgent matters such as hunger, social justice, migration, climate issues and others. In other words, establishing peace enables states to address these common challenges cooperatively, shaping political agendas accordingly. In terms of value, the term “war” generally carries a negative connotation (Bobbio, 2003), while “peace” is valued positively (Bobbio, 2003). When analyzing the notion of a just war, Bobbio argues for a distinction between just peace and unjust peace. If a war is considered just, its value cannot automatically be deemed negative.

To frame this distinction, Bobbio (2003, p. 151) refers to the principle of corrective justice, which requires proportionality between “crime and punishment, transgression and law reparation.” However, determining whether peace is unjust or war is just a highly complex task, given the absence of an impartial judge in international affairs, as in national systems. Therefore, each political group or state engaged in a conflict assigns its own value to war and peace. To deepen this analysis, it is worth recalling Raymond Aron’s (2002) distinction between three types of peace:

- a) Power peace – subdivided into equilibrium, hegemony, and empire, marked by relations of inequality or equality among nations, typically reflecting a power imbalance;
- b) Peace of impotence, also known as the peace of terror, in which peace “reigns (or would reign) among political units capable of inflicting mortal blows on each other” (Aron, 2002, p. 229);
- c) Peace of satisfaction, which assumes a general sense of trust among states, replacing reciprocal fear with an era of international security.

According to Bobbio (2003), it is peace of satisfaction that prevails between nations since

World War 2, and it is not entirely satisfactory. Concerning pacifism and its forms, Bobbio argues that peace of satisfaction can be misleading in understanding the pacifist movement. Pacifism is “any theory (and the corresponding movement) that considers a lasting, or, simply to use Kant’s expression, perpetual and universal peace, as a highly desirable good—so desirable that any effort to achieve it is deemed worthy” (Bobbio, 2003, p. 156, our emphasis). The peace sought by pacifists is not just any peace.

Moreover, it is important to highlight that the author argues that the kind of peace pursued by pacifism is one of satisfaction – a peace that nations consciously accept, without harboring further reciprocal claims. Only under such conditions can peace be lasting and universal, as it must necessarily encompass all States. Although pacifism includes theories that advocate for partial peace – meaning peace between only a few States – the movement has always regarded this as merely a transitional phase toward global peace (Bobbio, 2003).

Moreover, Bobbio contends that not only certain conflicts must be eliminated but all forms of war (Bobbio, 2003). Concepts such as internationalism, globalism, universalism, and cosmopolitanism are compatible with pacifism, as long as they are not homogenizing and respect plurality. These perspectives aim to transcend national borders – thus relativizing sovereignty – so that all peoples may coexist peacefully (Bobbio, 2003). Bobbio (2003, p. 158) affirms that “one can be an internationalist without being a pacifist (e.g., the Third International). Cosmopolitanism is more of a cultural than a political or institutional movement. As for globalism and universalism, pacifism is more specific in terms of means.”

Legal pacifism – named for its theory of peace through law – is grounded in three foundational projects by the following thinkers: the Abbé de Saint-Pierre (Project for Perpetual Peace in Europe, 2003); Immanuel Kant (Perpetual Peace, 2006); and Saint-Simon and Augustin Thierry (On the Reorganization of European Society). Bobbio (2003) identifies three historical philosophies of peace between the 17th and 19th centuries: a) The Enlightenment view, which sees despotism as the root of war; b) The positivist view, which holds that war will gradually disappear due to social and institutional evolution; c) The Marxist view, which sees war as a product of capitalism – thus, peace is attainable only through the elimination of capitalism and imperialism.

In this context, the role of a “Third Party” is crucial in Bobbio’s theory. He is concerned with various forms of pacifism – disarmament, peaceful conflict resolution, the creation of international institutions, and the reduction of international inequality (Lafer, 2013). These

themes are found in *The Absent Third* (2009), where Bobbio denounces the absence of a true third party in classical (or modern) international society – one capable of effectively resolving conflicts.

Bringing this issue into the contemporary context, the author begins the discussion with the threat of nuclear annihilation, emphasizing that humanity finds itself in a “limit-situation” (Bobbio, 2009). When Bobbio reflects on the role of the Third Party, the problem is situated within the context of the Cold War. This historical framing is essential to understanding why the author defended unilateralism. Bipolarity – then dominated by the major powers, the United States of America (USA) and the Union of Soviet Socialist Republics (USSR) – ensured peace on a broader scale, yet at the same time restricted freedom. Multipolarity or multicentrism – defined by the existence of several centers of power – would, in contrast, open up spaces of freedom previously suppressed by bipolarity, although potentially at the cost of placing peace at greater risk.

Bobbio proposes a third solution: unipolarism, or “the old ideal of perpetual peace through the formation of a universal state” (Bobbio, 2009, p. 278, our emphasis). He argued that peaceful conflict resolution required a third party trusted by all involved. Bobbio (2009, p. 280) asked: “Is there, in the current state of international relations, such a Third Party?” And he answered: “No, there is not. Therefore, deluding ourselves about the possibility of peace is foolish. Delusion is a conscious lie.” He further argued that the United Nations – founded to resolve conflicts diplomatically – should be this Third Party. However, in modern international society, this Third Party is not absent but impotent, as “the United Nations are powerless” (Bobbio, 2009, p. 280). Following this reasoning, Bobbio (2009, p. 293-294) reaches a paradoxical, almost claustrophobic conclusion, yet one that is profoundly lucid:

What is new is legitimate, based on the tacit or explicit consent of nearly all members of the international community, who created and sustain the United Nations—but it is not effective. What is old remains effective, even though it has lost any legitimacy under the letter and spirit of the UN Charter.

In the light of the above, it is clear that Bobbio, like Kant, envisioned a “regulative ideal”, a guiding North Star, not fully realizable but capable of giving direction and meaning to humanity (Tosi, 2013). That ideal is peace realized in civil society. Historically, war has been viewed as an initial stage, a kind of Hobbesian state of nature (Hobbes, 2012). When it has been seen as a final

stage, war was never considered a desirable goal, but a downfall, “the perdition of humanity” (Bobbio, 2003, p. 154). This is the condition that humankind must always seek to avoid.

CONCLUSION

The challenges that involve modern world issues are gigantic. These include the need of reducing social inequalities and the regulamentation of the use of new technologies for communication and information. In this frame, the themes of fighting global warming and international protection of human rights are also present. Besides, these challenges encompass the construction of peace and the role of law in this process. The present work has focused specifically on the latter theme, seeking to understand how the Italian jurist Norberto Bobbio formulated his pacifist project. This is of growing importance, as the threat of large-scale war today would carry unimaginable consequences. The destructive capacity currently present on the planet is, indeed, immense.

For this reason, the pursuit of a lasting peace scenario holds strategic relevance. It is therefore essential to reflect continuously on this theme and to deepen the analysis of the role of law in this process. Recovering the contributions of various thinkers on the subject is fundamental and contributes to the construction of viable alternatives. Humanity cannot remain merely lamenting the inefficiency of institutions, particularly the United Nations (UN). On the contrary, drawing from Norberto Bobbio’s metaphor, everyone must commit to seeking an exit from the labyrinth, even if the current political conditions are clearly unfavorable.

What is crucial is to acknowledge that new possibilities have also emerged along this long path – whether through the relativization of the concept of sovereignty or the rise of new international actors. What remains certain is that humanity must constantly strive to build innovative and effective alternatives for a more peaceful world. Hence, the pursuit of peace stands out as essential for shaping a more promising future and for developing instruments capable of creating an international order free from the persistent scourge of war. This is one of today’s greatest challenges and is explicitly stated in the preamble to the Charter of the United Nations.

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