

Appeal for Peace: Fundamental Right

Nildes Carvalho da Silva

nildescarvalho[at]gmail.com

Abstract: *Analyzing the relevance of Knowledge in the Modern World of Human Rights and Constitutional Law, in "Erasmus of Rotterdam, Norberto Bobbio, and Max Weber: An Appeal for Peace" (1516), takes us to the past and present, as each of the works is interconnected by the call for ensuring the effectiveness of the fundamental right to life, human rights, and the right to peace. The fundamental right to peace is a principle that aims to promote peace, security, and stability at national and international levels. It is recognized in various declarations and legal instruments, such as the United Nations Charter and the Universal Declaration of Human Rights. This right entails the pursuit of peaceful solutions to conflicts, the prevention of wars, and the promotion of a culture of peace. It encompasses different aspects, such as the protection of human rights, disarmament, peaceful resolution of disputes, promotion of dialogue and tolerance, and the construction of democratic and just institutions. Peace is fundamental to human development, peaceful coexistence among nations, and the guarantee of the rights and fundamental freedoms of all individuals. It contributes to political, social, and economic stability, while promoting respect for diversity and human dignity. However, achieving and maintaining peace is a complex challenge that requires continuous efforts and collaboration among states, international organizations, civil society, and individuals.*

Keywords: Peace, Fundamental Right, Dignity, Human Rights, War, Constitution.

1. Introduction

Analyzing the relevance of Knowledge in the Modern World of Human Rights and Constitutional Law in "Erasmus de Rotterdam, Norberto Bobbio, and Max Weber: An Appeal for Peace" (1516) leads us to the past and present with the works of Sarlet and Melo. Each of these works is interconnected by the appeal for the guarantee of the effectiveness of fundamental rights and the right to peace, which remains current.

In this sense, we perceive the authors' concern, which is linked to their academic background as well as influenced by respect for constitutional compliance derived from Renaissance humanism.

The objective of this article is to analyze the work "An Appeal for Peace" in a holistic manner, considering the right to peace constitutionally and in light of human rights as a fundamental right. The work calls for peace, which is essential for the harmonization of knowledge in a holistic and current manner, considering the state of war in which humanity found itself. War can be understood as the madness of man, as there were no valid reasons for its existence, which was ravaging Europe.

The authors dared to expose the miseries of humanity in these works. Humanity itself brought calamity into their lives, consumed by hatred and resentment. The message of peace presents God's mercy, love, and harmony towards one another, which should be seen as an ideal of unanimity.

Wars have been present in the world since ancient times and during the Christian period, as people fought for survival. The appeal for peace is a plea to the sovereigns to voluntarily recognize God's call for peace. The wars of the world only bring destruction to the people, who, for the most part, detest war and long for peace.

Peace is the mandatory path to concord. In contemporary times, this path is pursued through democracy as a

recognition of human rights, duly acknowledged in modern constitutions. Thus, it is a prerequisite for the international recognition of human rights.

In this context, a summary of the biographies of Erasmus of Rotterdam and Max Weber is presented, making references to other authors such as Norberto Bobbio and Paulo Bonavides. We also mention my former professor, Flávia Piovesan, as a way to understand the analyzed authors and their contributions to the central theme of this article: the right to peace.

The work is grounded in a methodological perspective by conducting literature review, gathering bibliographic data, referring to official websites on the topic and its effects, and considering the authors' positions in their works.

We also address the relevant legal provisions related to the analyzed theme in order to establish the right to peace as an inalienable good of humanity itself, as defined by Prof. Dr. Paulo Bonavides.

In this context, the holistic pursuit is to understand the works in order to effectively safeguard the right to peace in the current world, based on constitutional and international rights stemming from the natural right to live.

The Humanism of the Work "Querela De La Paz"

Gerrit Gerritszoon Desiderius Erasmus Roterodamus, or as he was known, Erasmus of Rotterdam, was born in the Burgundian Netherlands on October 28, 1466. His parents were not legally married, and therefore he was considered illegitimate. His father, Gerard, was a Catholic priest and pastor in Gouda, and his mother was Margaretha Rogers, the daughter of a physician whom Gerard met while she was working as his governess. Both of his parents died prematurely in 1483 due to the Black Death, a catastrophe that struck Europe.

To understand the work of Erasmus of Rotterdam, it is necessary to define the period in which his work was written. This work, "Querela de la Paz," was written in Latin and was established to have been written in the year 1516, as indicated by the source, the Louvre Museum. It belongs to the Renaissance period, which took place between the late 14th century and the end of the 16th century.

It is important to highlight the significance of the work within its original context in order to understand the author's thoughts. This period marked the transition between the Middle Ages and the Modern Age, characterized by numerous cultural changes and achievements that took place in Europe. The preceding Italian Renaissance, dating back to the 13th century, was marked by foreign invasions, great confusion, depression, oppression, and epidemics.

The terms used are used to identify a period in European history characterized by the transition from feudalism to capitalism. It was marked by transformations in various areas of human life, such as culture, society, economy, politics, and religion. It symbolized the rupture with medieval structures and its effects on the arts, philosophy, and sciences.

Italy was the birthplace (1867) of the Renaissance, a place where the rediscovery and reevaluation of classical antiquity took place, leading to a humanistic and naturalistic ideal or a period of "discovery of the world and man." This period had a greater expression in countries like Portugal, Germany, Spain, England, and the Netherlands.

Humanism preached the dignity of man and made him the foremost investigator of nature, paving the way for the emerging scientific method. The thoughts of Erasmus of Rotterdam remain relevant today. He was considered a great thinker of the 16th century. As a theologian, he influenced Christian thought and lives through his works "The Manual of the Christian Soldier" and "The Protest of Peace."

Many critics, such as the Renaissance figure, Father Girolamo Savonarola, who rebelled against the practices of the papacy due to alleged prophecies and his calls for reform of the Catholic Church, were excommunicated. However, Erasmus of Rotterdam was treated more leniently because he was committed to the reform of the Church. "The Protest of Peace" criticizes the involvement of church clergy, kings, and people who claimed to be Christians but supported war. During this period, popes incited wars and accumulated fortunes: "The Pope calls for war; he is obeyed. The Pope calls for peace, so why is he not obeyed with equal urgency? If he prefers peace, why do so few obey him as eagerly as they obey Julius, the promoter of wars, and Leo, who proclaims peace and harmony?" (ROTTERDAM, 1964, p. 984).

The author understands that the clergy flaunted their wealth with hypocrisy and arrogance, which he perceived as a reversal of values in society. The appeal for peace presents the lost morality and calls attention to the teachings of Christ in a pedagogical manner.

The author claims that the church priests and kings preached Christianity, yet they supported hatred and war for unjustifiable reasons, considering that war is a disease for humanity and has nothing to do with the well-being of the people. The author affirms that the majority of the people despise war and demand peace, asking, "And if war is a fatal ailment of human beings, in such a way that it cannot exist without war, why, with greater reason, is this necessary evil not turned against the Turks?" ("The Appeal for Peace" by Erasmus was fundamental for harmonizing knowledge in a holistic and current way regarding the state of war in which humanity found itself (ROTTERDAM, 1964, pp. 986 and 994).

The author advocated in his work that Peace is the greatest happiness in life. So why does humanity, eager to find happiness, continue to wage war instead of seeking peace and concord? He states, "If I, who am that Peace, the pleasure of gods and men, praised in unison by the voice of both; if I am the source, the mother, the nurse, the nurturer, the protector of everything good in heaven and on earth; if in my absence nothing flourishes or remains in safety" (ROTTERDAM, 1964, p. 966).

The work has a prophetic bias, meaning it appeals to humanity's ability to distinguish between good and evil. "Only one animated being did Nature produce, enriched with reason, capable of divine mind; it brought forth a unique being for benevolence and concord[...]. Only to the human animal was the word given, the chief conciliator of friendships" (ROTTERDAM, 1964, pp. 967-968).

The author portrays war as the madness of man. However, he finds no reasons for the existence of war, which was happening calamitously in Europe. He cries out, undoubtedly wishing that there would be a place for peace within the Church, saying, "Surely, I say to myself, among these courtiers, there must be a place for peace here inside" (ROTTERDAM, 1964, p. 970). Rotterdam does not understand man's blindness in denying or disregarding peace.

The author dared to expose the miseries of humanity in this work. Humanity itself brought calamity upon its lives, consumed by hatred and rancor. The message of Peace presents God's mercy, His love and harmony towards others. It should be understood as a human right and an ideal of unanimity since human nature requires reciprocal love.

In this sense, the author affirms that the "Renaissance society seems to be possessed by a diabolical spirit that leads men to war instead of desiring Peace." His work is based on theology preached by Jesus Christ, the greatest example that Peace is better than War - Christ lived and taught with His testimony the true Peace. Jesus Christ gave His peace in John 14:27: "Peace I leave with you; my peace I give to you. Not as the world gives do I give to you." For whoever has peace gives peace!

The characters (clergy) desire war and wage war using all kinds of artillery and military equipment to obtain power in the religious, political, philosophical, or scientific fields. The ambition for power spills the blood of thousands of

Christians. In other words, the Church should preach Peace but instead uses religion to its advantage and finds itself in a war of priests against priests.

The Church preached war instead of preaching peace and love in its prayers. Pope Julius is considered the author of war. The author, in a theological manner, uses the teachings of the prophet Isaiah as a herald of Peace, stating, "To the Prince of peace. Wanting to make known the best of princes, he signified it by that condition he judged to be the best of all[...] Peace, the best of things that Nature gave to man[...] My people will sit in the beauty of peace" (ROTTERDAM, 1964, p. 973).

According to Erasmus, nature is when man returns to a state of peace given by God, as a divine gift that leads to peace. In other words, peace returns to man when he distances himself from evil, struggles, and wars.

The book of Isaiah, chapter 9, is used as a means to demonstrate God's call for peace. It announces Christ, who preached peace and gave peace: "Peace be with you, and greetings as the only worthy greeting for Christians[...] Love one another as I have loved you. My peace I give to you; not as the world gives do I give to you" (ROTTERDAM, 1964, p. 974).

Jesus Christ asks us to love our enemies. Jesus is the prince of Peace. In this sense, Christian social life should be based on peace, as understood in the verses: Isaiah 9:6,7/13-17.

Wars have been present in the Christian world since ancient times, whether in the struggle for the survival of the Hebrew people or among Jews and pagans. The appeal for peace is a supplication to the sovereigns who bear the image of Christ, urging them to voluntarily recognize God's call for peace. The wars of the world only cause destruction, and the majority of the people detest war and demand peace (ROTTERDAM, 1964).

Peace is the obligatory path to concord. Nowadays, this path is pursued by democracy and by law as a recognition of human rights, duly acknowledged in modern constitutions.

The Right to Peace: We Were from Rotterdam x Norberto Bobbio

The Right to Peace is a prerequisite for the recognition of human rights on an international level. Norberto Bobbio, in his work "The Age of Rights," presents the ideal of "perpetual peace" in the Kantian sense, gradually advancing towards the recognition and protection of human rights. He affirms that "without recognized and protected human rights, there is no democracy; without democracy, there are no minimum conditions for the peaceful resolution of conflicts" (BOBBIO, 2004, p.IX).

In other words, there will be stable peace, a peace that does not consider war as an alternative, only when there are citizens, no longer just of this or that State, but of the world (BOBBIO, 2004, p.IX).

In this regard, the Right to Peace is a necessary prerequisite for the realization of human rights, indirectly provided for in the Universal Declaration of Human Rights of December 10, 1948.

It should be noted that the German philosopher HEIDEGGER (1979), a fervent supporter of Nazism, before Germany's defeat in World War II, was considered an original thinker and a critic of the technological society of the 20th century. He was admired by numerous thinkers who preferred to extract from his thinking "a philosophical and poetic vision of Being" and "forget" his political thought stemming from the atrocities committed by Nazism, which was countered by the Declaration of Human Rights, to which his work became known as "Existentialism," a current and anti-deterministic thought founded by Kierkegaard, to which he subscribed (source: Cobra pages:2001).

The Right to Peace is not listed as a specific human right that results in a directly prescribed sanction for non-compliance. However, it must be ensured by states on an international level.

The concept of perpetual peace described by Kant in cosmopolitan law is a right of the people. Thus, the great Italian philosopher Norberto Bobbio states in his work that the problem of war is the bias of peace: "The problem of war and the ways of peace: There are two ways, we said, of considering war as a blocked path: considering it impossible or unjustifiable; the balance of terror or atomic consciousness" (BOBBIO, 2008, p. 42).

According to Bobbio, the concept of peace depends on the definition of war and establishes the following connotations: "a) a conflict, b) between independent political groups, c) whose solution relies on organized violence. In other words, there are various types of war: interstate war, intrastate war, superstate (or imperial) war, and infra-imperial war" (BOBBIO, 2008, p.165).

In this sense, war is a "death penalty" as it is exercised with lasting and organized violence. Thus, the absence of war can be understood as peace.

The agreement between individuals arises from the derivation of the theory of the social contract or the conventional origin of the political society, as Bobbio states: "If the political society derives from an agreement among individuals who renounce living in a state of nature and create laws to protect each other, it is inconceivable that these individuals have also made the right to life available to their fellow beings[...] 'Peace is not simply the absence of war, but is defined with all accuracy as the work of justice, opus iustitiae, pax'" (BOBBIO, 2008, p. 149/165).

Peace can be described as the absence of violence, exploitation, political and religious oppression. Furthermore, the right to peace should be pursued holistically by peoples and the International Rule of Law. Norberto Bobbio's "Era of Rights" ratifies human rights at a universal level, incorporating narratives, ethical-historical perspectives, and philosophical debates that encompass freedom, equality,

tolerance, pluralism, and the conception of justice within various periods of political transition.

The generations of fundamental rights represent the evolution of guarantees achieved through constitutionalism. The contemporary conception of human rights reflects their universalization, internationalization, and individualization, all of which are interdependent and interconnected. Influenced by the Declaration of the Rights of Man and of the Citizen of 1789 and ratified by the Vienna Declaration of Human Rights in 1993. In light of this, Piovesan (2015, p. 175) clarifies:

It is noteworthy that the 1948 Declaration, as a post-war consensus, was adopted by 48 states with eight abstentions. Thus, the Vienna Declaration of 1993 extends, renews, and expands the consensus on the universality and indivisibility of human rights.

In line with this understanding, it is necessary to define pacifism according to Bobbio's work "El Problema de la Guerra y las Vías de la Paz":

It is necessary, first and foremost, to distinguish between passive pacifism and active pacifism: legal pacifism, that is, peace through law, is a form of active pacifism [...] according to which war was destined to disappear or die a natural and non-violent death through societal evolution (Bobbio, 2008, p. 111).

With the institutionalization of the democratic rule of law, the focus shifted from the duties of subjects to the rights of citizens. Bobbio (2004, p. 17) defines the rights of man, which can be understood as a right to peace, as follows:

Rights of man are those that belong, or should belong, to all men, or from which no man can be excluded [...] Rights of man are those whose recognition is a necessary condition for the improvement of the human person or for the development of civilization.

Thus, the right to peace belongs to humanity and must be ensured within the (inter)national community as an inalienable good, guaranteeing the right to life and the preservation of human dignity as a fundamental right.

Karl Emil Maximilian Weber, the renowned German sociologist born in 1864, was the creator of the comprehensive method of sociology. He is considered one of the greatest founders of modern sociology, alongside Karl Marx and Durkheim. Among Weber's most relevant works is "The Protestant Ethic and the Spirit of Capitalism" (1903), "Studies in Sociology of Religion" (1921), "Methodological Studies" (1922), "Politics as a Vocation," and the extensive "Economy and Society," which forms the subject of analysis in this presentation.

The study of "The Protestant Ethic and the Spirit of Capitalism" brings Weber closer to the thought of Erasmus of Rotterdam. It is necessary to delimit the period in which his work was written. This work aligns with Bobbio's "El Problema de la Guerra y las Vías de la Paz" since war requires funding to occur due to its high cost of maintenance.

The symbolism of peace is important in various religions around the world. While there may be variations in specific symbolic representations, the concept of peace is generally valued and sought as a spiritual ideal in many religious traditions. Here are some examples of how peace is symbolized in some major religions:

Christianity: The dove is one of the most common symbols of peace in the Christian tradition. The image of the dove dates back to the biblical story of the Flood, when a dove brought back an olive branch to Noah, symbolizing the end of the flood and the restoration of peace. The Christian Cross is also often associated with peace, representing reconciliation and the love of Christ.

Islam: The word "Salaam," meaning peace in Arabic, is frequently used by Muslims to greet one another. The word "Islam" itself has roots in the Arabic word "silm," which means peace and submission to God. Additionally, the open hand or extended hand is used as a symbol of peace and friendship in Islamic culture.

Judaism: The Jewish tradition values peace as an important ideal. The Menorah, a seven-branched candelabrum used in the Temple of Jerusalem, is often associated with peace and is a significant symbol of Judaism. Additionally, the greeting "Shalom" is used by Jews to wish peace to others.

Buddhism: In Buddhism, the most well-known symbol is the Mandala, which represents harmony and peace. The Bodhisattva of Compassion, Avalokiteshvara, is often associated with peace as he seeks to alleviate the suffering of living beings and promote inner peace. The hand gesture in meditation, known as "mudra," is another common symbol of peace and tranquility in Buddhism.

Hinduism: In the Hindu tradition, the Om symbol is a sacred symbol representing spiritual peace and unity with the divine. The Lotus Flower is another important symbol in Hinduism and is associated with peace, purity, and spiritual enlightenment.

These are just a few examples of the symbolism of peace in religions. Each religious tradition has its own symbolic representations and interpretations of peace, but they all share the pursuit of harmony, reconciliation, and tranquility.

The Right to Peace as a Fundamental Right

The right to peace is recognized as a fundamental right in various international declarations and treaties. Although there is no single treaty that explicitly establishes the right to peace, this concept is considered an integral part of human rights and is widely accepted by the international community.

The right to peace is an extension of the fundamental right to life and personal security. It involves ensuring a peaceful and secure environment where individuals can live without fear of violence, armed conflicts, or other forms of aggression. The right to peace encompasses both negative peace, which implies the absence of violence and conflicts, and positive peace, which involves the promotion of social,

economic, and political conditions conducive to lasting peace.

The United Nations Charter, the primary founding instrument of the United Nations, emphasizes the importance of peace as one of the organization's fundamental goals. Additionally, the Universal Declaration of Human Rights states that everyone has the right to live in peace, free from fear and want.

The right to peace is also related to other human rights, such as freedom of expression, freedom of association, the right to self-determination of peoples, and the right to justice and reparation for victims of human rights violations. Peace is a prerequisite for the full exercise of all these rights.

The international community has a duty to promote and protect the right to peace. This includes conflict prevention, mediation and peaceful resolution of disputes, disarmament, promotion of intercultural and interreligious dialogue, promotion of sustainable development, and the creation of political and social structures that foster peace and justice.

While the right to peace is an important ideal, it is important to highlight that there are still many challenges to fully achieving it worldwide. Armed conflicts, violence, persistent social and economic inequalities are significant obstacles to the realization of this fundamental right. However, the recognition and promotion of the right to peace remain an essential goal for the international community.

There are several theorists who have contributed to the understanding of the right to peace as a fundamental right. Here are some of the key theorists in this field:

Immanuel Kant: Kant is known for his theory of perpetual peace. In his work "Perpetual Peace," he argues that peace can only be achieved through a federation of nations based on principles of international law. He advocates the idea that peace is a fundamental human right and that governments have an obligation to protect it.

Johan Galtung: Galtung is a Norwegian sociologist and peace theorist. He developed the concept of "positive peace" and "negative peace." Negative peace refers to the absence of violence and conflict, while positive peace involves creating social, political, and economic conditions that promote justice and equality. Galtung emphasizes the importance of nonviolent conflict resolution and the need to address the structural causes of violence.

Betty Reardon: Reardon is a feminist peace theorist. She highlights the interconnection between gender, violence, and peace, arguing that peace can only be achieved when gender inequalities are addressed. Reardon also emphasizes the importance of peace education and the need to cultivate a culture of peace from childhood.

Thomas Hobbes: Although often associated with his theory of the social contract and the violent state of nature, Hobbes also addressed the issue of peace in his work "Leviathan." He argues that peace is a fundamental goal of society, and that the centralized authority of the State is necessary to

maintain peace and protect individuals from violent conflicts.

Hannah Arendt: Arendt is known for her philosophical analysis of power, politics, and violence. In her work "On Violence," she examines the connections between violence and power, arguing that violence is incompatible with politics and the pursuit of peace. Arendt emphasizes the importance of nonviolent political action and civic engagement in building a peaceful society.

These are just a few examples of theorists who have contributed to the understanding of the right to peace as a fundamental right, and below we can mention other contemporaries. Their works and ideas continue to influence debates on peace, conflict, and justice at the national and international levels.

Thus, the right to peace belongs to humanity and must be ensured within the (inter)national community as an inalienable good, meaning a guarantee of the right to life and the maintenance of human dignity. As a fundamental right, it has an end in itself, in relation to the fundamental value (epicenter).

In this sense, the dignity of the human person, according to Professor Cleyson de Moraes Mello, should be understood from the ontological perspective in which the Constitution should be understood and applied, as the human being and being are the same in their fundamentality, and their ontological natural right should be guaranteed (MELLO, 2020).

He further states in his book, in the work called 'Law and Truth,' that a relationship between the statements of legal norms and the question of truth at the level of existential conditions of possibility and interpretation of law is established. The statements of legal norms can only be fully understood when truth originates from their openness (da-sein, being-in-the-world) (MELLO, 2018).

Human rights were proclaimed by the United Nations General Assembly in 1948 as a common standard to be achieved by all peoples and nations, as stated: "All human beings are born free and equal in dignity and rights." After the end of World War II, human rights were gradually positivized. The conceptual and evaluative framework of the Universal Declaration of Human Rights in 1948 and the entry into force of the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights in 1966, adopted by the United Nations Members, served as parameters for changing the constitutional reality of workers' rights. However, their effectiveness was gradually framed socially.

According to author Claude Lefort, the Crisis of the Nation-State, in a passage from his major works, which was marked by World War II and the dropping of atomic bombs on Hiroshima and Nagasaki by the United States in 1945, brought about concerns about the Nuclear Age. "Peace and war among nations," Raymond Aron affirms that nation-states are responsible for war, i.e., for the disorder in the world, questioning the meaning of the concept of nation. At

the end of the 19th century," he wrote, "the nation seemed to European historians or thinkers as natural as the city seemed to Greek thinkers" (SALET, 2001, p.57).

He analyzes the phenomenon of globalization, the crisis of the theory of modern sovereignty, because the nation-state, forged from sovereign autonomy, can no longer control and protect its territory or guarantee the legitimization of its decisions to enhance a political project. In 1949, they created NATO (NATO, North Atlantic Treaty Organization), which translates to North Atlantic Treaty Organization, being a political-military alliance of the northern hemisphere of the planet, which brings together more than 30 countries.

Modern sovereignty was elaborated from the closed Nation-State, which asserted its authority over its territory and engaged in expansionary wars against other states (SALET, 2001).

The classical elements that formed the Nation-State were territory, people, and sovereignty. Sovereignty is the determining element among the three, as it ultimately decides the occupation of territory and asserts the identity of a people as a sovereign nation. Territory is the necessary physical extension for the state to locate itself in terrestrial, maritime, or aerial space.

There is no state without territory, terrestrial, maritime, or aerial space. The people are the citizens of the state. All those who are part of the state, through permanent legal ties, acquire the status of citizens (SALET, 2001). The coincidence of the concept of people with the national political vision identifies the state with the nation—a community based on historical and cultural foundations—which includes all individuals born in a certain cultural environment formed by traditions and customs, usually expressed in a common language, with an identical concept of life, driven by the same aspirations for the future and collective ideals.

Formal rationalization and material rationalization of law can serve to inquire about the Right to Peace. Theocratic law and secular law have significance and general conditions of legal formalism. Material rationalization of law: sacred law. Indian law. Chinese law. The canon law of Christianity was seen as sacred rights.

On the other hand, the modern hypothesis, occasionally formulated, that Jews have developed, based on their own law and later imported to the West, important legal institutions of capitalist commercial law, such as the bearer document, from which this origin is claimed, seems unlikely.

First, considerable parts of it showed a much more intense rational and formal-juridical development than other sacred rights. Systematic codifications of law can also be the product of a new universal and conscious orientation of legal life, as becomes necessary as a result of external political creations or compromises of estates or classes that seek the internal social unification of a political association or possibly both things together.

The development of the right to peace is analyzed as the multiple aspects of fundamental rights, recognized and codified in constitutional law, as rights of human beings of a certain national state, as they differ from human rights, as they aspire to universal validity, recognized by International Law, grounded in treaties, with validity in the constitutional order (supranational character), regardless of their codification in the constitution. The right to peace is a dream to be achieved by those who are at war, especially for those who are directly affected like society.

The construction of the contemporary international society requires the constitutional conception of international peace that instrumentalizes the fundamental objectives established in the federal constitution, in defense of peace, in Article 4, VI. According to Ingo Wolfgang Sarlet, in his book "The Effectiveness of Fundamental Rights" (SARLET, 2009), when distinguishing between human rights and fundamental rights, peace is a "right-duty" of the third dimension of fundamental rights (national and international human and fundamental rights), an obligation ratified by the Declaration of the Rights of Peoples to Peace (UN Resolution 39, 1984 - BONAVIDES, 2008). The right to peace is defined by Paulo Bonavides as a right inherent to life, an essential condition for the progress of all nations, in all spheres, being a fundamental right of the fifth generation (supreme right of humanity) (BONAVIDES, 2008).

The fourth dimension right is the right linked to democracy - pluralistic (the minorities). However, the fifth dimension right, advocated by Paulo Bonavides, includes the right to peace in the roster of rights that must be guaranteed by states through international cooperation—transnational, international, and fundamental—which is linked to the evolution of science—genetic manipulation, cloning, and transgenics.

The law has been divided into dimensions, arising from specification and indicating a deepening of protection for the citizen. In the fifth dimension, the right to peace must be included among the constitutional rights of man. It is a historical right that changes over time, according to historical conditions. However, it needs to be protected through international cooperation because it is an inalienable right of man that must be guaranteed for present and future generations.

When the right to peace is violated, it violates the principle of the dignity of the human person, being a moral and spiritual value inherent to the person. It constitutes the highest principle of the democratic rule of law, listed among the Fundamental Principles in the Portuguese Constitution of 1976 and the Brazilian Constitution of 1988. Let us consider, in the Federal Constitution of 1988, the dignity of the human person described in Article 1, Clause III, one of the foundations of the Federative Republic of Brazil:

"When the right to peace is violated, it violates the principle of the dignity of the human person, which is a moral and spiritual value inherent to the person. It constitutes the highest principle of the democratic rule of law, listed among the Fundamental Principles in the Portuguese Constitution of 1976 and the Brazilian Constitution of 1988. Let us

consider, in the Federal Constitution of 1988, the dignity of the human person described in Article 1, Clause III, one of the foundations of the Federative Republic of Brazil:

"The Federative Republic of Brazil, formed by the indissoluble union of the States and Municipalities and the Federal District, is constituted as a Democratic State of Law and has as its fundamental foundations: ' (...) III – the dignity of the human person."

With the redemocratization of Brazil, based on the Universal Declaration of Human Rights, it influenced the Federal Constitution of 1988, where dignity is priceless, that is, it cannot be valued, but encompasses a diversity of values existing in society, it states: "Considering that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace [...]" (SARLET, 2001). Thus, Ingo Wolfgang Sarlet defines "the dignity of the human person" as follows:

"[...] we understand the dignity of the human person as the intrinsic and distinctive quality of each human being that makes them deserving of the same respect and consideration from the State and the community, implying, in this sense, a complex of fundamental rights and duties that guarantee the person protection against any and all degrading and inhuman acts, as well as secure the minimum existential conditions for a healthy life, in addition to fostering and promoting their active and co-responsible participation in the destiny of their own existence and life in communion with other human beings."

It is worth mentioning that the recognition of the content and meaning of the notion of (human) dignity, with precedents in the evolution of Western thought, is inherent in the juridical-constitutional dimension of the dignity of the human person and within positive law.

Furthermore, it is important to remember that the notion referred to by Bernard Edelman also applies to the dignity of the human person, the equal and inalienable rights of members of the human family, freedom, justice, peace, and social development (SARLET, 2001).

Other countries like Spain, inspired by the Universal Declaration, which is part of the Spanish Constitutional Court, draw inspiration from the value of dignity as a spiritual and moral inherent value of the human person, as well as the conscious and responsible self-determination of one's own life, which entails the expectation of respect from others. In Germany, the main guiding principle of the doctrine is Gunter Durig, who, in the mid-20th century, affirms that the dignity of the human person consists in the fact that "each human being is human by virtue of their spirit, which distinguishes them from impersonal nature and enables them, based on their own decision" (SARLET, 2001, p.74).

According to Sarlet, based on the legal understanding of the dignity of the person, it can be recognized that it is a value, respect, rights, tasks, duties, and responsibilities for the social stabilization, respect for the development of the

human being to develop their personality, with human dignity being seen as a norm, value, principle, and fundamental rule in the Brazilian constitutional order.

In this sense, it is necessary to understand the meaning of human dignity as the foundation of our constitutional order [...], as in Germany, Portugal, and Spain, which were the first in history to include a dedicated section for fundamental principles, immediately after the preamble and before fundamental rights [...](SARLET, 2001, p.75).

In Germany and France, the constitutional courts made decisions to investigate and judge the crimes committed during the Nazi period in the name of respect for humanity, rejecting the argument of prescription.

Currently, such crimes are taking place in the war between Ukraine and Russia, which began in early 2022 and continues to this day, with the support of NATO, originating from issues that have not been clear to the world but have geopolitical, territorial, cultural, and economic interests.

In Brazil, Law No. 6,683 of August 28, 1979 was enacted, which was declared constitutional according to the decision of the Supreme Court in ADPF 153, which exempted those responsible for systematic violations of human rights during the military dictatorship in the name of "peace" and "national reconciliation."

In this context, it is worth noting that the constitutionalism in Brazil has made an exception, taking as a benchmark the constitutional evolution in comparative law:

"The notion of dignity only emerged in the 20th century and, with few exceptions, only after World War II did human dignity start to be explicitly recognized in constitutions, notably after being enshrined in the Universal Declaration of Human Rights in 1948" (SARLET, 2001, p.76).

Therefore, human dignity as a legal norm (principle and rule) and fundamental value defines the content of the notion of human dignity, and it is important to assess its legal and normative status within our constitutional framework (SARLET, 2001, p.81).

The jurist and sociologist also emphasize that social action is based on changes resulting from any action taken considering actions or reactions of other individuals. Regarding Customary Law, the author describes it as a legal system derived from social customs, which does not recognize the formal process of judicial production. To reach these conclusions, the author used the comprehensive method.

Within the scope of Mercosur, only the Constitutions of Brazil (Art. 1, III) and Paraguay (Preamble) have included the value of dignity as a fundamental norm, while Cuba (Art. 8) and Venezuela (Preamble) have included the value of human dignity. The Constitution of Peru includes other principles derived from human dignity, popular sovereignty, the social and democratic State of Law, and the republican form of government (Art. 4), and the Chilean Constitution (Art. 1), which, despite being authoritarian, states that all

men are born free and equal in dignity and rights (SARLET, 2001, p.77).

The right to peace is necessary, and the right to war always arises from economic and power domination, either political or religious. However, it is possible to dream and fight for the right to universal social peace as a fundamental right to be constitutionally and socially guaranteed at a universal and global level.

The right to peace is a fundamental principle that seeks to promote stability and peaceful coexistence among nations. In this context, the participation of the United States and other countries around the world plays a crucial role in the pursuit of global peace.

As one of the most influential and powerful nations in the world, the United States has the responsibility to exercise leadership and work towards peace on different fronts. This includes diplomatic engagement, promoting peaceful negotiations, seeking political solutions, and advocating for human rights.

Historically, the United States has been an important actor in mediating conflicts and promoting stability. Through its participation in international organizations such as the United Nations, the Organization of American States, and the North Atlantic Treaty Organization (NATO), the U.S. has sought to strengthen alliances and build coalitions to address threats to peace and security.

Furthermore, the United States has played an active role in conflict resolution in different regions of the world. This may involve sending mediators, providing humanitarian assistance, facilitating peace negotiations, and, when necessary, using military forces legitimately and proportionally to protect peace and security.

However, it is important to note that the promotion of peace is not the exclusive responsibility of the United States. Other countries also have a duty to actively engage in the search for peaceful solutions and the prevention of conflicts. Cooperation and dialogue among nations are essential for building a more peaceful and stable world.

In addition to state involvement, the participation of civil society, non-governmental organizations, and individuals also plays a crucial role in promoting peace. Through awareness campaigns, social mobilization, and the defense of human rights, people can contribute to the construction of a culture of peace and the strengthening of the right to peace at a global level.

In summary, the right to peace requires the active participation of the United States and other nations in the world. It is a collective effort that demands diplomacy, negotiation, respect for human rights, and concrete actions to prevent conflicts, promote justice, and build a more peaceful and equitable world for all.

2. Final Remarks

Erasmus of Rotterdam's appeal for peace remains relevant when confronted with SARLET's work, as the world continues to be constantly at war. However, it is worth noting that during his lifetime, his work gained notoriety but was disregarded by subsequent generations. The means used by war are diverse. Erasmus of Rotterdam's Protest for Peace desires a society free from the evil of war, which will be possible if there is an awareness among rulers and religious leaders.

His works laid the foundation for religion, philosophy, modern politics, and education, as well as the emergence of the concept of human dignity. The confrontation between Rotterdam and the works of Bobbio, Max Weber, and Sarlet on the theme of the right to peace points out historical rights, that is, rights that change over time, in light of historical conditions.

The right to peace, when violated, infringes upon the principle of human dignity, that is, the right to life, being a moral and spiritual value inherent to the individual, constituting the highest principle of the democratic rule of law, listed among the Fundamental Principles in the Portuguese Constitution of 1976 and the Brazilian Constitution of 1988.

Therefore, the right to peace should be included as an inalienable right of humanity, of the fifth dimension. In this sense, it should be ensured and protected by the (inter)national community, as well as implemented through international cooperation for the existence of present and future generations, as a guarantee of the right to life and human dignity.

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Accidents, and Consumer Rights (ABPREV BRASIL). She is the founder and first President of two committees at OAB-BA: the Committee on Social Security Law and the Committee on Studies in Free Legal Assistance and Forensic Expertise. She is the President of the International Organizing Committee of Doctoral Students in Law at the University of Buenos Aires (UBA). She is a full member of the Institute of Lawyers of Bahia (IAB) and the Committee on Legislation, Doctrine, and Jurisprudence (IAB). She is a member of the Bahian Association of Labor Lawyers (ABAT). 13. She is the founder and former Treasurer of the Institute of Social Security Lawyers (IAPE/BA). She is a lecturer, author of legal works, and researcher. She is a radio host, presenter, and coordinator of the "Fala Cidadania" program on Excelsion FM. 106.1. In 2022, she ran for the position of Judge at the Bahia State Court of Justice (TJBA), receiving 1,344 votes from the Bahian legal community. She was a finalist for the Inovarre 2022.2 Award in the legal category.

Author Profile

Nildes Carvalhoda Silva is a lawyer. She is a Ph.D. Student in Law at the Federal University of Buenos Aires in Argentina (UBA). She is a master's student in Law at Veiga de Almeida University (UVA). Author specializes in Labor Law and Legal Sciences from the Federal University of Buenos Aires in Argentina (UBA). She has specialized in Process and Social Security Law and Public Management from UNEB. She holds a Bachelor's degree in Theology from the Social Faculty of Bahia and the Archdiocese of São Salvador. She is a university professor and evaluator for the Legal Journal of Law and Dialogicity at the Regional University of Cariri (URCA). Author is the President of the Brazilian Association for the Defense of Social Security, Occupational