

ATAHUALPA FERNANDEZ

DIREITO, EVOLUÇÃO, RACIONALIDADE E DISCURSO JURÍDICO

A "REALIZAÇÃO DO DIREITO"
SOB A PERSPECTIVA DAS
DINÂMICAS EVOLUCIONÁRIAS

Sergio Antonio Fabris Editor

Direito Evolucao Racionalidade E Discurs

Valdoir Da Silva Santos



Direito Evolucao Racionalidade E Discurs:

Direito, evolução, racionalidade e discurso jurídico Atahualpa Fernandez, 2002 Este livro apresenta os seguintes capítulos: Capítulo I Biologia Cognição e Cultura e Direito Capítulo II Discurso Jurídico O indivíduo como relação ontológica elementar do Direito Capítulo III Diretrizes Metodológicas para um modelo racional de realização do direito 185 **ATIVISMO E DECISÃO JUDICIAL INTERPRETAÇÃO DOS DIREITOS EM UMA DEMOCRACIA CONSTITUCIONAL** MARCELO FONSECA GURNISKI, 2024-04-05 A expansão do Poder Judiciário inaugura uma virada no constitucionalismo contemporâneo em decorrência da positivação de uma série de princípios na Constituição que propiciou o fenômeno do alargamento dos espaços de jurisdição perceptível o fato de que o Supremo Tribunal Federal vem sendo provocado para decidir questões importantes sociedade casos esses que a rigor deveriam ser decididos tradicionalmente pelo Poder Legislativo As Constituições são feitas de escolhas relativas sendo que o constituinte elege aquelas tidas como as mais adequadas para regular a vida em sociedade o que gera determinadas consequências temporalidade subjetividade e relatividade Assim necessitou um exame minucioso do fenômeno da expansão judicial o que o presente livro pretende analisar em uma de suas facetas o problema do ativismo judicial em especial no contexto contemporâneo brasileiro Portanto o recorte apresentado no livro se delimita questão da discricionariedade das sentenças proferidas pelos magistrados nas instâncias judiciais Dito de outra forma o que se procura entender se dentro da legitimidade democrática do Poder Judiciário encontra-se inserida a possibilidade de o magistrado decidir os casos que lhe são trazidos pela Jurisdição com fundamento em convicções pessoais voluntarismo jurídico A aparente singeleza do tema sob debate esconde a grande complexidade da aplicação da norma ao caso concreto que se verificam nas inúmeras teorias que tratam do assunto normativismo kelsiano argumentativismo de Alexy integridade de Dworkin e nos estudos de Wittgenstein Heidegger e Gadamer Aborda-se dentre outros temas de relevância os conceitos de judicialização da política de ativismo judicial do voluntarismo jurídico no positivismo da legitimidade contemporânea do Poder Judiciário teses procedimentalistas de Habermas e Ely e substancialista de Dworkin da tensão existente entre o voluntarismo discricionariedade judicial ativismo e da questão da interpretação das normas e princípios Certamente que o livro *Ativismo e decisão judicial interpreta o dos direitos em uma democracia constitucional* vem ocupar de modo apropriado e pertinente uma certa lacuna existente na produção bibliográfica acadêmica universitária tanto no que diz respeito teoria do Direito como interpretação do Direito com uma nova orientação metodológica crítica e desmistificadora *Decolonialidade a partir do Brasil - Volume V* Paulo Henrique Borges da Rocha, José Luiz Quadros de Magalhães, Patrícia Miranda Pereira de Oliveira, 2020-11-13 Vivemos em uma era de transformações que ocorrem cada vez mais rápidas e que faz surgir reflexões acerca do que queremos para o nosso futuro Para embasar esta análise iremos apresentar um pensar a partir da crise da modernidade e suas consequências e assim buscaremos as soluções aos desafios de nossos tempos Este livro faz parte da coleção de livros decoloniais criada pelo Coletivo Decolonial Brasil com o objetivo de unir pensadores e atores decoloniais brasileiros O volume 5 irá abordar

temas relacionados a resistência e ressignificação para a construção do futuro São 16 capítulos iniciais que irão abordar religiosidade feminismo decolonial decolonialidade de gênero buen vivir como alternativa ao desenvolvimento

Constituição Econômica e Desenvolvimento Gilberto Bercovici, 2022-04-01 A Constituição de 1988 ainda causa polêmica e intensos debates jurídicos e políticos E no centro destes debates está a Constituição Econômica Este livro trata do papel que a Constituição Econômica de 1988 poderia desempenhar e as possibilidades que ela abriria para o nosso desenvolvimento Constituição e política não podem ser entendidos separadamente sob pena de se cair no mais contraproducente instrumentalismo o que ainda mais pernicioso quando nos deparamos com uma realidade econômica e internacional completamente adversa O objetivo assim trazer ao debate público uma reflexão sobre a Constituição Econômica brasileira durante o período de vigência da Constituição de 1988 suas possibilidades e seus limites seus sucessos e seus fracassos Este livro faz um balanço do passado e do presente mas busca fundamentalmente as possibilidades ainda abertas para o futuro

Pesquisa em Ciências Humanas Amanda Basilio Santos, Elisabete da Costa Leal, Juliana Porto Machado, Ronaldo Bernardino Colvero, 2019-01-12 com imensa satisfação em nome da Equipe Organizadora que neste começo de 2019 trazemos à público esta obra intitulada Pesquisa em Ciências Humanas caminhos trabalhados na graduação que reúne os trabalhos apresentados pelos graduandos nas mais diversas áreas das humanidades durante a segunda edição do Encontro Internacional de Pesquisa em Ciências Humanas A Equipe do II EIPCH sempre acreditou na importância da valorização da pesquisa no âmbito da graduação e por essa razão dedica este volume exclusivamente para apreciação dos trabalhos desenvolvidos ainda na Iniciação Científica Nesta segunda edição do EIPCH o foco de nossa discussão foi sobre os métodos as fontes e as abordagens utilizadas nas pesquisas contemporâneas na área das humanidades A temática geral Fontes métodos e abordagens nas Ciências Humanas paradigmas e perspectivas contemporâneas teve como objetivo promover o intercâmbio de pesquisas da área das Ciências Humanas e das Humanidades valorizando os processos métodos abordagens e temáticas contemporâneas de variados campos de pesquisa Embora a interdisciplinaridade se coloque como essencial ao campo das humanidades poucos eventos se colocam como espaço de intercâmbio efetivo entre as variadas disciplinas Deste modo tendo consciência desta necessidade crescente por diálogo entre pesquisadores buscamos proporcionar por meio do evento uma oportunidade que permitiu ampliar e aprofundar as questões que cercam este tema focando especialmente nas problemáticas de metodologia e abordagens de pesquisa Para que fosse possível executar este evento mesmo dentro de todos os cortes orçamentários e dos apoios institucionais de cada vez mais difícil acesso contamos com a equipe do Instituto Conexão Sócio Cultural com o CLAE e com a parceria da Universidade Federal de Pelotas Deste modo gostaríamos de estender nossos agradecimentos às instituições supracitadas e ao Centro de Artes e ao Instituto de Ciências Humanas especialmente ao Prof Dr Sidney Gonçalves Vieira que sempre com muita presteza nos concede o espaço para a execução do EIPCH Também agradecemos a Coordenação de Comunicação Social que sempre nos auxilia na estruturação dos espaços assim como a PROPLAN em especial a Suelen por sua gentileza e

dedica o junto ao evento Agradecemos a Prefeitura Municipal de Pelotas pelo fornecimento de material turístico e divulga o em especial ao secretário de cultura Giorgio Ronna E por fim gostaríamos de expressar nossa profunda gratidão a FAPERGS pelo seu apoio financeiro junto ao evento e que por apostarem em nossa proposta tornou o evento possível assim como todos os momentos nele vividos

Conhecimento e Tecnologia para o Desenvolvimento Social: trabalhos premiados no 2º Congresso Brasileiro de Ciência e Sociedade - CBCS 2021, 2023-03-08 O e-book Conhecimento e Tecnologia para o Desenvolvimento Social reúne os trabalhos premiados no Congresso Brasileiro de Ciência e Sociedade CBCS realizado em 2021 pelo Centro Universitário Santo Agostinho O objetivo do CBCS promover a aproximação entre a sociedade e a ciência contemporânea e a obra cumpre um papel importante nesse sentido divulgando achados científicos e relevantes contribuições para diversas áreas do conhecimento As diferentes abordagens e temas abordados no e-book abrangem questões como saúde tecnologia meio ambiente educação e direitos humanos demonstrando a amplitude e a diversidade das pesquisas realizadas no CBCS A obra também oferece valioso material de referência para estudantes professores pesquisadores e profissionais das mais diversas áreas apresentando-se uma leitura importante também para todos os que se preocupam com o desenvolvimento social e o avanço da ciência

O Ordenamento Jurídico, O Poder e a Economia: Instrumentalidade a Priori e Racionalidade a Posteriori 3ª Edição BRUNO AUGUSTO SAMPAIO FUGA, 2025-02-12 Questão importante para um processualista saber qual a adequada técnica processual pois processo está diretamente ligado efetividade logo estudar ou procurar saber qual a adequada técnica processual de grande importância Dizemos técnica processual em sentido amplo limites da discricionariedade prazos poderes conferidos ao julgador flexibilidade procedimental normas de caráter aberto processo procedimentos e temas afins O propósito inicial foi o estudo da adequada técnica processual frente aos limites do poder discricionário pois a intenção do processualista vislumbrar a eficácia deseja por meio do processo logicamente que não somente ele

Revista forense Estevão L. de Magalhães Pinto, Francisco Mendes Pimentel, Jair Lins, José Bernardino Alves (Jr), Pedro Aleixo, Bilac Pinto, 2008

Discurso, 1983 *Rhetoric and Argumentation in the Beginning of the XX Century* Henrique Jales Ribeiro, 2009-12-01 This book is the edition of the Proceedings of the International Colloquium Rhetoric and Argumentation in the Beginning of the XXIst Century which was held at the Faculty of Letters of the University of Coimbra in October 24 2008 and was organized by Henrique Jales Ribeiro Joaquim Neves Vicente and Rui Alexandre Grácio The main purpose of the Colloquium was to commemorate the publication in 1958 of the books *La nouvelle rhétorique* Trait de l'argumentation and *The Uses of Arguments* by respectively C Perelman L Olbrechts Tyteca and S Toulmin But another important goal was to take stock of the state of rhetoric and argumentation theory at the beginning of a new century It was a unique event without parallel in Portugal and worldwide considering its theme and its aims which gathered some of the World's most renowned rhetoric and argumentation theorists Alan Gross Douglas Walton Erik Krabbe Frans V Eemeren F Snoeck Henkemans Guy Haarscher John Anthony Blair Marianne Doury Oswald Ducrot Ruth Amossy The book includes a

variety of very important contributions to rhetoric and argumentation theory ranging from those that naturally fall within the subject matter to the areas of philosophy linguistics communication theory education theory and law theory The art as it was called in the Medieval curricula is no longer a discipline amongst others and has become according to the view of some specialists and largely owing to Perelman and Toulmin influences a new paradigm of rationality for our age which auspiciously encompasses all fields of knowledge and culture The book is divided into five parts I Historical and philosophical studies on the influences of Perelman and Toulmin II Studies in argumentation theory III Linguistic approaches to argumentation theory IV Rhetoric and communication theory education theory approaches to argumentation and V Law theory approaches to argumentation Multiculturalismo E Pluralismo Jurídico Tese Universal Valdoir Da Silva

Santos,2024-12-13 A apresenta o da obra do professor Valdoir da Silva Santos Mestre em Filosofia do Direito Bachar u em Filosofia e Direito que se intitula O Multiculturalismo o Pluralismo Jur dico Tese universal constitui se no reconhecimento de um trabalho de f lego desenvolvido no Curso de Mestrado de Filosofia do Direito que foi defendido na Universidade Federal de Santa Catarina No texto percebe se a import ncia do tema para a constru o de um novo paradigma jur dico para o Brasil H todo um questionamento sobre o direito dogm tico formal e positivista vigente no modelo de organiza o jur dica que era calcado no monismo jur dico Faz se necess rio diante de um sistema capitalista explorador e fundado na desigualdade social discutir a rela o entre o Multiculturalismo e o Pluralismo Jur dico A pesquisa s ria e profunda trazendo novos conceitos e alternativas de mudan as de uma sociedade centralizadora e altamente burocr tica **Pessoa Coletiva e Sociedades**

Comerciais Diogo Costa Gonçalves,2023-06-21 PLANO DA TESE Introdu o I parte An lise hist rico dogm tica Cap tulo I O jus romanum Cap tulo II A tradi o can nica Cap tulo III O humanismo jur dico Cap tulo IV O jusracionalismo Cap tulo V A pandect stica e a prima via do realismo Cap tulo VI Neopositivismo e correntes anal ticas Cap tulo VII A pessoa coletiva na codifica o civil e comercial Cap tulo VIII A experi ncia portuguesa II parte An lise jur dico problem tica Cap tulo I N cleo jur dico problem tico pessoa imputa o Sec o I Imputa o personalidade e capacidade Sec o II A imputa o jur dica nas sociedades comerciais Subsec o I Coordenadas gerais Subsec o II A atribui o de capacidade jur dica s sociedades comerciais pessoa coletiva e sociedades comerciais Sec o III Vicissitudes da imputa o Subsec o I Fus o e cis o de sociedades Subsec o II Transforma o de sociedades Cap tulo II N cleo jur dico problem tico pessoa capacidade Sec o I A consagra o do princ pio da especialidade no direito societ rio portugu s Sec o II Supera o do princ pio da especialidade e a reconstru o dogm tica do art 6 o Cap tulo III N cleo jur dico problem tico pessoa organiza o Sec o I A personalidade coletiva na fundamenta o do dever de administrar Sec o II Concretiza o normativa do art 64 o 1 CSC **Revista de informação legislativa** ,2012-07

Violência doméstica e a Teoria da Ação Comunicativa Ariane Simioni,2022-06-28 Viol ncia dom stica e a Teoria da A o Comunicativa uma via poss vel para Brasil e Portugal tem um vi s n o convencional de abordagem da viol ncia dom stica em ambos os pa ses A partir de um acurado mergulho da tem tica no contexto do constitucionalismo contempor neo realiza se

um estudo comparado acerca dos mecanismos jurídicoinstitucionais de proteção da mulher no Brasil e em Portugal. Analisam-se dados recentes sobre essa violência nos países e apresentam-se propostas de soluções dialogicamente construídas. A abordagem histórico-constitucional usada é diferenciadora, se comparada às demais pesquisas existentes no mercado editorial ou acadêmico. Outro ponto de destaque é a fundamentação teórica a partir da teoria da ação comunicativa de Jürgen Habermas. Não se trata de uma perspectiva discursiva, pois a perspectiva comunicativa assume singularidade adequada frente à temática central. Logo, trata-se de um universo imerso em uma construção dialógica entre os agentes racionais. Torna-se cada vez mais importante compreender a dinâmica das relações sociais que engendra processos discriminatórios repressivos e mesmo criminosos contra mulheres, em especial contra as imigrantes. Assim, a obra possui relevância para os pesquisadores, professores e estudantes de Teoria do Estado, Teoria da Democracia, Direito Internacional e Direito Constitucional, podendo ser aplicada tanto na graduação como na pós-graduação em Direito e áreas afins.

Trabalho doméstico Cláudia Cavalcante Normando, 2005. Analisa o Estado e sua relação com o trabalho, bem como os efeitos da globalização. Apresenta os aspectos gerais do trabalho doméstico, sua evolução legislativa e a influência da Consolidação das Leis do Trabalho no labor doméstico. Examina o empregador doméstico e seu poder diretivo. Aborda a aplicação das normas de direitos humanos na aplicação dos direitos e garantias trabalhistas aos domésticos. Trata dos princípios do Direito do Trabalho e sua aplicação na relação empregatícia doméstica. Estuda ainda os direitos dos empregados domésticos e o assédio moral no trabalho doméstico.

Desenvolvimento e meio ambiente, 2003. Evolução industrial do Brasil e outros estudos Roberto Cochrane Simonsen, 1973. Features images from the collection of color prints by American painter Mary Stevenson Cassatt 1844-1926 at the National Gallery of Art in Washington D C. Includes Portrait of the Artist's Mother c 1889, The Bath 1890-1891, and Gathering Fruit c 1893. Offers access to the home page of the National Gallery.

Report Great Britain. Commission of Inquiry into Disturbances in Zanzibar, 1961, 1961. **Publicatio UEPG.**, 2005. **Anais da Câmara dos Deputados** Brazil. Congresso Nacional. Câmara dos Deputados, 1888.

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