



Que é Isto o Precedente Judicial e as Súmulas Vinculantes?, O (Portuguese Edition)

GEORGES ABOUD, LENIO LUIZ STRECK



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O livro examina, de forma comparativa, e sob o pano de fundo da hermenêutica, dois dos conceitos mais polêmicos que predominam na discussão jurídico-nacional contemporânea: o precedente judicial e a súmula vinculante. Principalmente a partir do advento da súmula vinculante trazida pela Emenda Constitucional n. 45. Além de evidenciar a ignorância do elemento historicista, que é fundamental para a compreensão e análise do precedente, a obra explica que grande parcela de nossa dogmática e os próprios Tribunais têm ignorado o elemento hermenêutico que é ínsito ao conceito de precedente e fundamental para uma compreensão, constitucionalmente adequada, da súmula vinculante. O intuito dessa deflagração é evitar a concepção equivocada de que a súmula seria a decisão pronta ou que o texto da súmula não é passível de interpretação.

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