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vate law; c) roman law; d) comparative private law; e) the law of obligations; f) contracts; g) torts; h) property law; i) family law; j) Probate and Succession Law.

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Margins: top and lower – 2,0 cm; left and right – 3,0cm
Justified alignment
Font: Times New Roman, regular. Size 12 for title, text, quotations and summary; and size 10 for footnotes (please do not use endnotes)
Line spacing: 1,5
For emphasis, use italics (not bold nor underlined)
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Editorial Committe

Contrato e racionalidade

MARCOS CÁPRIO FONSECA SOARES

Mestre em Sociologia pela UFRGS. Advogado.

ÁREA DO DIREITO: Civil; Processual; Consumidor

RESUMO: O presente artigo é fruto de pesquisa empírica levada a cabo junto aos acórdãos do TJRS, especificamente em matéria contratual. Aqui, trago as conclusões obtidas no âmbito dos contratos abrangidos pelo Sistema Financeiro de Habitação. Delimitei a racionalidade jurídica nutrida pelos desembargadores de referido Tribunal ao procederem às tomadas de decisões neste tema. Após precisar o conceito central deste trabalho (racionalidade), exponho e analiso os dados obtidos junto aos acórdãos coletados, promovendo uma classificação dos atores jurídicos consentâneo o teor argumentativo invocado na fundamentação dos votos, ocasião em que a nova teoria dos contratos passa a ser contextualizada em meio a um processo de transformações pelas quais vem passando o direito privado como um todo.

PALAVRAS-CHAVE: Cláusulas gerais – Juros – Revisão contratual – Racionalidade – Rematerialização.

ABSTRACT: The present article is a result of empiric research mode next to judgements of Tribunal de TJRS, specifically in contractual subject. Here, I bring the conclusions got among the contracts brocaded by the "Sistema Financeiro de Habitação". I delimited the juridical rationality sustained by magistrates of the abovementioned Tribunal when they took decisions on this matter. After precising the main concept of this work (rationality), I expose and analyse data got next to judgements collected, promoting a classification of the juridical actors according to the argumentative contents evoked in the fundamentation of votes, occasion where the new theory of contracts starts to be contextualized in a process of transformations by which private law is passing as a whole.

KEYWORDS: General clauses – Interest – Contractual review – Rationality – Rematerialization.

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1. INTRODUÇÃO

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