



François Gény y el Derecho. La lucha contra el método exegético (Spanish Edition)

Bernuz María José

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El pensamiento, obra y trascendencia de François Géný constituye un tema fundamental para la filosofía del derecho. La autora ha elaborado una prolija investigación sobre la obra del maestro Géný, llenando así un protuberante vacío en los estudios jurídicos iberoamericanos, en torno a una influyente figura del derecho francés. Las ideas del profesor Géný contribuyeron a la notable transformación de nuestro derecho, en especial el derecho civil, realizada por la Corte Suprema de la mitad de la década de los años treinta del siglo pasado, llamada por ello con justicia la nueva Corte . Superando el método exegetico aceptado como excluyente prácticamente hasta esa fecha, la Corte extrajo de normas aisladas de derecho positivo, mediante novedosas interpretaciones, reglas generales en temas de tanta trascendencia como el enriquecimiento ilícito, el daño, la responsabilidad extra-contractual, para citar algunos. Es decir, la actualización dinámica del derecho a la luz de hechos y necesidades que no pudieron ser previstos por el legislador en el momento de expedir las normas, en una tarea hermenéutica que no desconoce el derecho positivo, sino lo adapta a esas situaciones inéditas.

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