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Fairness in Consumer Law: A Vague, Flexible Notion

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Vagueness in Normative Texts

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Normative texts are meant to be highly impersonal and decontextualised, yet at the same time they also deal with a range of human behaviour that is difficult to predict, which means they have to have a very high degree of determinacy on the one hand, and all-inclusiveness on the other. This poses a dilemma for the writer and interpreter of normative texts. The author of such texts must be determinate and vague at the same time, depending upon to what extent he or she can predict every conceivable contingency that may arise in the application of what he or she writes. The papers in this volume discuss important legal and linguistic aspects relating to the use of vagueness in legal drafting and demonstrate why such aspects are critical to our understanding of the way normative texts function.


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