

“Modernism” ——— “from faith ———→ “Postmodernism”  
 Renaissance through to doubt” (early/mid -20th century  
 early/mid 20th century (Commager) to present)

|                                       |   |  |
|---------------------------------------|---|--|
| 1) Fundamental Premises               |   |  |
| a) in general                         | <ul style="list-style-type: none"> <li>* one reality / one truth</li> <li>* rationality in the world</li> <li>* accessible to human reason</li> </ul>   | <ul style="list-style-type: none"> <li>* fractured reality (multi-faceted truth)</li> <li>* no inherent rationality in the world</li> <li>* multiplicity (multicult. nature) of values</li> </ul>                                |
| b) in law                             | <ul style="list-style-type: none"> <li>* trust in absolute ideas and values</li> <li>* belief in one law</li> <li>* based on rational principles</li> </ul>   | <ul style="list-style-type: none"> <li>* distrust toward absolutes</li> <li>* multitude of legal orders</li> <li>* based on varying (collective) policies, preferences, values</li> </ul>  |
| 2) Nature of (attainable) Knowledge   |   |  |
| a) in general                         | <ul style="list-style-type: none"> <li>* objective &amp; universal</li> <li>* eternal principles</li> <li>* fixed boundaries</li> </ul>   | <ul style="list-style-type: none"> <li>* subjective and contingent</li> <li>* uncertain and shifting</li> <li>* boundaries blurred, permeable</li> </ul>   |
| b) in law                             | <ul style="list-style-type: none"> <li>* “legal science”</li> <li>* fundamental principles (“freedom of contract”)</li> <li>* autonomy of law (v. politics, economics, etc.)</li> </ul>                 | <ul style="list-style-type: none"> <li>* subjective (legislative or judicial) positions and choices</li> <li>* low predictability, indeterminacy</li> <li>* legal categories blend, law overlaps with other phenomena</li> </ul> |
| 3) Ideal Order of Knowledge           |   |  |
| a) in general                         | <ul style="list-style-type: none"> <li>* logical system (“centralized”)</li> <li>* hierarchical organization</li> <li>* gapless and consistent</li> </ul>   | <ul style="list-style-type: none"> <li>* loosely coherent web of ideas (“decentralized”)</li> <li>* horizontal arrangement</li> <li>* open-ended, full of paradoxes</li> </ul>   |
| b) in law                             | <ul style="list-style-type: none"> <li>* law as (one) system</li> <li>* deductive reasoning</li> <li>* answers for every question</li> </ul>  | <ul style="list-style-type: none"> <li>* “seamless web” (loosely coordinated)</li> <li>* inductive reasoning, analogy</li> <li>* ad hoc creation of solutions</li> </ul>   |
| 4) Results of Science and Scholarship |   |  |
| a) in general                         | <ul style="list-style-type: none"> <li>* correct and reliable</li> <li>* in harmony with each other</li> <li>* contradictions are imperfections/problems</li> </ul>                                     | <ul style="list-style-type: none"> <li>* imperfect, unreliable, indeterminate</li> <li>* often conflicting</li> <li>* paradoxes inherent, unavoidable</li> </ul>   |
| b) in law                             | <ul style="list-style-type: none"> <li>* clear and hard rules</li> <li>* absolute solutions (“right” results)</li> <li>* all parts fit together</li> <li>* differences need to be reconciled</li> </ul> | <ul style="list-style-type: none"> <li>* vague, soft rules</li> <li>* pragmatic answers (result driven)</li> <li>* inconsistency, indeterminacy of law</li> <li>* inconsistencies inevitable, acceptable</li> </ul>              |