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Toulmin's Warrants and Wittgenstein's Hinges

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ABSTRACT: Although the most discussed characteristic of *hinge propositions* is their alleged unchallengeability, Wittgenstein already assumes their non-permanent status. He claims, though, that we distinguish practices in which we challenge certain basic assumptions from practices in which we rely on them, so their (un)challengeability is basically local and practice-related. The particularity of hinge propositions is better captured by their specific *logical role* for which Toulmin's suggestions regarding his own concept of *warrant* proves useful.

KEYWORDS: argumentative practices, hinge epistemology, hinge propositions, recognition of reasons, Toulmin, warrants, Wittgenstein

1. INTRODUCTION

This paper constitutes a follow-up to my ECA-Rome 2022 paper “Wittgenstein's Hinges and the Limits of Argument” (Olmos, forthcoming), a discussion of Fogelin's (1985) positive and negative uses of Wittgenstein's concept of hinge propositions and of H. Siegel's (2013, 2019) critical response to some of his suggestions, especially their limiting role.

As is well known, Fogelin relied on the notion of framework (or background, or underlying) propositions (or principles, or commitments)¹ precisely to define what a deep disagreement is. But their role in Fogelin's account is really double, with both a positive and a negative aspect: they make *normal* argumentative exchanges possible (when shared), and they set limits to argumentative exchanges, creating deep disagreements (when conflicting).

H. Siegel has recently (2013, 2021) published some critical papers against this whole idea of propositions that cannot be “rationally challenged, defended, and evaluated” (Siegel, 2021: 1107), of commitments that “lie apart from the route traveled by enquiry” (Wittgenstein, *OC* §88). Siegel adopts instead a *pancritical fallibilism* and argues for the challengeability and open scrutiny of all propositions and commitments, including those that could be seen as framework/hinge propositions. For Siegel, the idea that some privileged beliefs would, on the one hand, be exempt from argumentative support and preclude it (when we agree on them) and, on the other, impede or end our argumentative exchanges (when we disagree on them) seems undesirable and deleterious for argumentation.

¹ Fogelin is not very consistent with the use of all these expressions that could obviously lead to differently nuanced hinge theories.

Siegel's claims in both these papers can be summarized in three main points, illustrated by the following set of quotations:

[A] *against unchallengeability in general:*

[f]ramework/hinge propositions are just as open to critical scrutiny as everything else. When we argue, there is no free lunch; no starting point immune from critical scrutiny. We should opt for fallibilism, not Wittgensteinian 'forms of life' or unchallengeable 'hinge propositions.' (Siegel, 2013: 166).

[B] *against the transcendental status of unchallengeability:*

[e]ven if Wittgenstein is right that hinge propositions are unchallengeable, there is nothing necessary or permanent about that status (Siegel, 2013: 165).

[C] *against practice-related unchallengeability:*

One plausible reading of Wittgenstein is that hinge propositions are groundless within a given language game or system of presuppositions/ judgment, but are evaluable/criticizable/supportable from some other language game or perspective. I am myself in some sympathy with this way of thinking about hinges [...] But this sort of relativity to a language game is innocuous, epistemologically (Siegel, 2021: 1111).

As in my ECA paper (Olmos, forthcoming), my (not particularly Fogelinian) response to Siegel starts by *qualifiedly* conceding [A]. I agree with Siegel that any and every content could be challenged *under certain conditions* (skeptical stands are understandable, reasonable, and rationalizable in the sense that reasons could be adduced for them and could even be useful for certain purposes). But, as Wittgenstein points out, this is not done without consequences: skeptical stands regarding some of our very ingrained certainties could change our understanding (the "grammar") of the very terms under which they are discussed (i.e. the meaning of terms such as "knowledge", "reason" or "justify").

As for [B], I claim that it is a point already conceded by Wittgenstein himself in *OC* § 96-99, when he presents his river-bed metaphor (*das Flussbett der Gedanken*) in which stable and flowing soil or sand are not strictly (or eternally) separable:

It might be imagined that some propositions, of the form of empirical propositions, were hardened and functioned as channels for such empirical propositions as were not hardened but fluid; and that this relation altered with time, in that fluid propositions hardened, and hard ones became fluid. (Wittgenstein, *OC* § 96).

Our main point of discussion is [C], as I am more than sympathetic to the idea that the unchallengeability of certain contents should be *locally* understood as *field* or *practice-related* (an idea that's also present in some of Wittgenstein's fragments), but I would not say that "this sort of relativity to a language game is *innocuous, epistemologically*" (emphasis added), but, precisely, that our awareness that there are contents that play the role of *hinges* in our epistemic practices, and more specifically, the conviction that these are not necessarily the same for every epistemic practice, every time or every culture, should make us change the way we do epistemology. This is where Toulmin's ideas and concepts come to help.

This paper, as distinct from my first paper on this topic, tries to provide a more detailed defense of my position regarding three aspects that I would develop in the following sections: some ideas about how a *practice-related* hinge epistemology could look like (section 2), the specification of the *logical role* of hinges in reason-giving

practices (section 3) and some further comments on the way this impinges on the partially closed and partially open character of our *non-ultimate* reason-giving practices (section 4). I will claim that Toulmin's distinctions and conceptual strategies when dealing with how argumentation works, especially his clearly Wittgensteinian concept of *warrant* might help us construe a workable understanding of hinges and their epistemic significance. Some conclusions will be offered at the end, in section 5.

2. AN EPISTEMOLOGICAL AGENDA BASED ON TOULMIN

Toulmin book, *The Uses of Argument* (1958) is usually conceived of as one of the foundation stones of argumentation theory and unfortunately it is not much read in other philosophical areas. However, Toulmin's avowed goal in this work was exploring the kind of reform that logic needed in order to address the problems of epistemology. The book's last chapter ("The origins of epistemological theory") and most significantly its Conclusions discuss what can be done with epistemology.

Toulmin's epistemological agenda is definitely *sectorial* or *practice-related*, based upon a, however vague (or open-ended), concept of *argumentative field* (Cf. Martínez García, forthcoming). In the following, rather clear claim, moreover, he seems to be circumventing the kind of discussion that presided the reception of Wittgenstein's *On certainty*:

...the proper course for epistemology is neither to embrace nor to armour oneself against scepticism, but to moderate one's ambitions—demanding of arguments and claims to knowledge in any field not that they shall measure up against analytic standards but, more realistically, that they shall achieve whatever sort of cogency or well-foundedness can relevantly be asked for in that field. (Toulmin, 2003 [1958], p. 229).

But mind that this very sentence starts with the following qualification "Only when one removes the initial logical confusions does it become clear that the proper course..." (Toulmin, 2003 [1958], p. 229). So, according to this, it is Toulmin's logical concepts and distinctions that allow for the very conception and development of such field-dependent epistemology:

It is only when one builds up a more complex, field-dependent set of logical categories that the detailed sources of our epistemological problems come to light (Toulmin, 2003 [1958], p. 230).

More *complex* and *detailed* because Toulmin's strategy is not only to reject the analytical standard for argument evaluation, but much more significantly to explore the kinds of *logical roles* to which the analytical standard has been blind and which, according to him, are fully operative in any argumentative practice. Even if Toulmin did not reach the full variety that we can identify in certain contemporary argumentation theories (namely in Marraud's *argument dialectics*, Cf. Leal and Marraud, 2022), the conceptual strategy is already there: data, warrant and backing are not just additional premises, and their justificatory contribution does not need to be conceptualized as simply adding propositional contents.

As we will see in more detail in the next section, the concept of *warrant* is the one that we can associate with Wittgenstein's intuitions about *hinges*, but in Toulmin's account

and discussion, warrants express in principle challengeable contents, even though their local validity defines the limits of a particular practice. And this sort of status is precious for us. As in Wittgenstein's river-bed metaphor, a particular grain of sand might sometimes be left flowing and sometimes be part of the *Flussbett*, but this does not mean that it will not duly play its role of supporting the flow in the latter case: "But I distinguish between the movement of the waters on the river-bed and the shift of the bed itself" (Wittgenstein, *OC* § 97).

Toulmin's three guidelines for the future of epistemology, as contained in the Conclusions of *The Uses of Argument* are fully consistent with this emphasis on the field-dependency of justificatory standards. These are:

- i. the need for a *rapprochement* between logic and epistemology:

the proper business of both is to study the structures of our arguments in different fields, and to see clearly the nature of the merits and defects characteristic of each type of argument. (Toulmin, 2003 [1958], p. 235)

- ii. the importance in logic of a *comparative* method that would not privilege the standards of any particular field:

What has to be recognised first is that validity is an intra-field, not an inter-field notion. Arguments within any field can be judged by standards appropriate within that field, and some will fall short; but it must be expected that the standards will be field-dependent, and that the merits to be demanded of an argument in one field will be found to be absent (in the nature of things) from entirely meritorious arguments in another (Toulmin, 2003 [1958], p. 235).

- iii. the reintroduction of historical, empirical and anthropological considerations:

But not only will logic have to become more empirical; it will inevitably tend to be more historical. [...] We must study the ways of arguing which have established themselves in any sphere, accepting them as historical facts; knowing that they may be superseded, but only as the result of a revolutionary advance in our methods of thought. In some cases, these methods will not be further justifiable—at any rate by argument: the fact that they have established themselves in practice may have to be enough for us. (Toulmin, 2003 [1958], p. 237)

The final references of this last quotation to ideas associated with Wittgensteinian hinges are patent for any philosophical reader.

Does this mean that Toulmin does not assign *any* task to a general-scope kind of epistemology? Not exactly, it is a restricted task, though that precisely means *moderating its ambitions*. A general epistemology might only deal with what Toulmin calls the *force* of its own central concepts, namely the *force of knowledge claims*, specifying their meaning, including their pragmatic implications: i.e. what it means for some agents in a certain contexts to accept them. However, according to Toulmin, there is no way that a general-scope epistemology might deal with the *criteria*² for the evaluation of knowledge claims, because these will definitely be field-related. To sum up, a general (*field-independent*) kind of epistemology, specifying what knowledge claims amount to, i.e. dealing

² Toulmin uses this opposition between *force* and *criteria* in many passages of *The Uses* applying it to almost any concept he defines. There is, however, no clear quotation illustrating this in the final chapters, although what he states is fully consistent with such rendering.

with the (pragmatic) *force* of knowledge claims cannot be *evaluative* (it will be normative only in a very restricted, grammatical sense). We have to expect then that the evaluation of knowledge claims according to specific *criteria* would instead be *field-dependent*.

3. TOULMIN'S WARRANTS AS A MODEL FOR HINGES' LOGICAL ROLE

According to this framework, then, the central question regarding hinges (or something very like them) would not be so much which contents are and which are not "hinges" (that can change historically and between contemporary practices) as what is it to function as, to play the role of a hinge: a significant role that has consequences for its *local* unchallengeability. Such *functional* approach to hinge propositions would amount to a maximization of their positive/enabling aspect.

Wittgenstein suggest their characterization as *rules of testing* (OC § 98). Hinge epistemologist A. Coliva, for example, talks about *rules of evidential significance* and this idea justifies, in her view, their unjustifiable status:

they allow us to acquire and assess evidence [...] Yet that evidence, in its turn, being dependent on holding them fast, can't give them any epistemic support. [...] Therefore, hinges can't be justified. (Coliva, 2016, p. 86)

But Coliva is clearly engaged in a general-scope hinge epistemology (thus emphasizing *absolute* unjustifiability) and, moreover, even if she uses a *rule characterization* of hinges, she still wants to keep, at the same time, a propositional model for them. For Coliva, hinges would be: "propositions that play a rule-like role" (Coliva, 2016, p. 87). Her choice examples are presented then under that propositional aspect: "There is an external world", "My sense organs are generally reliable", "I am not the victim of sustained and lucid dreams".

Conversely, some of Wittgenstein fragments seem to point to a way of functioning that does not fit so well ideas associated with propositional contents:

All testing, all confirmation and disconfirmation of a hypothesis takes place already within a system. And this system is not a more or less arbitrary and doubtful point of departure for all our arguments: no, it belongs to the essence of what we call an argument. The system is not so much the point of departure, as the element in which arguments have their life. (Wittgenstein, OC §105).

As if giving grounds did not come to an end sometime. But the end is not an ungrounded presupposition: it is an ungrounded way of acting. (Wittgenstein, OC §110).

My claim that these Wittgensteinian (somewhat elusive) suggestions regarding the way a system of hinges shapes our ground-giving (*Begründung*) or reason-giving practices could be better captured if we set aside the propositional model of hinges and emphasize the rule- model, taking inspiration, precisely from Toulmin's formulation of *warrants*.

As *rules of testing*, (local) hinges would belong within the grounds (criteria) for content/claim assessing. But, as we have already stated, Toulmin's logical reform seeks to differentiate the diverse roles played by different elements of those grounds: not everything is *additional premises*, not every grounding element adds propositional contents. It is obvious that among Toulmin's distinctions the concept of *warrant* is the one that inherits

most characteristics from Wittgenstein's hinges, but Toulmin's precisions and formulations are also very important for our (argumentative) interest in Wittgenstein's concept.

According to this approach, the main idea would be that hinges are not just profound convictions that we are not prepared to renounce to (*OC* §105) but play a more distinct and argumentatively significant role in *the recognition of reasons*, shaping the way we argue and understand argument: becoming thus "the element in which arguments have their life". Their *positive* role for argument is not, then, that we simply need some starting point or some basic beliefs in order to justify others. Hinges would not work as direct reasons (or evidence) but as *rules of what can be taken as a reason for something else*. Using one of Toulmin's formulas for the correct expression of the role of *warrants*: rules expressing on what kind of data *one may take it* that some other content is (presumably) justified. They would correspond to "practical standards or canons of argument" (Toulmin, 2003 [1958], p. 91).

Although Toulmin's discussion of *warrants* certainly inherits many of his previous ideas on the logical role of *laws of nature* (Toulmin, 1953), which included a certain ambiguity between their propositional and rule character³, in *The Uses of Argument* insistence is placed on the non-empirical, non-propositional character of *warrants* and their *logical role* as rules. This is done in distinguishing warrants from both *data* and *backings*:

Distinction D/W:

The question will at once be asked, how absolute is this distinction between data, on the one hand, and warrants, on the other. [...] the nature of this distinction is hinted at if one contrasts the two sentences, 'Whenever A, one has found that B' and 'Whenever A, one may take it that B.' (Toulmin, 2003 [1958], p. 91).

Distinction B/W:

Though the facts about the statute may provide all the backing required by this warrant, the explicit statement of the warrant itself is more than a repetition of these facts: it is a general moral of a practical character, about the ways in which we can safely argue in view of these facts. (Toulmin, 2003 [1958], p. 98).

In both this quotations, the *practical, rule-like, or directive* nature of warrants is emphasized in order to fully understand their *logical role*: the role of ruling what kind of data/evidence *allow us to take it that* our claims are (at least *pro tanto*) justified. They delimit thus *the recognition of some content as a (pro tanto)⁴ reason for some other content*. And consistently with Toulmin's whole approach, this logical role would be fully operative only within a certain argumentative field or argumentative practice or, better said, the fact that it be operative in one field does not imply that we should expect it to be operative within a different field.

³ There would be interesting links between Toulmin's 1953 account of laws of nature and Coliva's 2016 *midways* proposal for the characterization of hinges.

⁴ This "pro tanto" qualification is not obviously in Toulmin and refers to the gradual distinctions attributed to the dialectical status of reasons (*prima facie, pro tanto* and *all things considered* or *conclusive reasons*) introduced by Marraud in his argument dialectics (Marraud, 2020a, p. 169; 2020b, pp. 155-156) and somewhat inspired in W.D. Ross work on normative reasons (Ross, 1930).

4. NON-ULTIMATE REASON-GIVING PRACTICES

Toulmin's account of the (local) logical role of *warrants* has, thus, consequences for their (also local) unchallengeability. Toulmin even thinks that such relative unchallengeability is what allows argumentation to even take place: "Indeed, if we demanded the credentials of all warrants at sight and never let one pass unchallenged, argument could scarcely begin." (Toulmin, 2003 [1958], p. 98).

But Toulmin has no transcendental argument for the *absolute* unchallengeability of any content or rule and always uses a rather flexible language that allows for the "testing of warrants". Sometimes, it even seems that it is *backings* and not operative *warrants* that define argumentative fields:

Two people who accept common procedures for testing warrants in any field can begin comparing the merits of arguments in that field: only where this condition is lacking, so that they have no common ground on which to argue, will rational assessment no longer be open to them. (Toulmin, 2003 [1958], p. 162).

But, again, the very notion of argumentative field or practice seems to be somewhat open-ended in what might seem a shortcoming of Toulmin's approach, although Martínez García (forthcoming) has convincingly argued that thus is precisely as it should be in order for it to work properly.

I will give an illustration of how I think this local, practice-related and finally transgressable unchallengeability works in practice⁵. When someone "presents something as a reason for something else" (as Marraud's definition of argument runs):

1. The way those two things are linked might be *practically accepted* and remain tacit *within an ongoing argumentative practice*.
2. If one of the participants asks "how do you get there?" one of the possible answers (for *particularists*; or the only one, for *generalists*, Cf. Alhambra, 2022) would be producing a warrant (W).
3. The warrant may pass unchallenged and argument and epistemic practice *hinge* on it *within an ongoing argumentative practice*, or...
4. ... its validity might be called into question and it may need to be supported by expressing its (*field-dependent*) backing (B). Offering such kind of backing might work as a mere reminder of a kind of validity that the interlocutor will have no problem to accept *within an ongoing argumentative practice*, or...
5. ... a full-fledged discussion might issue about the (factive or normative) validity of the warrant, asking for *warrant-establishing arguments*. And here we have finally *got out* of the original practice or at least entered a *critical argumentative level* within a field of reasoning (cf. *regular* vs. *critical* arguments, in Toulmin, Rieke and Janik 1978).

⁵ This account of what happens in argumentative exchanges tries to be consistent with my own suggestion of three levels of argument reception and reason assessment as contained in Olmos (forthcoming). There the focus was on different kinds of more-or-less reflective practices allowing for more-or-less profound challenges. Here the idea is that *any* argumentative exchange in *any* practice might eventually lead to the transgression of those levels. But that does not mean that we do not distinguish those levels or that the distinction does not bear on the way we act argumentatively.

Unchallengeability must be dropped now, but mind that the way we understand and act on certain terms might have changed as Wittgenstein suggested of certain especially transgressive practices (namely philosophy), a worry that is also present in Toulmin, but with a slightly more liberal twist:

But supposing a man rejects all warrants whatever authorising (say) steps from data about the present and past to conclusions about the future, then for him rational prediction will become impossible; and many philosophers have in fact denied the possibility of rational prediction just because they thought they could discredit equally the claims of all past-to-future warrants. (Toulmin, 2003 [1958], p. 93).

Our ever-changing constellation of practices allows even for that... at least to a certain extent. This rather weak notion of unchallengeability intends both to recognize the specific *logical role* played by warrants-as-hinges (or *vice versa*) in the practical recognition of reasons and, at the same time, the open possibilities for their role-changing within an extended (finally field or practice-transgressing) exchange.

Nevertheless, Toulmin, not wanting, from a field-dependent epistemology point of view, neither *to embrace nor to armour himself against scepticism*, in certain passages, and in an apparently more general-epistemologists mode, suggest that his personal sympathies do not lie with pan-skeptical doubts. But mind that the way he argues against, for example, systematically doubting the reliability of our senses, is based on the idea that such doubts have been presented as deriving from the perplexities found by philosophers that only accept an analytical standard of argument evaluation:

Ever since Descartes, for example, philosophers have been teased by the problems he raised about the fallibility of our senses: [...] No problem could, at first sight, more gravely challenge our self-esteem or our claims to genuine knowledge. Yet it is only the false expectation that arguments from how things look to how they are could ideally achieve analytic validity that creates a problem here [...] The question we ask in such a case, whether any collection of sensory data *justifies* us in claiming knowledge about the world, does not call for entailments at all: the question is rather whether the evidence of our senses is always in fact rebuttable—whether the presumptions it creates are always in fact rebuttable—whether the presumptions it creates are always in fact open to serious dispute—and to this question the answer is surely ‘No’. These presumptions are very frequently of the strongest so that, as has well been said, ‘Some things it is more unreasonable to doubt than to believe.’ (Toulmin, 2003 [1958], p. 230).

It seems that Toulmin could accept (local) doubts about the reliability of our senses based on different philosophical or naturalistic (even scientific) grounds or stands, but what he is not prepared to concede is that the lack of an *a priori* formal validity ruling arguments from how things look to how things are becomes a reason to raise those doubts. What he is here arguing against is the kind of doubting practice that considers it has undoubtedly established the necessity to doubt.

In a Toulminian account of argumentative practices leading to a field-dependent epistemology, not even philosophy is an *ultimate practice* that may place itself above every other practice, once we reject the relevance for its disputes of the analytical standard: all discussions (save for the closed world of the formal sciences) are substantive, all rely on assumed/disputable ideas about *on what kind of data one may take it that some other content is (pro tanto) justified* or about *what can be taken as a reason for something else*.

5. CONCLUSIONS

I have defended that the local, practice-related, field-related (language-game-related) unchallengeability of certain contents (Wittgensteinian hinges or Toulminian warrants) is not at all an *epistemologically innocuous* characteristic. On the contrary, our awareness of the specific logical role that certain contents play *in a specific field* or practice is precisely what, according to Toulmin, for example, allows us to explore a really and fully *normative epistemology*. An epistemology that, moving beyond a general understanding of the *force* (meaning and pragmatic implications) of any knowledge claim, would be able to account for the detailed *criteria* that sanction their assessment *in that particular field*.

This idea could be polemic and could, of course, be challenged and rejected, but it is not *innocuous*, providing instead an epistemological agenda that clearly differs from most contemporary mainstream epistemology: the empirical, historical and anthropological study of really operative justificatory reasons, conceived of as substantive vs. formal reasons. The alternative to this sectorial epistemology is a general-scope epistemology looking for explicit general principles of validity or skepticism or a likewise general-scope hinge epistemology trying to identify which contents act (allegedly always, in any epistemic practice) as hinges.

One way to avoid discussions about whether some particular content is/is not a proper (Wittgensteinian) hinge, is to focus on a functional (vs. ontological) characterization of hinges. And here the opposition between propositional vs. rule models that is present in hinge epistemology literature becomes central. I have opted for a rule model that allows me to establish the connection between Wittgenstein's most argumentatively fruitful ideas on hinges (those related to reason-giving practices) and Toulmin's explication of the logical role of warrants. My suggestion is that hinges could be conceived of as *rules of what can be taken as a reason for something else*, or following a particular formulation of Toulminian warrants, *rules expressing on what kind of data one may take it that some other content is (pro tanto) justified*. Hinges play a situated but argumentatively central role in the recognition and assessment of reasons in any particular field (becoming thus "the element in which arguments have their life").

Even though discussions about the alleged *propositional content* of hinges and warrants (and "laws of nature", as in Toulmin, 1953) might be a question of philosophical interest (e.g. their alleged correspondence with the way the world actually is), their explicit rule-formulation seems to better explicate their logical role and pragmatic force.

Finally, my conception of the fields, practices and levels of discussion in which hinges and warrants work as such is not at all a closed or absolutely compartmented one. Unchallengeability is not absolute but unstable, although this does not mean that *ultimately* there is nothing to it because our practices are not *ultimate practices*. As Tindale has defended:

Talk of the need to be initiated into rationally systematized fields suggests that such fields are closed to the uninitiated. But the terms under which we allowed them to be deemed rational alongside each other points to an openness that invites some access. People do move between fields, and others, like the science journalist, can work on the periphery of fields [...] Closed systems [...] cannot remain closed for long, natural curiosity, and the desire to understand new experience discourages this. (Tindale 2021, p. 74).

Our own everyday experience dealing with different realms (“we participate in multiple forms of life, overlapping and crisscrossing”, Tindale 2021, p. 170) may help us understand how they may have their own reason-giving rules that we will both abide with when taking part in them and eventually put into question for other purposes: “we all experience such deep diversity of conflicts almost routinely, developing various strategies to manage them” (Tindale 2021, p. 168).

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