

»Beyond All Reasonable Doubt« – Wittgenstein’s *On Certainty* and its Juridical Background and Context

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Theme 1: Wittgenstein and the Viennese Cultural Circle

Abstract

Renowned philosophers like Gottlob Frege and Bertrand Russell, along with esteemed scientists like Heinrich Hertz, profoundly influenced Ludwig Wittgenstein’s intellectual development. In addition to their contributions, a wide range of cultural influences encompassing literature and, as I will focus on in this talk, juridical issues played a significant role. In his final masterpiece, *On Certainty*, Wittgenstein delves into various juridical examples, such as those involving judges and courtrooms. Notably, he uses the English expression “beyond all reasonable doubt” twice – in §§ 416 and 607 – in *On Certainty*, despite it being predominantly written in German. This talk contends that Wittgenstein deliberately chose this English expression due to his familiarity with the legal burden of proof in English Common Law, exemplified by the phrase “We are satisfied beyond all reasonable doubts.” This familiarity can be attributed not only to his extended residency in England during his later life but also to his upbringing in a cultured family closely connected to the Viennese intellectual circle.

This talk argues that the juridical expression “beyond all reasonable doubt” is intricately linked to Wittgenstein’s usage in *On Certainty*, aiming to shed light on his intentions. In essence, this expression refers to a standard of proof wherein an accused person may be deemed guilty even in the presence of remaining doubts, provided these doubts are considered “unreasonable” and thus not accepted as valid evidence. According to this standard, persistently raising “unreasonable” doubts is not precluded. However, it is firmly established that there is no room in the courtroom for such doubts, as exemplified by questioning whether a doppelgänger committed a crime.

In *On Certainty*, Wittgenstein deals with certain propositions, often termed “hinge propositions” in the literature, as undoubtedly certain within *our* language-game. For instance, he employs the proposition “This table remains in existence when no one is paying attention to

it” (cf. § 163) as their example. Nevertheless, one can still imagine radical idealists raising doubts about this proposition, claiming that it lacks grounding. For Wittgenstein, such doubts are nonsensical, but does he outright reject them and the idealistic thoughts they represent? This talk aims to demonstrate that Wittgenstein’s stance here is related to the juridical notion of “beyond all reasonable doubt,” and he rather holds a moderate view wherein such doubts may arise but are ultimately deemed “unreasonable” and thus not considered valid within *our* language-game.