

GRAŻYNA LUBOWICKA

University of Wrocław

BETWEEN ARGUMENTATION AND PERSUASION IN THE PLURALIST AND DEMOCRATIC SOCIETY: ABOUT VIRTUES AND ABILITIES OF CRITICAL THINKING¹

The aim of the article is to expose transgressions that challenge education contained in the abilities concerning the way of thinking, both individual and applied in public discourse. The place of this way of thinking, which transgresses and at the same time increases the competence of an individual participating in social decision-making, is a moral situational judgement. How does moral judgement actualize a moment of transgression as a means of reflection which can be described as critical thinking of the individual and which is also a form of public debate? The critical thinking transgression is contingent on the pluralism of goods and interests in society, that is, the situation of moral relativism and conflict of values, which underpin the concept of democracy. In a democratic society, this ability to think critically, which also requires intellectual and moral virtues, is a transgressive

¹ Originally published: Grażyna Lubowicka, "Między argumentacją i przekonaniem w pluralistycznym społeczeństwie demokratycznym: o cnotach i umiejętnościach myślenia krytycznego", [in:] *Transgresje w edukacji*, Vol. 2, ed. I. Paszenda, R. Włodarczyk, Impuls, Kraków 2014, p. 81–96.

attitude that goes beyond adapting to the historical situation. This attitude of transgression makes it possible to increase the potential for pursuing one's own interests in line with one's own vision of a good life and is a prerequisite for the quality of social life, for what constitutes its foundation, i.e. for public debate. While presenting the transgressions contained in the situational moral judgement, I defend the need to seek in it points of support that transcend only political sources and intellectual and moral virtues.

What skills are the basis for a situational moral judgement or, more broadly, critical thinking? The very concept of a situational moral judgement and the virtues and conditions necessary for its formation is based on the philosophy of Paul Ricoeur, who introduces judgement as a way of thinking or reflection which combines arguments referring to the universal moral norm and beliefs referring to contextual and historical conditions. I develop the problem of critical thinking as an indispensable ability for each individual and for the decision-making process in the political community (which leads to the resolution of value conflicts in democratic pluralism) on the basis of Ricoeur's thought. In the background, however, there is the philosophy of two supporters of basing social theory on transcendent principles, first of all Jürgen Habermas and John Rawls. In his ethics of debate, Habermas introduces Kantian formalism, where public debate and decision-making are contingent on the assumed moral norm that is the rule of practical discourse. Rawls, too, referring to Immanuel Kant's formalism, introduces a universal principle of justice in a concept of an equitable distribution of goods.

In the debate with Habermas and Rawls, who retain the possibility of basing ethics on transcendent principles, Ricoeur's concept of a situational moral judgement also refers to a universal norm. However, Ricoeur seeks to reconcile two opposing positions: on the one hand, the universal claims contained in the moral norm, which is expressed in the logic of argumentation, and on the other hand, beliefs which, under the name of a convention based on tradition, are rejected by the formalism inherent in the thoughts of both Habermas and Rawls, and himself proposes a dialectic of argumentation and beliefs. Referring to Ricoeur's concepts, I defend a statement that political and moral philosophy, within which the problem of moral judgement can

be formulated, must be founded on transcendent universally binding requirements and, at the same time, that their reference to individual beliefs or contextual positions in culture and society cannot be abandoned. Ricoeur preserves the universalist and contextualist thesis in moral situational judgement, which is a place of practical mediation and at the same time an area of conflict.

How is it possible to reconcile in situational moral judgement the universalistic claims to the rules of morality and the recognition of specific values that are part of the historical communal contexts of the implementation of these rules?

PLURALIST DEMOCRACY AND VALUE CONFLICTS

In Habermas's and Ricoeur's views, the model of democracy is the basis of a social theory, in which the rules of universal morality and the arbitration of situational moral judgement should be included. Democracy is a political system and a form of governance that coexists with the situation of pluralism in society, strengthening and deepening it. Pluralism is closely connected with the theory of democracy, and even, as its theoretician Werner Becker points out:

Worldview pluralism is desirable because democratic legitimacy is not about a theoretical discussion between philosophical or religious approaches concerning the establishment of the "truth", but only about their function as an ideological and political means to achieve the majority consent to the state guarantee of individual freedoms through their widespread dissemination. As far as public influence is concerned, it would not be desirable to have a discussion between these divergent and contradictory philosophical and ethical assumptions, where attempts were made to discover which assumptions are "true" and which are "false"².

Democracy in its procedural model is a pure form of pluralism because of its neutrality towards a multitude of goods and interests, leading to the formation of compromises among them. At the same time,

² W. Becker, *Die Freiheit, die wir meinen*, München 1982, p. 155.

however, democracy is a form of political power in which there are no unifying normative criteria, and thus its legitimacy is justified by the force of overriding, majority interests. The problem of a democratic process based on the majority principle, where it takes the form of compromise between particular and diverse interests, lies in its inevitable violence. We cannot, however, as Habermas stresses, remain merely assuming that

conceive politics primarily as an arena of power processes. Such investigations analyze the political sphere in terms of strategic interactions governed by interests or in terms of systemic functioning³.

It is precisely because of this violence, which is characteristic of the democratic process that the theorists of the sociology of democracy, from among whom I mainly take into account Habermas's position, see the need to refer these compromises to non-political and transcendent moral norms with universal claims. Democracy, as its early theoretician John Dewey stresses, cannot be

merely a majority rule [...]. The means by which a majority comes to be a majority is the most important thing: antecedent debates, modification of views to meet the opinions of minorities [...]. The essential need is the improvement of the methods and conditions of debate, discussion, and persuasion⁴.

According to Habermas, the model of democracy should be filled with normative content.

Especially in democracy, conflicts are open, but, as Habermas assumes, they can be solved according to the rules of consent adopted by all protagonists. What is needed, therefore, are binding rules that Habermas identifies with procedural reason, and then the norms adopted by all participants in the democratic process exclude making decisions and deciding on the multitude of goods and values on completely arbitrary principles. Conflicts remain in social practice even

³ J. Habermas, *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy*, Cambridge 1996, p. 287.

⁴ J. Dewey, *The Public and Its Problems*, University Park 2012, p. 154–155.

if political and moral philosophy is based on moral assumptions with universalistic claims, but these should not, as Habermas believes, lead to relativism or moral situationalism.

The situation of pluralism in a society, institutionalized and deepened by democracy, generates social conflict in political practice and conflict in the moral decisions of individuals. A democracy that places emphasis on political discussion takes into account pluralism of opinion as to what public good is and what the objectives of good governance are. Therefore, in conflict situations, democratic procedures may be applied, in which a decision is reached by practical wisdom, or situational moral judgement. In the concept of situational moral judgement, Ricoeur, referring to the thoughts of Habermas and Rawls, takes into account the rivalry of the three conflict centres:

1. the goals of one's own life, seen from a teleological point of view as a pursuit of a vision of one's own good life;
2. conflict resulting from a multitude of obligations generated by the universal standard itself in its application to a specific situation;
3. conflict, especially emphasised by Ricoeur's philosophy, resulting from the need to refer to the recognition of the other as an irreplaceable and individual neighbour, and therefore requiring exceptional treatment and respect.

Therefore, situational moral judgement must prioritise respect for persons, when there is a conflict between the norm and the requirements of otherness, so that the decision may satisfy exceptions and at the same time deviate from the norm in the least possible manner. The three conflict centres: between the objectives of one's own good life, the requirements of otherness, the universal norm in applying the same rule to a specific situation – call for the arbitration of situational moral judgement, which offers insight into the multitude of obligations and goods. The skill of applying the arbitration of moral judgement requires transgression, which stresses the virtue of impartiality and other intellectual and moral virtues that make up critical thinking.

Democracy is an area of debate and discussion because the procedure of democracy institutionalises discourses and negotiations by means of various forms of communication and deliberation. Democratic

theory is part of the process of communication because of the goal of striving for compromise between interests, but also because this compromise is the result of the use of the art of argumentation, in which the rules of reaching agreement shape opinions. Therefore, Habermas combines the theory of democracy and the theory of communicative action, proposing a discursive concept of democracy, in which decisions are made as a result of procedures embodying the rules of ethics of discussion. These rules are identified by Habermas with the procedural reason realized by public debate as the specific skills of understanding and realizing “horizon for speech situations and the source of interpretations, while it in turn reproduces itself only through ongoing communicative actions”⁵. In democratic debating procedures, moral judgement is the equivalent of prudent deliberation, in which the norms adopted by all, in spite of the multitude of goods and values, exclude the possibility of making decisions and judgements on completely arbitrary terms. The rules of the game for elections and competition between partners who reach an agreement are intersubjective and transcendent. However, how do we solve conflict during the conditions of implementing universal norms? How to move from a transcendent to a contextual plane? For Ricoeur, the method of this transition is moral judgement, an expression of the ability to think critically, which facilitates evaluation and judgement in historical and cultural conditions.

The potential of basing debate in democracy on universal moral norms is addressed by Habermas and Rawls. Ricoeur, in turn, referring to the two philosophers, seeks a way for developing moral judgement, where the universalism of the norm does not oppose contextualism but finds its application there. Habermas and Rawls assume the transcendence of moral norms and differentiate them from practical political reality. Ricoeur seeks to preserve both the universalist and the contextualist thesis in moral situational judgement, opposing pure morality and formalism that is characteristic of the neo-Kantian tradition, and seeking a solution to the problem of the actual application of the universal norm in its conflict with the recognition of otherness and the objectives of one’s own good life or community goods.

⁵ J. Habermas, *Between Facts and Norms*, op. cit., p. 22.

TO UNDERSTAND THE UNIVERSAL APPLICABILITY OF THE NORM

How can we reconcile critical thinking with the reference to the universal moral norm, as emphasized by Habermas and Rawls and, on the other hand, how can we apply its universalist claims to contextual limitations? The ethics of Habermas's discourse expresses the decisions taken in relation to the universality requirement, in which procedural reason is the transcendent basis for the actual practice of reaching an agreement. At the same time, the very procedures for reaching consent or making decisions in democratic conditions embody universal moral awareness. On the one hand, communicative reason is therefore embodied in social reality, where it is expressed through the medium of language and within it in the argumentation procedures, and then the debate is based on transcendent claims to validity. Habermas stresses:

We use the term *argumentation* for that type of speech in which participants thematize contested validity claims and attempt to vindicate or criticize them through arguments. An *argument* contains reasons or grounds that are connected in a systematic way with the *validity claim* of a problematic expression⁶.

The historical and contextual conditions for the implementation of debate are grounded in reason and the principles of universalization are pragmatic assumptions of its argumentation. On the other hand, the requirement of the norm is inscribed in the logic of practical discussion, which is the place where real decisions are made from amongst the multitude of goods and objectives. The medium of language incarnates and makes possible communication reason as a linguistic communication *telos*. In this medium of language, Kantian practical reason is replaced by communicative reason, which cannot, however, be attributed to a single subject. The universal norm functions as a rule of universalization, which is accepted by all participants of the discussion and enables mutual understanding through argumentation. The requirement of universalization resembles the

⁶ J. Habermas, *The Theory of Communicative Action*, Vol. 1, Boston 1984, p. 18.

Kantian principle of testing actual practice; for Habermas it is a strategy of purifying principles, which allows the moral norm to retain a certain power over the practical reality. Rawls places the universal standard as the rule in the distribution and division system. However, if Rawls accepts the hypothesis of the original situation, Habermas brings out the historical conditions for the realisation of the practical discussion, established in reason, the principles of the rule, which become pragmatic assumptions of argumentation. This situation explains how intersubjective recognition goes beyond the standards adopted by a community governed by a social convention. Transcendent reason governs the discussion, transforming it into an open and consensus-oriented process of interpretation. Thus, the conflict of everyday life itself gives rise to normative expectations within the logic of practical discussion.

Therefore, "In what sense could something like communicative reason be embodied in social facts?"⁷. Naturally, as emphasizes Habermas, communicative rationality "it is not a subjective capacity that would tell actors what they *ought* to do"⁸, however, it must be accepted and recognised by all concerned. The Kantian principle of argumentation is tacitly established and present in the assumptions of argumentation, constituting its *telos*, through which it seeks the consensus of all, thanks to the autonomy of the judgement of each of its participants. Expectations of consensus are therefore accepted by all interested parties in the practical discussion.

Communicative reason thus makes an orientation to validity claims possible, but it does not itself supply any substantive orientation for managing practical tasks - it is neither informative nor immediately practical⁹.

The acceptance by every participant of its principles is an individual moral effort. Each participant assumes in his autonomous judgement that a communication activity is an activity aimed at understanding. Transcendent reason is expressed as the rationally motivated consent of the entire community of interpreters. The rule of action therefore provides only a counterfactual basis for the practice of reaching

⁷ J. Habermas, *Between Facts and Norms*, op. cit., p. 9–10.

⁸ *Ibidem*, p. 4.

⁹ *Ibidem*, p. 5.

agreement, which, however, can transcend itself. Habermas marks this moment of transgression that is characteristic of the incarnation in the debate and argumentation of the universal norm:

As we engage in communicative action, the lifeworld embraces us as an unmediated certainty, out of whose immediate proximity we live and speak. This all-penetrating, yet latent and unnoticed presence of the background of communicative action can be described as a more intense yet deficient form of knowledge and ability¹⁰.

However, communication practice alone cannot meet its idealistic assumptions; communication assumptions are to be met only roughly, but in fact all participants have to accept them every time. Therefore, reason itself and the norm itself do not directly motivate and do not direct will as much as Kantian practical reason but are characterized only by the “weak force of rational motivation”¹¹. Everyone individually focuses his actions on claims of validity in his use of language, so that his reflection takes the form of judgement. In a situation of pluralism, the participants of public life act in order to achieve success or further their own interests and assess the components of the situation only in the light of their own preferences, however

actors oriented toward reaching understanding rely on a jointly negotiated understanding of the situation and interpret the relevant facts in the light of intersubjectively recognized validity claims¹².

The effect of this communicatively achieved consensus, which results from the intersubjective recognition of universal claims, is to take a stand, adopt both “yes” and “no” in judgement. The procedure is equivalent to the method of reflexive equilibrium, which is also appropriate for moral judgement. Habermas wrote:

¹⁰ Ibidem, p. 22.

¹¹ Ibidem, p. 5.

¹² Ibidem, p. 27. Habermas stresses that, in a situation of pluralism, “conceive politics primarily as an arena of power processes. Such investigations analyze the political sphere in terms of strategic interactions governed by interests or in terms of systemic functioning” (Ibidem, p. 287).

A judgment can be objective if it is undertaken on the basis of a *transsubjective* validity claim that has the same meaning for observers and non-participants as it has for the acting subject himself¹³.

Habermas expresses his “suspicions against any kind of confounding of reason and reality”¹⁴. Reason is general and public as well as transcendent with respect to individual consciousness, a transcendent condition of the practice of argumentation. Taking a procedural form, it regulates the understanding of the practice of argumentation, but at the same time transcends the boundaries of social space and historical time. Ricoeur in the theory of situational moral judgement also assumes that a moral norm is a necessary reference but should be mediated by practical action. The French philosopher does not agree with the assumption of pure and formal procedures; moral judgement comes from the dialectic of universalism and contextualism, and thus conviction, i.e. convention or tradition, plays a fundamental role in it. If Habermas adopts the strategy of argumentation as universalisation by purifying maxims, he turns against beliefs and everything that can be placed under the banner of convention. According to Habermas, the strategy of argumentation should avoid contextual mediation, and its discipline and the very requirement of argumentation require a departure from tradition in so far as it is an understanding of the past subject to the principle of authority that cannot be sufficiently justified by its compelling and yet binding character, while “in an ethics of argumentation, convention comes to occupy the place held by inclination in Kant”¹⁵, observes Ricoeur. For Habermas, an element of his debate with Gadamer, authority is anti-argumentative, and so tradition and convention should be outside the scope of a debate.

Ricoeur proposes

a reformulation of the ethics of argumentation that will allow it to integrate the objections of contextualism, while allowing the latter, at the

¹³ J. Habermas, *The Theory of Communicative Action*, op. cit., p. 9.

¹⁴ J. Habermas, *Between Facts and Norms*, op. cit., p. 9.

¹⁵ P. Ricoeur, *Oneself as Another*, Chicago and London 1994, p. 287.

same time, to take seriously the requirement of universalization in order to focus on the conditions for placing this requirement in context¹⁶

and replaces the contradiction between argumentation and convention “dialectic between *argumentation* and *conviction*, which has no theoretical outcome but only the practical outcome of the arbitration of moral judgment in situation”¹⁷.

Argumentation includes the requirement of universality, and so it seeks to extract the best argument that can be presented to the protagonists of the discussion, but, as Ricoeur reminds us, a discussion is held about something, goods and values are chosen, including one’s own aspirations for a good life and the recognition of the other. One cannot therefore completely disregard the specific goods and values that are the content of beliefs. These beliefs contain the historical and communal character of meanings and evaluations, so argumentation and discussion about something, about goods and values cannot, according to Ricoeur, be opposed to tradition and convention. Beliefs, therefore, cannot be completely reduced, since they express positions that give rise to meanings, interpretations, values relating to various goods, right up to the concept of a good life. In this situation:

argumentation is not simply posited as the antagonist of tradition and convention, but as the critical agency operating *at the heart* of convictions, argumentation assuming the task not of eliminating but of carrying them to the level of “considered convictions,” in what Rawls calls a *reflective equilibrium*¹⁸.

Therefore, we discuss goods, meanings, values that cannot be removed, but must be judged and evaluated critically. This is reflected in the balance between the ethics of argumentation and judgement. The reflexive balance of judgement between the requirement of universality and the recognition of contextual limitations to which it is subject is the rate of situational judgement in the area of conflict.

¹⁶ Ibidem.

¹⁷ Ibidem.

¹⁸ Ibidem, p. 288.

VIRTUES AND SKILLS IN MORAL JUDGEMENT

The purpose of situational moral judgement is to achieve a reflexive balance and thus, to invoke Aristotelian *fronesis*, the golden means between the different centres of conflict and more specifically, between the universal norm, respect for otherness and one's own vision of a good life. It was Aristotle who, in his concept of *fronesis*, focused ethics studies on intellectual virtues, the application of which leads to the achievement of this golden means in reflection. The theories of moral judgement refer to Aristotle's practical wisdom, which, as Ricoeur stresses, consists in

the skill of bringing out an adequate rule, *ortos logos*, in the difficult circumstances of action. The use of the virtue is inseparable from the personal quality of the prudent man – *fronimos* – the sensible man¹⁹.

In Aristotle we see that in moral judgement, justice in relation to a universal norm reveals itself as impartiality, but it is also a transition from a general norm to a norm that is a maxim in given circumstances. Moral judgement is the ability to reflect when decisions are made to reach agreement in a situation of conflict of different goods, by a community and individuals. Particularly important is the ability to understand it against the background of the universal requirement, but to refer it to beliefs and thus to one's own concept of a good life, and to tradition and historical awareness. Beliefs express positions from which arise meanings, interpretations and evaluations, starting from one's own concept of goodness to the collective concept of what good life should be. The task of moral judgement as a critical instance acting in the depths of beliefs is to elevate them to the rank of prudent judgements. However, in order for moral judgement not to decline into situationalism or relativism, it requires special skills, intellectual and moral virtues, which determine its orientation towards the universal norm. These competences, among which Ricoeur distinguishes – following Habermas and Rawls – the virtue of impartiality, make up the ability to think critically, which can be described in more detail as the

¹⁹ P. Ricoeur, *Le juste 2*, Paris 2001, p. 65.

thinking and skills of a judge and a historian. They enable a transgressive attitude towards social reality.

Impartiality itself is an intellectual and moral virtue. Its meaning is addressed by T. Nagel in his book *Equality and Partiality*. Impartiality is the basis for reflection, in which the intentions of a moral norm (truth) or justice are inscribed, inducing us to make a correct judgement and decision. Thus, thanks to the rules of argumentation, moral judgements acquire a characteristic of impartiality. The most important consequence of Nagel's virtue of impartiality, as seen by Ricoeur, Habermas and Rawls, is that it encourages everyone to take the position of the other, a third party, in relation to the positions occupied in public space by social activity protagonists. The virtue of impartiality thus makes it possible to take the position of an impartial witness who, involved in the debate, is, however, oriented towards the moral norm. In the chapter "Two Standpoints" of his *Equality and Partiality*, Nagel defines the general conditions of impartial judgement:

Most of our experience of the world, and most of our desires, belong to our individual points of view: We see things *from here*, so to speak. But we are also able to think about the world in abstraction from our particular position in it—in abstraction from who we are. It is possible to abstract much more radically than that from the contingencies of the self²⁰.

Each of us begins with a set of concerns, desires, and interests of our own, and each of us can recognize that the same is true of others. We can then remove ourselves in thought from our particular position in the world and think simply of all those people, without singling out as I the one we happen to be²¹.

Thus, impartiality can be defined as the acceptance of an impersonal point of view or that of an uninvolved observer. Nagel reinforces this necessary assumption by writing: "we should [...] living, in effect, as if we were under the direction of an impartial benevolent spectator of the world in which we appear as one among billions"²².

²⁰ T. Nagel, *Equality and Partiality*, New York, Oxford 1991, p. 10.

²¹ Ibidem.

²² Ibidem, p. 13.

The most important intention from an impersonal point of view is to consider every person and every point of view as equally important. This understanding of impartiality is the basis of the rule of universality because it implies the ability to change one's point of view, to rise beyond one's own individual point of view to a higher point of view that allows us to accept and understand the perspective of the other and to admit that it is as important as our own.

[Impartiality – G. L.] can be termed an instance of intellectual virtue. – as Ricoeur points out – The epistemic aspect has to do with the internal split in viewpoint, the moral aspect with the implicit assertion of the equal value and dignity of viewpoints, once the other viewpoint is seen to be the viewpoint of the other²³

– which makes it possible to achieve transparency of a situation and avoid relativism and domination of one's own interests. This virtue of impartiality is decisive in a situation in which many political ideals are judged, conflict of moral norms, a clash between respect for the norm and respect for individuals, because it is possible to avoid arbitrariness of situational judgement. According to Ricoeur:

The wisdom of judgment lies in working out unsustainable compromises that are less about separating good and evil or white and black, and more about what is grey and grey, or – in greatly tragic cases – lesser and greater evil²⁴.

The intellectual virtue of impartiality, indispensable for the participant of public life, i.e. the citizen, is accounted for by Ricoeur in the chapter “The Historian and the Judge” of the book *Memory, History, Forgetting*. “In what way and to what extent do the historian and the judge satisfy this rule of impartiality inscribed in their respective professional deontologies?”²⁵ Both the functions of a judge and a historian require the realization of this virtue because of their claim to the role of an impartial, uninvolved witness, whose reflection is thus guided by

²³ P. Ricoeur, *Memory, History, Forgetting*, Chicago and London 2004, p. 315.

²⁴ P. Ricoeur, *Le juste*, Paris 1995, p. 220.

²⁵ P. Ricoeur, *Memory, History, Forgetting*, op. cit., s. 315.

the universal claims of the moral norm. The role of a judge and a historian encompasses the intentions of truth and justice, which encourage the adoption of the principle of impartiality. Ricoeur points out that

The polarity between judicial judgment and historical judgment forms one of these remarkable dialectics, while, at the same time, remaining an external limitation on history: the vow of impartiality common to both forms of judgment is subjected in its actual exercise to opposite constraints²⁶.

The judgement of a judge, like that of a historian, is based on the weighing of many points of view, uncertain testimonies, opposing interests, rights and goods, a whole network involving many actors. At the intersection of all these ambiguous and uncertain interpretations, there is a verdict, a decision taken within the rule of law in a specific situation. The basis of the task of both the judge and the historian is justice in conditions of uncertainty and error, which, however, are eliminated by the judge and the judgement, creating a breach. With respect to the judge who is to issue a decision, emphasis is on individual responsibility. The principle of justice forces the judge to take the position of an uncommitted witness. The judge draws conclusions and makes decisions where the word justice terminates the debate, stops the dispute and makes the decision final. The judge does not take on the role of a historian who analyses facts and multiplies points of view but stops within the limits of his competence; nor does he broaden his analysis or add his own moral commitment to it.

Why is the principle of impartiality confirmed by two protagonists as different as the judge and the historian? Because, according to Ricoeur, moral judgement includes the virtue of impartiality inherent in a judge and historian, but it is in the role of a historian that its contextual mediation is evident. The desire for impartiality is characteristic of both forms of judgement, but only the historian takes account of contextual limitations. The historian moves in the area of analysis and evaluation of events that are unique and individual, thus limiting his knowledge. The judgement of a historian, guided by the desire for impartiality, therefore takes into account the fact that the historian

²⁶ *Ibidem*, p. 295.

cannot take a completely impartial stance on account of his belonging to a community and its historical consciousness. Although the historian's judgement takes into account the pursuit of truth, in its interpretation of the multitude of events he does not adopt an impartial point of view and always remains a committed witness, subjectively interested in producing historical objectivity. The requirement of impartiality in the case of a historian should therefore "impartiality must thus be considered in light of the impossibility of an absolute third party"²⁷, which points to other competences indispensable for anyone making a judgement. The historian does not issue a final verdict, the price of which is the recognition of the judgement's uncertainty, involvement and bias. This judgement can be criticized by the community of historians and society and is subject to a process of endless revision; writing, interpreting history becomes its rewriting, and the historian's court remains provisional, entering into an endless dispute. Historians cannot write a single story; they can only seek a partial consensus in partial stories, the boundaries of which, unlike judges, they can and must cross. This involvement in the debate and dispute, which is necessary for a historian, allows him to deepen his moral involvement, which is the basis for a multitude of interpretations of beliefs and traditions. This interpretation of tradition or historical experience depends on the moral position taken by the historian, combining the understanding of the past with his specific intention of expectation.

Moral judgement therefore pursues the virtues inherent in both the attitude of a judge and a historian, and thus undertakes a dialectic of impartiality and commitment resulting from the lack of an unambiguous point of view of the position of an impartial observer. This dialectic of the attitude of a judge and a historian is characteristic of a citizen who as an impartial witness emerges

in the order of time: with a gaze that is structured on the basis of personal experience [...]. On the other hand, the intervention of citizens is never completed, placing them more on the side of the historian. But the citizen is in search of an assured judgment, intended to be as definitive

²⁷ *Ibidem*, p. 314.

as that of the judge. In every respect, the citizen remains the ultimate arbiter²⁸.

In a pluralistic democratic society, the citizen combines skills and competences, as Ricoeur puts it, referring to the thoughts of Habermas, of the judge and the historian. These skills, especially the virtue of impartiality (which is the basis for reflection on universal moral norms), as well as the ability to balance one's own life's goals, respect for others, and the multitude of duties resulting from the application of the practical norm itself, constitute the basis for the formation of moral judgement. Situational moral judgement is the basis for critical thinking which, as Ricoeur shows, shapes the transgressive attitudes of individuals and opens up a transgressive dimension in social life, preventing citizens from being passive and simply adapting to the existing conditions of a given historical moment. Critical thinking specific to individual citizens, participants in public debate, is not only aimed at achieving consensus based on intersubjectively shared principles, but also requires a moral commitment. Thus, the transgression of critical thinking is based on the ability of citizens to develop their own beliefs and moral positions and to derive from them a multiplicity of interpretations of social space. However, as can be seen from Ricoeur's desire to seek links in the moral judgement between argumentation and conviction, critical thinking is at the same time an instance that judges the beliefs of the individual and of the community, defined as convention or tradition. Critical thinking and intellectual virtue are the basis for transgression at the level of practical decision making, both for individuals and for political communities making choices and seeking consensus in the situation of conflict of goods, senses and values. Critical thinking, however, should be based on tradition, which is then interpreted from the point of view of various moral positions and subordinated to the principle of impartiality and, with it, is directed towards justice and truth. Virtues and skills and the critical thinking ideals of impartiality, justice or truth are only a *telos* of the deliberation of moral judgement, but they mean subjecting one's own convictions and community's beliefs to non-political requirements and restrictions.

²⁸ Ibidem, p. 333.

BIBLIOGRAPHY

- Becker W., *Die Freiheit, die wir meinen*, Piper, München 1982.
- Dewey J., *The Public and Its Problems*, Pennsylvania State University, University Park 2012.
- Habermas J., *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy*, transl. W. Rehg, The MIT Press, Cambridge 1996.
- Habermas J., *The Theory of Communicative Action*, Vol. 1, transl. T. McCarthy, Beacon Press, Boston 1984.
- Nagel T., *Equality and Partiality*, Oxford University Press, New York, Oxford 1991.
- Ricoeur P., *Le juste*, Éditions Esprit, Paris 1995.
- Ricoeur P., *Le juste 2*, Éditions Esprit, Paris 2001.
- Ricoeur P., *Memory, History, Forgetting*, transl. K. Blamey, D. Pellauer, The University of Chicago Press, Chicago and London 2004.
- Ricoeur P., *Oneself as Another*, transl. K. Blamey, The University of Chicago Press, Chicago and London 1994.

Abstract:

The aim of the paper is to highlight transgressions which present a challenge to education and reside in the skills relating to the way of thinking both of an individual and in use in public discourse. The area of this way of thinking which is decisive of transgression and, at the same time, increases the competence of the individual who takes part in social decision making is moral judgement in situation – also a form of critical thinking – which is here discussed with reference to the philosophy of Paul Ricoeur. The ground for transgression which resides in critical thinking is pluralism of goods and interests in society, that is a situation of moral relativism and conflicts of values, which stem from the concept of democracy. Discussing transgressions which pertain to moral judgement in particular situations, I defend the necessity of seeking in the latter, first, points of support going beyond political sources alone – that is beyond universal moral norms making the logic of argumentation – which is the approach proposed by Jürgen Habermas, and, second, intellectual and moral virtues, the most important one being the virtue of impartiality, which occurs in the thought of both Habermas and Ricoeur.

Keywords:

pluralism, democracy, Paul Ricoeur, Jürgen Habermas, moral judgement in situation, critical thinking, argumentation, persuasion, impartiality