Routledge
Taylor & Francis Group

Ethics & Global Politics

ISSN: 1654-4951 (Print) 1654-6369 (Online) Journal homepage: https://www.tandfonline.com/loi/zegp20

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To cite this article: Jennifer Nedelsky (2011) Receptivity and judgment, Ethics & Global Politics, 4:4, 231-254, DOI: 10.3402/egp.v4i4.15116

To link to this article: https://doi.org/10.3402/egp.v4i4.15116

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Published online: 20 Dec 2011.

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Ethics & Global Politics
Vol. 4, No. 4, 2011, pp. 231–254

COACTION PUBLISHING

Receptivity and judgment

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Abstract
Both judgment and receptivity are important to optimal politics, and both are important to each other. In making this argument, I use an Arendtian conception of judgment and take mindfulness as an example of receptivity. I argue that receptivity offers a needed dimension to addressing the puzzles of what makes Arendtian judgment possible, and that judgment provides a necessary complement to receptivity for action in the world. Exploring this complementary relation between judgment and receptivity also reveals a surprising similarity between what each offers to the practice of politics, in particular to freedom and the possibility of transformation. At the same time, I argue, these important contributions to politics are best understood and realized if judgment and receptivity are thought of as distinct forms of relating to the world.

Keywords: *judgment; mindfulness; receptivity; Arendt; political transformation; Kant; enlarged mentality; perspective; freedom*

Both judgment and receptivity are important to optimal politics, and both are important to each other. In making this argument, I use an Arendtian conception of judgment and take mindfulness as an example of receptivity. I argue that receptivity offers a needed dimension to addressing the puzzles of what makes Arendtian judgment possible, and that judgment provides a necessary complement to receptivity for action in the world. Exploring this complementary relation between judgment and receptivity also reveals a surprising similarity between what each offers to the practice of politics, in particular to freedom and the possibility of transformation. At the same time, I argue, these important contributions to politics are best understood and realized if judgment and receptivity are thought of as distinct forms of relating to the world. Both the terms judgment and receptivity are used in many different ways, so I will begin with a brief statement of how I am using them.

JUDGMENT

Judgment is a concept I have been working with for some time, drawing on the work of Hannah Arendt, who, in turn, was drawing Immanuel Kant's *Critique of*

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Citation: Ethics & Global Politics, Vol. 4, No. 4, 2011, pp. 231–254. DOI: 10.3402/egp.v4i4.15116

Judgment.[1] Arendt thought that Kant had correctly perceived that the human capacity to make judgments is a distinct cognitive capacity. In taking up Kant's concept, Arendt is defining judgment in a very particular way, which does not simply match up with ordinary usage. People make what might seem like judgments about all kinds of things. However, for Arendt, there is an important distinction between forming an opinion about something and actually exercising the cognitive capacity for judgment. Judgment, in her terms, involves a particular use of the mind, including imagination. People are only 'really' judging, or making 'true' judgments, when they engage their capacity for the 'enlarged mentality,' which I will turn to shortly. For both Kant and Arendt, judgment, by definition, involves a claim of agreement upon others.

Of course, here I can only offer a brief introduction to this concept of judgment.[2] This distinctive, sometimes counter-intuitive concept makes two crucial contributions. First, it offers an articulation of the way that human cognitive abilities can be simultaneously autonomous and reliant on communication with others.[3] Second, this understanding of judgment makes the vital contribution of showing how judgments that are genuinely subjective are, nevertheless, *not* merely arbitrary matters of personal preference. In the realms of both science and law, we can see particularly clearly why it is important that the contemporary recognition of the inevitability of subjectivity in judgment should not lead to a collapse into the inevitability of arbitrariness. For Arendt, it was particularly important that the judgments inherent in politics be understood both as inherently subjective *and* as distinguishable from arbitrary preference. In all of these realms, the Kantian/Arendtian conception of judgment allows us to see the possibility of claims of validity for judgments with an inherently subjective dimension.[4]

What enables us to make judgments that are not merely idiosyncratic statements of preference is our capacity for 'enlarged thought,' and it is this capacity that is central to my argument here. In her lectures on Kant, Arendt introduces Kant's concept of 'enlarged thought' through quotes from Kant's letters to a friend,[5] in one of which he says, 'I entertain the hope that by thus viewing my judgments impartially from the standpoint of others some third view that will improve upon my previous insight may be obtainable.' Arendt comments, 'You see that *impartiality* is obtained by taking the viewpoints of others into account; impartiality is not the result of some higher standpoint that would then settle the dispute by being altogether above the melee.' She continues, commenting on the second letter, 'we find the notion that one can "enlarge" one's own thought so as to take into account the thoughts of others. The "enlargement of the mind" plays a crucial role in the *Critique of Judgment*. It is accomplished by "comparing our judgment with the possible rather than the actual judgments of others, and by putting ourselves in the place of any other man," The faculty that makes this possible is called imagination. When you read the paragraphs in the *Critique of Judgment* and compare them with the letters just quoted, you will see that the former contain no more than the conceptualization of these very personal remarks.'[6]

Arendt emphasizes that communication with others, with one's fellow judging subjects, is essential for the capacity for judgment (even though it is the imagination that makes the others present in the solitary moments of judgment). The core of why Arendt saw Kant's theory of judgment as essentially political is what she saw as its inherent social dimension. For her, Kant's focus on communicability is a focus on the ways in which judgment requires community. Unlike Kant, Arendt grounds judgment in an appeal to a common sense that is shared by virtue of sharing an actual community, not by virtue of universally shared cognitive faculties. For Arendt, when we form our judgment in the process of imagining trying to persuade others, it is the perspectives of real others that is involved.

What matters for my argument here is that Arendt shares the Kantian objective of seeing the link between the perspectives of others and judgment that is autonomous, that can transcend the inevitable limitations of one person's experience, interests, and inclinations. The reference to the perspectives of others is necessary to make truly free judgment possible. The ability to think in the place of others makes it possible for us to liberate ourselves from the 'subjective private conditions,' i.e. as Arendt says, from the 'idiosyncrasies which naturally determine the outlook of each individual in his privacy and are legitimate as long as they are only privately held opinions, but which... lack all validity in the public realm. And this enlarged way of thinking, which, as judgment, knows how to transcend its own individual limitations, cannot function in strict isolation or solitude; it needs the presence of others "in whose place" it must think, whose perspectives it must take into consideration, and without whom it never has the opportunity to operate at all.'[7]

For Arendt, judgment requires, or one might say entails, autonomy. The very meaning of the term involves the exercise of autonomous judgment. It is the capacity of each person to make her own judgments that can free one from the power of public opinion and enable her to form judgments and make good decisions even when the existing canon of concepts seems unable to capture the nature of a new phenomenon. (Arendt called this latter capacity 'thinking without banisters.'[8]) It is the autonomous nature of these capacities that make them genuine judgment, and it is this exercise of autonomy that provides the 'freeing' quality of true judgment.

There are many still unresolved puzzles about the exercise of the enlarged mentality, such as the extent to which it is possible to put oneself in the 'place' of anyone else and how to make the choices about which other perspectives one ought to try to take. There are also questions of the material and political conditions that enable the exercise of the enlarged mentality, which I will touch on at the end of the article. My primary focus here is to argue that there is a sort of missing piece in Arendt's picture of the enlarged mentality. That piece is receptivity: in order to take the perspective of another one must be open to it, one must adopt a stance of receptivity. To exercise judgment, one must temporarily adopt the stance of non-judgment that characterizes receptivity.

RECEPTIVITY

Thinking about receptivity is, by contrast with judgment, a relatively new project for me. While I use the term judgment in a deliberately singular way, largely in the way Arendt used it, I want to engage with different meanings of receptivity. I will turn later to reflections on how Morton Schoolman and Nikolas Kompridis use the term. I begin with how I am approaching it here. First, I think of there being different layers or levels of receptivity. As I noted at the outset, in developing my approach to receptivity, I will be focusing on the forms of receptivity involved in the practices of mindfulness. As Daniel Siegel puts it, 'mindfulness in its most general sense is about waking up from a life on automatic, and being sensitive to novelty in our everyday experiences.'[9] (Note the resonance with Arendtian judgment.) Mindfulness can take at least two forms. First, is the practice of formal meditation in which one may focus one's attention on such things as the breath, or on sounds, or on one's body, or on a state of what Jon Kabat-Zinn calls 'choiceless awareness.'

> We can allow the field of awareness to be essentially infinite, boundless, like space itself . . . noting that it can include any and all aspects of our experience, interior and exterior, sensory, perceptual, somatic, emotional, cognitive as primary objects of attention, and that we can rest in this vast skylike field of awareness without choosing among . . . any of these particular occurrences . . . The mind itself, once cultivated in this way, has the ability instantly to know and recognize what is arising . . . and discern its true nature . . . it is known non-conceptually . . . And in that knowing, with no attachment, no aversion . . . the event, the sensation, the memory, the thought bubble in the stream, the feeling of hurt or sadness, or anger, or joy 'self liberates' as the Tibetans like to say, like touching a soap bubble, but with the mind.[10]

Whatever one's focus, the gentle but persistent focus of attention heightens one's receptivity to all the particularity of that dimension of the present moment. And as the quote above suggests, this very quality of attention can transform its subject, leading to a kind of liberation. There is also a timeless quality to this form of attention.[11]

One of the most important features of mindfulness is the way it is contrasted with judgment. The instructions for mindfulness meditation consistently advise to attend closely without judgment.[12] Kabat-Zinn distinguishes between judgment and discernment:

> *Discernment*, on the other hand, as differentiated from *judging*, lead us to see, hear, feel, perceive infinite shades of nuance, shades of gray between all-white and all black, all-good or all-bad, and this what we might call 'wise discerning' allows us to see and navigate through different openings whereas our quick-reaction judgments put us at risk for not seeing such openings at all, and missing the full spectrum of the real, and thus lead us to automatically and unwittingly limit the possible.[13]

The second form of mindfulness, which I will just touch on, is the mindful stance one can bring to everyday life. It has many of the same features as mindfulness

meditation, but the attention and awareness now happen consistent with the kind of attention to what is happening around us that everyday life requires. This necessarily less intensely focused attention is also treated as important, and generally held out as one of the benefits of a formal meditation practice. While one's experience of time passing can be affected by this daily stance of mindfulness,[14] as I understand it, it does not have the deeper timeless quality of formal meditation. Avoiding being judgmental continues to be a characterization of this everyday state, but I have not seen a direct engagement with the question of whether judgment is necessary in this everyday mode.

SIMILARITIES BETWEEN JUDGMENT AND THE RECEPTIVITY OF MINDFULNESS

As we have seen, most definitions of mindfulness include an absence or avoidance of judgment. In that sense, one might think of the two as antithetical to one another. Nevertheless, there is, as I noted at the outset, a striking similarity between what Arendt highlights as the significance of judgment and what are held out as benefits of mindfulness. I begin with a summary of the key similarities.

Both Arendt and Kabat-Zinn talk about the importance of being able to see things without the limitations and habits of thought that can routinely interfere with our capacity to see clearly the particulars of what is really before us. Both invoke the importance of a process by which we can take a new perspective on how we see things.[15] Both the exercise of Arendtian judgment and the practice of mindfulness enable the ability to perceive novelty and to respond creatively, again, unfiltered (or at least less filtered) by the habits of trying to fit everything into a routinized conceptual framework. Freedom, creativity, and clear seeing and thinking are all linked to this capacity to recognize novelty and bring forth novel responses from ourselves. Through the practice of mindfulness, the ongoing reality of fluidity, of change, of the constant emergence of new particulars becomes the foreground of our attention. Arendtian judgment enables us to respond to such change and novelty appropriately as we take action. From the perspective of both practices, transformation, whether personal or political, stops seeming like a mountain to scale with vast effort and resources, and appears more like an inevitability that requires attentive, receptive, responsible interaction.

These similarities are linked both to freedom and freedom in community. As readers of Arendt will know, one of the basic features of reflective judgment (which is what I am talking about here) is that one judges particulars without subsuming them under a general concept. (Determinative judgment uses such subsumption.) And in attending to the particular, one can with the aid of the enlarged mentality, free oneself from habits of thought that might interfere with the perception of the novelty of that particular. One can, as I noted briefly above, see that the established canon of concepts is inadequate to the case before one. The best known example of this is Arendt's argument in *Eichmann in Jerusalem*[16] that it was crucial that people

recognize the true nature of Eichmann's crime: the banality of the evil that can be perpetrated by a bureaucrat not primarily because of deep evil intent, but because of a failure to exercise judgment or critical thought. The effort to subsume the crimes of the Nazi's under ordinary categories threatened to obscure the novelty and the danger of this new form of human evil.

The exercise of judgment allows us to see clearly what is before us and to free ourselves from preconceptions that block both clear vision and appropriate response. It can free us from habits of thought and the use of categories of thought that are not actually appropriate to the particular before us. We can then see, assess, and respond to things in new ways. The perception of novelty (no longer obscured by habitual categories) and the capacity to respond in novel ways are a crucial part of what the exercise of judgment enables. Individuals can be freed from the fetters of convention, and both individually and collectively we are enabled to embrace and advance the new. Judgment is thus crucial both to freedom and transformation. Put somewhat differently, the capacity for the enlarged mentality and judgment enables us to freely, creatively respond to the inevitably changing world around us.

Something strikingly similar appears in the literature around mindfulness. Mindfulness, as we have seen, involves paying close attention to exactly what is unfolding, moment by moment. This attention is said to bring a clarity and accuracy that is often absent in the routine distractedness of daily living. Joseph Goldstein describes mindfulness as that 'quality of mind that notices what is present without judgment, without interference. It is like a mirror that clearly reflects what comes before it.'[17] (Here, of course, it is judgment itself that is identified as part of what interferes with clear-seeing.) Kabat-Zinn comments further that, 'If mindfulness is a mirror, it is a mirror that knows *non-conceptually* what comes within its scope.'[18] Concepts do not intervene between the object and its direct perception (although they will enter in quickly). This non-conceptual engagement with the particular is another resonance with reflective judgment.

In commenting on why human beings might have developed such a capacity, Kabat-Zinn suggests that 'our lives and our very presence here have depended on the clarity of the mind as mirror and its refined capacity to reflect, contain, encounter, and know with great fidelity things as they actually are. For example, our early ancestors needed to make instant and correct assessments of situations virtually moment by moment.'[19] This capacity to see clearly both enables and is part of how mindfulness is 'conducive to breaking free from the fetters of our own persistent blindness and delusions.'[20] And this breaking free from misguided habits of thought that distort our perceptions, leads to and is part of a deeper freedom: mindfulness enables one to become 'free from the prison of habitual mental affliction and suffering.'[21] It enables people to 'break out of seemingly endless cycles of self-delusion, misperception and mental affliction to an innate freedom, equanimity, and wisdom.'[22]

While Arendt does not use such expansive language about the benefits of exercising judgment, she does speak of liberation from limitation and idiosyncrasy.[23] And one might say that the Eichmann book is a testimony to the dangers of its

absence. The failure to look critically at what has become common-place, to pay attention to what is really happening and assess it in all its novelty, can be catastrophic.[24]

The effort to explore the neuroscience of mindfulness offers yet another way of seeing how the practice brings effects very similar to the kind of freeing from habitual preconception that Arendt attributes to the enlarged mentality. Indeed, it was reading Daniel J. Siegel's *the Mindful Brain*[25] that first brought home to me these similarities. In a chapter entitled 'Jettisoning Judgments: Dissolving Top-Down Constraints,' Siegel talks about the evidence that mindfulness practices may allow the brain to access information more directly, unmediated by the ordinary filtering and categorizing processes normally provided by parts of our brain. (He notes that, 'both "higher" cortical thoughts and "lower" bodily and emotional reactions are components of the secondary top-down processing.'[26] This is a fascinating and highly accessible (if also partly speculative) discussion, of which I can only give a brief account here. In introducing the argument he cites other researchers' findings that, 'large-scale dynamics can have a predominant influence on neuronal behavior by "enslaving" local processing elements.' The core of his argument is:

> We experience top-down influences each moment of our lives. With the process of mindfulness, we can awaken from automaticity to not be 'enslaved' by the large scale dynamics set up by earlier experience and embedded in beliefs in the form of mental models of right and wrong and judgments of good and bad. Top down influences also come in less abstract forms, such as intense emotional reactions or bodily responses derived from prior learning.[27]

It is worth noting that he comments on the evolutionary value of these top down processes (in some tension with Kabat-Zinn's point above), 'the more top down rapidity of judgment, the more likely it was . . . that we would survive as a species.'[28]

Siegel offers suggestions about how both the non-conceptual and the attentive-observational quality of mindfulness states may accomplish the freeing from the 'enslaving' pathways the brain ordinarily uses to process information. He quotes Kabat-Zinn's description of mindfulness as requiring that people 'intentionally suspend their usual frame of reference, their cognitive coordinate system, for a while, and simply watch their own minds.' He concludes:

> The 'cognitive coordinate system' is exactly what mindful awareness can dissolve. Exactly how this is actually accomplished I'm not sure anyone knows. But I would like to expand on the proposal that the unique capacity of this state of reflection with its receptivity, observation, and reflexivity is what seems to be at play in enabling us to disentangle ourselves from our own automatic top-down mental processes.[29]

They key to his speculation (which he also describes in more—still speculative—neurological detail) is that conscious observation may itself disrupt habitual neurological pathways:

> If I can be fully mindful, I may be able to sense those [top-down] influences directly. There is some way in which in that conditional open state, these influences

> manifest themselves in awareness and then, as mentally noted, they just seem to dissipate. How a mental note [of what I am attending to, such as breathing, thinking, sensation] does enable this to happen would be an exciting process to understand. One clue may be in the limited resource capacity of attention: If I am noting, I am altering the power of automatic influences to dominate. Mindful awareness creates discernment, a potent de-coupler of automatic firing.[30]

While Seigel's suggestions about how mindfulness succeeds (as many firsthand experiences testify) in breaking down habitual patterns of thought (including habits of judgment) is largely speculative, the connections he makes between research on neural pathways and these first hand experiences is extremely interesting. And for my purposes here, he indirectly highlights the similarities between the freeing accomplished by the enlarged mentality and that which mindfulness brings. As he puts it, 'The power of mindful awareness to promote physiological, psychological, and interpersonal well-being seems to emerge from this freedom it can offer from the prison of rigid identification with the habits of one's own mind.'[31] I think one can easily say Arendt thought that the enlarged mentality offers just such freedom.

Certainly, this similarity raises the question as to whether despite the consistent definition of mindfulness as being without judgment, something similar is going on cognitively in Arendtian reflective judgment and the practices of mindfulness. I will return to this point when I come to my argument that a form of receptivity that is very like mindfulness is necessary for the exercise of the enlarged mentality. And here I will embrace the contrast between mindfulness and judgment, arguing that a stance of receptive non-judgment is itself necessary for judgment.

WHY THE DISTINCTION?

If the receptivity of mindfulness has such similarities with Arendtian judgment, and, as we shall see later, interacts with judgment, why insist on the distinction between them? Of course, not everyone does. I see Nikolas Kompridis approach to receptivity as an effort to build judgment into receptivity. But I think it is helpful to maintain the distinction, even as I explore the different modes in which one can think of their relationship to each other. In this section I will explain why.

First, let me say that the reason is *not* that I see judgment as belonging in the political realm and mindfulness in the personal. Judgment is important in all aspects of life and I think something essentially similar is going on in all of its domains: political, legal, moral, aesthetic judgment, and the personal matters of discerning how to 'spend' one's time and energies. And as I have already alluded to, mindfulness is important in all of these domains, including those we routinely designate 'public.'

In addition, I agree with Kompridis that the political project of democratic transformation requires 'work on ourselves.'[32] Indeed, I think that is the core of the argument of mindfulness practitioners about the collective, public benefits of practicing mindfulness. 'Mindless' efforts to bring about peace or justice are not likely to turn out well.

One possible path for avoiding the distinction and juxtaposition of judgment and receptivity is the distinction between judgment and being judgmental. I have long been struck by the different affective valence around the two terms, though some of the negative associations with being judgmental are attracted even by the term judgment. When thinking in the Arendtian framework, the exercise of judgment is a crucial political skill, and good judgment is routinely recognized as a political virtue as well as a generally desirable character trait. We are called upon to make judgments in many domains of our lives, so that it can only be avoided at the dangerous cost of relying on convention and habit. But our culture also has negative associations with the term, perhaps most famously: judge not lest ye shall be judged. New age invocations of an 'inner judge' call up images of condemnation, not discernment.

I think there is a distinction between judgment and being judgmental, and I have argued elsewhere that being judgmental interferes with good judgment.[33] The core of the argument is that being judgmental involves a lack of the openness essential to judgment. Nevertheless, I do not think the strategy of embracing judgment into receptivity by rejecting being judgmental will serve my purposes. First, I do not think that the focus on being judgmental is adequate to the full dimensions of why the mindfulness teachers consistently describe the practice as eschewing judgment. It is in part to by-pass quick, habitual categorization of everything into I like it/want it or dislike it/want it to go away. But that is not all. Even moral judgments of good and bad are to be suspended, as are (most) judgments about whether something fits into a certain category. As I noted above, the act of judging is thought to interfere with the direct apprehension of things (ideas, emotions, events, bodily sensations). So in what I judge to be an important example of receptivity, rejecting being judgmental is not sufficient. Even wise, reflective judgment belongs not in receptivity, but in another 'place' or stage or mode.

Most importantly, I think the heart of my argument that judgment requires receptivity is best made through a distinction between the terms—because it highlights the differences between different 'stages' of judgment. Similarly my argument that lingering in 'pure receptivity' is not sufficient for the action required for democratic transformation, is best made through a contrast in the terms. Even if in the end one sees the two as part of a continuum, or as necessarily alternating modes of being, I think the value of each is clearest when they are treated as separate concepts.

Finally, I offer a concrete example of how these two different modes or stances are both important, but must be distinguished from one another. Women who have been victims of sexual or 'domestic' assault have, notoriously, been badly treated by the legal system. One sometimes (still) hears people saying, in rather blanket terms, that women who have been through such a trauma need people to validate their experience, not question it. I think that is true. They need someone to meet them in a stance of receptivity, able to mirror back to them their own experience of the event. But that cannot be the appropriate stance for most of the people they encounter in the legal system. There are obvious reason why most legal officials should no more simply receive their story for the purposes of validation, than they

should so receive the story of the person accused of the assault. These legal officials are called upon to make judgments of various kinds. Of course, even they may at some stage get important information by trying to be open and receptive to the stories of each. But it cannot really be for the purposes of validation. It is for the ultimate purpose of judgment. My point here, is that it is helpful to keep these 'modes' distinct, often in this context, in the form of distinct roles for the people who such victims encounter. The therapist's job is not to judge, the prosecutor's job is not to validate. For the first a stance of receptivity will be crucial, for the second, well-exercised judgment.

WHY JUDGMENT REQUIRES RECEPTIVITY

I turn now to how I see the interconnection between judgment and receptivity, beginning with why judgment needs receptivity, then turning to why receptivity alone is inadequate to action.

More on the kind of receptivity I have in mind

Let me first say a bit more about how I am thinking about receptivity by using mindfulness as an example of it. As I have said, mindfulness entails cultivating a stance of openness, of observing with great attention, but without judgment. My own version of why I think judgment is seen as interfering with, or distorting, perception is that if one becomes preoccupied with one's judgment that something is bad or undesirable, one may lose interest in sustaining attention onto exactly how that thing (thought, emotion, sensation) is in this moment. Another reason for the instruction to avoid judgment—a reason relevant to the importance of receptivity for judgment—is that if one allows judgment into the mode of receptivity, one may cut off, turn away from awareness, from insight, too soon. In particular, if one starts to have a fear response to something that comes into one's awareness, one may turn away without even knowing that fear was driving that turn. Of course, the instruction is often to become aware of whatever arises, including fear. But if one is not tuned to avoiding being caught in feelings or thoughts of disapproval or dislike, if these become confused with the thing that has given rise to them, the perception of the thing is now mediated by the judgment. And the aversion may, as I said cause a turning away altogether before any further insight might arise. It is not that judgment-like feelings or thoughts will never arise, but they are to be observed and let go. As Siegel suggests, the mere act of observing rather than engaging with the judgment may break the patterns of thought, the habitual neuronal filtering.

Of course, I need to add here that the judgments I just referred to could not involve the full process of engaging the enlarged mentality. Although Arendt does not talk about this, I think many of our judgments that arose initially through an exercise of the enlarged mentality, then become available to us for quick reference later. There are too many judgments required in daily life to be able to engage in a full process of

the enlarged mentality each time. It is also true that many of the feelings of aversion or even ethical or political disapproval that might arise in the course of meditation were never true judgments in the first place. They are opinions or conventional responses that have never been subject to an exercise of judgment in the Arendtian sense. This is one of the ways in which mindful meditation (as a form of receptivity) may foster judgment: people might realize that the aversion response they observed was not based on true judgment and should be.

In the example above, I am referring to observations arising in the context of a formal meditation practice. Remember, however, that mindfulness is generally spoken of both as such a formal practice and as an aspiration of an ongoing stance in everyday life. The aspiration is to bring as much attention to what is happening in the present moment, without being distracted by plans or anxieties about the future or the past, and with a minimum of preconceptions. As I will argue shortly, one cannot, however, go around all day without making judgments, and in my view one should ordinarily not aspire to—although a weeklong meditation retreat would be a possible exception. I think the solution to this puzzle of daily mindfulness is the idea that receptivity and judgment are different ways of relating to the world, both necessary, but nevertheless best thought of as distinct. I will come shortly to the suggestion that these different modes may routinely alternate with one another.

Finally, one other point about mindfulness as a form of receptivity: a common description of mindfulness meditation is that it involves being rather than doing. This description is usually accompanied by a comment that Western culture over-values doing, and provides little recognition or appreciation of being. This distinction anticipates my argument that when action is called for, when we deliberately shift into a mode of doing, then there is an important shift. We shift away from 'pure' receptivity and involve more judgment. Nevertheless, I agree with Kompridis that receptivity is not passivity. And most descriptions of mindfulness would agree with that too. Receptivity, including mindfulness, requires attention and thus agency. And yet it is a non-doing and a non-judgment.

Kabat-Zinn offers an interesting approach to this duality of doing and non-doing with respect to mediation. He offers two 'apparently contradictory' ways of thinking about meditation:

> One approach is to think of meditation as instrumental, a method, a discipline that allows us to cultivate, refine, and deepen our capacity to pay attention and to dwell in present moment awareness .... Out of ... systematic practice, moments of clarity and insight into the nature of things, including ourselves, tend to arise naturally .... In this regard, it is not dissimilar to any other competency that we may develop by working at ...
>
> The other way of describing meditation is that whatever 'mediation' is, it is not instrumental at all. If it is a method, it is the method of no method. It is not a doing. There is no going anywhere, nothing to practice ... no attainment and nothing to attain. Rather it is a direct realization and embodiment in this very moment of who you already are, outside of time and space and concepts of any kind, a resting in the

> very nature of your being... no attainment is possible. You are already it. It is already here.
>
> ...
>
> These two ways of understanding what meditation is are complementary and paradoxical, just as are the wave and particle nature of matter at the quantum level and below. That means that neither is complete by itself. Alone, neither is completely true. Together they both become true.[34]

Finally, one more take on what I mean here by receptivity. The poet David Whyte talks about the need to make space for (what I am calling) receptivity by finding ways to break from busyness, from forms of responsibility that we experience as one burden after another—so that we can have genuine response-ability (a term Kompridis uses, too). For Whyte, this is the ability to respond to the fullness of life. One of the practices he recommends to foster this capacity is to read some great poetry every day, even just a few lines.[35] His invocation of poetry as a way to disrupt habitual patterns of busyness and make space for receptivity reminds me of Audre Lorde's argument in 'Poetry Is Not A Luxury:' poetry by its nature invites the breaking of pre-conceived form.[36] One can say genuinely new things in poetry in ways that are not possible under the constraints of prose, whose very form forces us back into convention.

I would add here, to anticipate yet another point, that I think that Whyte, Lord, and Kabat-Zinn all think that the receptivity they are encouraging will lead not just to insight, but to action.

On the nature of judgment that requires receptivity

At the most general level, Arendtian judgment provides us with the capacity to perceive novelty and respond creatively, (at least partially) unbound by habit or convention, and (at least partially) unfettered by the limitations of our experience. It is not hard to see how receptivity understood as being or promoting a radical opening to the particulars of what appears would foster this core capacity of judgment. In the next section, when I turn to Morton Schoolman's engagement with Whitman's approach to receptivity, we will see another version of this: a radical equality of receptivity in which there is equal appreciation for everything that appears. Like mindfulness, this approach seems to reject judgment in order to welcome everything. While, there are, of course tensions with judgment, to which I will turn, I think one can see the resonance between judgment's enabling of novelty and the radical welcoming and opening of receptivity.

In addition to noting this important general correspondence (and tension), I want to focus on the particular requirements of the enlarged mentality. It is clear that Arendt did not mean a sort of opinion poll of what other people think about a particular issue. She seems to endorse Kant's view that the object of the enlarged mentality is to take into account not the actual but the possible judgments of others. One is to imagine judging from their position, their standpoint. One is not, however,

to imagine that one could know literally, exactly how another sees something (thus she rejects the term empathy).[37] What exactly ought to be included in another's 'standpoint' is a question I have begun to take up in other essays. What matters here is that virtually however one imagines the relevant dimensions of standpoint, to do the work of the enlarged mentality requires sufficient receptivity to others to be able to imagine inhabiting their position. (I have also written elsewhere on how the work of the enlarged mentality cannot be done on the basis of imagination alone. One must know something about another's standpoint to usefully do the imaginative work of the enlarged mentality.[38])

Just how important receptivity is to the enlarged mentality will depend in part on how narrowly one understands 'standpoint,' what one needs to know about another to take their perspective. Since I do not believe that there is such a thing as a simple, objective 'social location' one can usefully treat as a relevant standpoint,[39] I think a very considerable amount of receptivity is called for in the ability to take the perspective of another.

I noted earlier that I thought that among the reasons why instructions for mindfulness ask one to avoid judgment is that judgment can obscure perception and it can give rise to fear that leads one to turn away altogether. In both cases, one might say that the problem is a rush to judgment that happens so fast that the judgment replaces the possibility of fresh perception. I think something very similar is important for the receptivity required for the enlarged mentality. The very purpose of exercising the enlarged mentality is to free oneself from the limitations of one's experience and preconceptions by considering the perspectives of others. But if those perspectives are immediately filtered through one's own evaluations, inclinations, pre-conceptions, the freeing cannot take place. A strangeness that triggers fear or disapproval may short circuit one's ability to take in another's perspective, unless one cultivates a capacity for receptivity.

Of course, for Arendt the purpose of the enlarged mentality is the exercise of judgment, and I endorse that. My point here, then, becomes an attention to stages of the process of judgment. I think that to engage optimally in the enlarged mentality requires a kind of receptivity that suspends judgment (a suspension that will be inevitability partial, and intentionally temporary). One suspends judgment as a stage in the process of judgment. It might be that in some cases one oscillates back and forth between a stance of receptivity and a stance of judgment. The time length of these different stages might be momentary or protracted. For any given person, the perspectives of some may require more attentive receptivity than others.

As I noted above, I think that it is easiest to see the need for receptivity in judgment if one distinguishes the terms—even though I have just argued that Arendtian judgment is not really possible without receptivity. A sense of the alternating stances seems important to me to make space for the necessary receptivity. Judgment requires receptivity as part of its own process, but the two remain distinct, even in some ways opposite, modes of interacting with the world.

In my argument above I gave fear as an example of an emotion that can interfere with judgment. Of course, it can interfere with receptivity, too, but practices such as

mindfulness can provide skills in not letting fear derail our receptivity—and ultimately our judgment. Leslie Thiele offers another angle on this link between judgment and receptivity that echoes the argument Siegle makes about meditation disrupting the top down 'enslavement' of normal brain processing. Thiele makes a number of interesting suggestions about how to utilize brain research in thinking about judgment. Here I just want to offer one point he makes:

> Getting the right part of the brain involved in our experience is key to the development of good judgment. In this vein, William Connolly asks, 'how ... can the amygdala be educated?' The amygdala is a primitive brain function almost wholly impervious to conscious control. But it greatly influences decision-making, regulating fear responses, engaging emotional processes ... It's education is crucial for those who would cultivate practical judgment.[40]

He notes Connolly's suggestion that ritual and intersubjective arts may have a constructive influence, and suggests broader projects of 'remapping' the brain. Kabat-Zinn reports an experiment that showed a significant shift in brain activity in people who participated for eight weeks in a mindfulness stress reduction course. He concludes that the 'study showed that mindfulness practice can lead to being less caught up in and at the mercy of destructive emotions, and that it predisposes us to greater emotional intelligence and balance.'[41]

Of course, nothing in the paragraph above 'proves' that fear can inhibit good judgment, or that mindfulness is a practice that can develop the skills of receptivity that can mitigate the destructive role of fear and thus enhance good judgment. Nevertheless, I see these links as one more way of understanding the value of receptivity for judgment.

Finally, one last point on receptivity in aid of judgment, which is not about the optimal functioning of the enlarged mentality. I have briefly argued elsewhere that affect plays an important part in judgment. (Thiele has an important chapter on this subject.)[42] In a subsequent essay I am going to be arguing that being tuned into one's bodily states is an important way to figure out both the nature of one's feelings and the judgment one should exercise in acting on them. Here I only want to note that the receptivity of mindfulness teaches an attention (without judgment) to both one's emotions and one's bodily states. Being conscious about the feelings aroused by a problem of judgment (in any realm, but picture the legal one to start with) is essential to good judgment. The receptivity of mindfulness seems a promising tool here, too.[43]

WHY RECEPTIVITY IS NOT ENOUGH: ACTION REQUIRES JUDGMENT

So far I have offered an argument that judgment and receptivity are distinct, and that Arendtian judgment requires receptivity. Now I turn to the question of why receptivity is not enough, why we need judgment for action, including for projects of democratic transformation.

For these purposes I turn to the radical openness of Morton Schoolman's understanding of receptivity, drawn from the work of Walt Whitman. As Schoolman sees it, Whitman offers poetry as a model for democratic education. In particular, the radical openness teaches a welcoming of all forms of diversity:

> Our relations become aesthetic relations, a relation to differences just as they appear. As Whitman expresses it poignantly and unequivocally in his 1855 'Preface' to *Leaves of Grass,* 'Men and women and the earth and all upon it are simply to be taken as they are.'
>
> Aesthetically valorizing appearance to oppose the evil of converting difference to Otherness, poetry teaches reconciliation by opposing the marginalization and exclusion of difference and the more extreme forms of violence victimizing difference, genocide the most horrifying. Only having entered into Whitman's poetry, we already have located the principle of all-inclusiveness at the core of the project for which he designs his art, an enlightenment that democracy can achieve under the tutelage of an aesthetic education provided by poetry pedagogically erecting a cultural barrier to evil.[44]

The heart of what forms this cultural barrier is the radical inclusiveness of this form of receptivity: 'nothing seems less filled with wonder than anything else . . . poetry is a democratic world twice over—it is equally receptive to everything it includes, which is everything. For the world to be democratic it need only mirror poetry to become all inclusive and all receptive.'[45]

This version of non-evaluative receptivity is, of course, close to the rejection of judgment we find in mindfulness. I find it attractive and valuable. If we engage with the world in a stance of receptivity, energized and inspired by the vast multiplicity of difference, of equal difference—that stance guides us away from some mistakes—mistakes of exclusion and otherness. But it leaves us without much guide as to how we choose to act. Action without receptivity will be blind, habitual, perhaps dogmatic. But receptivity without action is open only (if at all) to those few who take up the contemplative life full time—the mediators in the cave. Seen from the perspective of action, judgment must follow receptivity. As in my discussion above, we can see receptivity and judgments as different modes or stances, both of which are necessary.

Before expanding on the question of action, let me offer another path into or metaphor for the distinction (which I advocate) between these stances: time. In the Whitmanesque stance of receptivity, the time of industrial (or corporate) capitalism is an illusion. In our infinite capacity for self-creation, we have access to a kind of infinite time. I think this is true. (Mindfulness meditation is also said to allow an entry into a timeless state—even as there is a constant struggle to find the time for it.) I think, however, that the illusions of time—at their worst in the 'time management' which shapes so much of our life, so much of the time—can also have a positive valence. Structured, measured time can be a form for process, a container for fluidity, which also plays a crucial role in creativity. With the aid of this kind of time, the creative process crystallizes temporarily, in a poem, an essay, a dance, a book—often facilitated by a deadline. Deadlines large and small force choices, and thus judgment about the choices to make. When we see only deadlines, we can

completely lose touch with the stance of receptivity, openness, connection to the infinity of possibility. Choices shaped only by deadlines are likely to be dead. But standing open to the infinity of possibility will not itself yield self-creation until it takes form in action. (Of course, deadlines are crude tools for letting creativity take form in action, but they are tools many of us use.) Time shifts when we enter the mode of receptivity, and it needs to shift again in action.

Reading Schoolman and Whitman, I saw a beautiful, inspiring invocation of the importance of receptivity. And of the value of keeping receptivity distinct from judgment. The core of what Whitman (and mindfulness) offer would be lost by trying to integrate judgment into receptivity. Its distinctness is a crucial part of its radicalness and its capacity to open us to novelty, creativity, and difference. But Whitman's version equally told me that receptivity is partial, it is one vital stance or moment, that must routinely alternate with others—with which it will be in tension.

In Whitman's receptivity we recognize and engage with the full diversity of life—with no hierarchy of value (thus protecting against exclusion). But when we are in the moment of action, of choice, of time that feels like constraint and boundary—we need to assess value. We need to know what our deepest values are and which actions will enhance them, comport with them. Receptivity is as much an aid to this ability to assess as judgment is. Indeed, many discussions of meditation suggest that greater clarity about one's core values is one of the benefits it brings. But I think that that is in part because judgment follows. Indeed, in many discussion of mindfulness, it seems that action will also follow.

In the chapter I have been discussing, Schoolman makes no mention of what I am calling a return to judgment.[46] My response is that however valuable, even necessary, receptivity is, one cannot simply linger in that mode. This, in turn, raises a kind of puzzle about mindfulness and a parallel puzzle about Arendtian judgment. The puzzle in mindfulness is exactly how the sustained attention of mindfulness, the ability to connect with a kind of pure awareness, results in greater kindness and concern for the well being of others. Of course some forms of meditation instruction include what one might call the ethical precepts of Buddhism,[47] which one can understand as a source of such concern. But in Kabat-Zinn's presentation the suggestion is that a sense of concern and responsibility will flow from the experience of mindfulness itself. The puzzle he addresses is not how this will happen, but what to do about it. I think the simple answer to 'how' that is embedded in his reflections is that the experience of mindful meditation will lead to an understanding of our fundamental interconnection with each other, and that concern and responsibility flow from this. And perhaps, further, that as the process releases us from the illusions and obsessions of our self-conceptions and self-interest and their attendant fears and desires, there will be fewer impediments to our recognition of interconnection, concern and responsibility. Perhaps this is a sufficient account. But I think it is worth noticing that there is something slightly mysterious or ineffable about the ways that clear seeing, freeing from preconception (including about who we think we are) yields not just a freedom, but a set of commitments (to the well being of others) that one might say amount to judgments.

It may be that the insights about interconnection and the experience of concern that accompanies them are not experienced as choices, and in that sense are not experienced as judgments. They follow so directly that no judgment seems involved. But at another level, the person who embraces these insights and commitments is making important judgments about her core values, judgments that may depart significantly from the values she was tacitly, blindly enacting prior to a deep engagement with meditation. And this shift in commitment may have consequences for her further judgments about what action to take—the issue I will take up next.

My point here is that receptivity as mindfulness will often yield important judgments, whether or not that is experienced as a separate step, or stance, or process.

The odd parallel with Arendtian judgment is that as Arendt discusses judgment, in her admittedly fragmentary existing lectures and essays,[48] exactly how the taking of different perspectives aids judgment is something she says little about. The process of how one responds to multiple perspectives (to say nothing of how one selects them) as one engages in making judgments is left to the reader's imagination. She often writes as though the mere fact of considering others' perspectives has the desired effect of breaking apart preconceptions and opening one to a fresh view of the matter. And, as I noted briefly in the discussion of neural pathways, this might be exactly right. (Although I believe that the full work of judgment requires further conscious cognitive work after this 'breaking apart' happens.) The parallel then is that just as receptivity in mindfulness may somewhat mysteriously yield judgment (even as it eschews it as part of the mode of receptivity), receptively taking the perspective of others as an essential part of Arendtian judgment may be doing similar work. Both have a fundamentally freeing quality, both yield judgment.

Action, then is the next problem. I would note here that in the course of working out these ideas, I came to have a much clearer sense of why Arendt was so interested in judgment. Thinking, willing and judgment are all part of what is necessary for action, or at least responsible action. As I noted above, Kabat-Zinn sees the question of action (of what to do about one's commitments) as a serious challenge. But it is a problem because he sees action as necessary part of a mindful way of life. Retreat into one's meditation room may be necessary, but it is not sufficient. I think that action is a challenge in part because it does call for judgment, and judgment that does not flow in any simple way from the experience of mindfulness. The practice may yield judgments as I noted above, but how this works is not at all clear. And the step from principled commitment to action requires another level of judgment.

Zinn makes clear that he sees the commitments that flow from mindfulness as entailing a call to action. He says that we have the opportunity to:

> Realize the full potential of our creativity and our ability to see clearly, and put them to work in the service of wholeness and healing, and of ... justice, compassion,

> fairness, freedom from oppression, equal opportunities for living well, peace, goodwill, and love . . . for all human beings, and for all sentient beings, with whom we are inextricably linked in so many life giving ways.

He concludes that, 'there is only one way to do that. It is to embody, in our lives as they are unfolding here and now, our deepest values and our understanding of what is most important—and share it with each other, trusting that such embodied actions, on even the smallest of scales, will entrain the world over time into greater wisdom, health and sanity.'[49]

In the chapters following these quotes, however, he makes clear that this very general advice cannot answer all the questions of judgment about what to do and how to do it. He offers a variety of interesting and challenging suggestions about how to engage in political action in ways that are consistent with the spirit of mindfulness. For example, he mentions the importance of bearing witness: 'the power of naming what is, . . . standing in awareness, taking a moral stand, aligning oneself with one's principle, embodying one's truth, without forcing anything to be different.'[50] This last, of course, is a radical departure from many political projects.

He also invokes the importance of discernment, which I see as a type of judgment: 'We desperately need to learn to trust our direct experience of things, to conjure up the courage to stand inside our convictions based on wise discerning and clear apprehension and comprehension, rather than on ideological grounds . . .'[51] To me this sounds very much like an Arendtian invitation to take the perspectives of others so that one does not blindly follow some ideological preconceptions.

I take Kabat-Zinn to be encouraging people to find their (mindful) way to acting on the insights and convictions that flow from mindfulness. But I also take him to acknowledge that discernment and judgment will constantly be required as one tries to find genuinely mindful ways of taking action in a world not currently characterized by norms of mindfulness. As I read him, he never suggests stepping out of mindfulness, but neither does he think that mindfulness can yield self-evident paths of action. It does not have a prescriptive, deterministic character that could replace the need for judgment, in particular judgment with imperfect information. In one of the closing chapters of the section on 'Healing the Body Politic' he says:

> So are you right when you think you are right? Are they wrong when you say they are wrong? Soen Sa Nim liked to say, 'Open your mouth and you're wrong.' And yet, you, we, all of us, have to open our mouths. And sometimes we do have to act, even in the face of complexity and uncertainty, for these are the nature of reality itself.[52]

Finally, he offers an image of mindful politics:

> Imagine a politics grounded in mindfulness. Imagine a governing mind set and democratic process that knows and honors that 'the universe is forever out of control and trying to dominate events goes against the current of the Tao,' not

> because this phrase wound up being carved on some government building, but because it had been experienced firsthand through the cultivation of mindfulness by large numbers of people in our society. Our decision-making, even our view of our self-interest, would be radically different if it were held in accord with such an understanding, and with that kind of wise humility.[53]

A politics that avoided not just coercion but control[54] would be a politics in which bad judgments would be less dangerous, but there would be judgments nonetheless. A mindful politics, a politics of receptivity, would involve judgment and receptivity as alternating, interacting, but nevertheless distinct modes of relating to the world.[55] One might also see them as two ends of a continuum: judgment requires some dimensions of receptivity, and receptivity requires some forms of discernment which shade into (non-judgmental) judgment.[56] Action, however mindfully undertaken, will require a shift to the judgment end of the spectrum of engagement.

Finally, in this closing context of action, I want to comment on the nature of the 'demands' of receptivity.[57] I think it is helpful to remember that the commitments that are said to arise from mindfulness seem to do so in a kind of natural, somewhat mysterious way. As they are described, they do not seem to be the product of some separate process of judgment, even though I see them as constituting judgments. They are not some separate demand that mindfulness practitioners then set out to meet. Similarly, Whitman's receptivity invites, through the model of poetry, an openhearted wonder for all things equally. The vehicle is a model and invitation, not an injunction not to distinguish. I think these features of receptivity are an invitation to be attentive to the 'tone' of any demands a politics of receptivity is thought to entail. If a politics of receptivity is trying to control the responses of those its advocates seek to persuade, to demonstrate to them that they *must* relate to others in a certain way, I think they run the risk of slipping away from receptivity. Such a temptation might arise from trying (for laudable reasons) to integrate judgment into receptivity itself, in a way that interferes with its invitational, non-controlling nature. Judgment is necessary for politics, but it can undermine the value of receptivity if the nature of the interaction between the two does not respect their differences.

JUDGMENT, RECEPTIVITY, AND POLITICS

I have argued that receptivity is necessary for judgment and that judgment is essential for optimal politics. But I have not talked about what political or material conditions might be necessary for the exercise of receptivity or judgment. While I am only going to touch on this issue briefly here in the conclusion, it is important to acknowledge this issue in part because both receptivity and judgment might be imagined as largely internal mental processes, unaffected by context. More particularly, receptivity might be misunderstood as a retreat from both action and critical reflection.

First, Arendtian judgment is only possible in relation to others. The nature of that relation embraces the requirement of plurality and diversity as well as the availability of free public exchange. Political regimes that threaten either requirement undermine their members' capacity for judgment. Hierarchies of power that effectively isolate groups from one another similarly undermine judgment. A norm of vibrant democratic exchange among all members of society fosters judgment, at the same time that judgment is part of what enables people to discern (by taking others' perspectives) structures of hierarchy that are inconsistent with core norms of equality. As I have argued elsewhere, some hierarchies and inequalities of power are inevitable. It then becomes one of the key tasks of political judgment to recognize and transform unnecessary inequalities, and to structure the relations within inevitable inequalities (such as between parent and child, welfare worker and recipient) so that they foster rather than undermine core values such as autonomy.[58]

There is then a reciprocal relation between the transformation of structures of power and the possibility of judgment. People's capacity for judgment can be fostered or undermined by structures of power, and one of the basic tasks of political judgment is the discernment necessary to shape those structures so that they are consistent with the basic norms of equality and democracy.

Something similar can be said about receptivity. While there are some strains of the mindfulness literature that have an almost stoic quality to them (mindfulness can be practiced under any circumstances), there are also routine suggestions about finding quiet, uninterrupted time and space. Those in extremely oppressive conditions, whether poverty, war zones, or relations of intimate partner violence, may find attaining a stance of receptivity especially difficult, even if one can also see that such a stance could be particularly helpful in aiding the clear seeing that could assist in escape, mitigation, or deep transformation. One might say that one of the (many) harms of such oppressive conditions is the undermining of this capacity. Just as extremely oppressive conditions are generally inimical to autonomy, they also undermine one's ability to practice mindfulness.

As I have argued above, a stance of receptivity is not a retreat from a critical reflection on power relations or on engagement with the project of restructuring relations so that they promote rather than undermine equality, security, autonomy and other core values. My point has been that a stance of receptivity enhances the openness and good judgment that can enable effective projects of transformation. We see then the same reciprocal relation as with judgment: the structures of relations that shape people's lives affect all of their capacities, including a capacity for mindful receptivity, but one of the importance exercises of that capacity is building better structures of relations.

At the most basic level, the human capacities for judgment and receptivity are part of what enables our freedom,[59] our capacity to see new possibilities and to bring them to life. The transformations so urgently needed to create a politics characterized by freedom and equality will require both the exercise and the fostering of judgment and receptivity.

NOTES

1. Hannah Arendt, 'Crisis in Culture' in *Between Past and Future*, ed. Hannah Arendt, (New York: Meridan Books, 1961); Hannah Arendt, *Lectures on Kant's Political Philosophy*, edited by Ronald Beiner (Chicago: University of Chicago Press, 1982); and Immanuel Kant, *Critique of Judgment*, translated by Werner S. Pluhar (Indianapolis, IN: Hackett Publishing, 1987). This section summarizing the Arenditan conception of judgment is drawn from 'The Reciprocal Relation of Judgment and Autonomy: Walking in Another's Shoes and Which Shoes to Walk In', in *Being Relational: Reflections on Relational Theory and Health Law,* ed. Jocelyn Downie and Jennifer J. Llewellyn. (Vancouver: University of British Columbia Press, 2011).
2. I elaborate my understanding of judgment in Jennifer Nedelsky, 'Embodied Diversity: Challenges to Law', 42 *McGill L.J.* (1997): 91; Jennifer Nedelsky, 'Communities of Judgment and Human Rights', 1 *Theoretical Inquiries in Law* (2000): 245; Jennifer Nedelsky, 'Legislative Judgment and the Enlarged Mentality: Taking Religious Perspectives', in *The Least Examined Branch: The Role of Legislatures in the Constitutional State,* ed. Richard Bauman and Tsvi Kahana, (Cambridge: Cambridge University Press, 2006), 93; Jennifer Nedelsky, 'Law, Judgment, and Relational Autonomy' in *Judgment, Imagination and Politics: Themes from Kant and Arendt,* ed. Ronald Beiner and Jennifer Nedelsky, (Lanham, MD: Rowman and Littlefield, 2001), 103. See also the introduction and other chapters in this volume.
3. Although, as I have argued elsewhere, this contribution becomes clearer in the context of relational theory. See Jennifer Nedelsky, 'Judgment, Diversity, and Relational Autonomy' in Beiner and Nedelsky, *Judgment, Imagination and Politics.*
4. Kant identified what I see to be the central problem of judgment: how can a judgment that is genuinely and irreducibly subjective also be valid? What does the claim of validity mean if we do not transmute the subjective into something objective—and thus lose the essence of judgment as distinct from ascertaining a truth that can be demonstrably, and thus compellingly, proven? The language of judgment, as developed by Kant and appropriated by Arendt, offers us an answer. They offer us a conception of judgment as a distinct human faculty that is subjective, but which is not therefore something merely arbitrary.
5. She is speaking here about critical thought: 'It is precisely by applying critical standards to one's own thought that one learns the art of critical thought. And this application one cannot learn without publicity, without the testing that arises from contact with other peoples thinking. In order to show how it works, I shall read to you two personal passages from letters Kant wrote in the 1770s to Marcus Herz'. Hannah Arendt, *Lectures on Kant's Political Philosophy*, edited by Ronald Beiner (Chicago: University of Chicago Press, 1982), 42. She then moves into a discussion of the *Critique of Judgment*, *supra* note 4, while continuing to use the language of critical thinking. I think this blurs a distinction she makes in other contexts—critical thinking is not something most people routinely engage in, and it is a mistake to assume that they will when thinking about the optimal structures of government. However, judgment is a capacity everyone has, although it is better educated in some than in others.
6. Arendt, 1982*,* 42–43.
7. 1961, 220–21.
8. Melvin Hill, ed., *Hannah Arendt: The Recovery of the Public World* (New York: St. Martin's Press, 1979), 336.
9. Daniel J. Siegel, *The Mindful Brain: Reflection and Attunement in the Cultivation of Well-Being* (New York: W.W. Norton & Company, 2007), 5.

10. *Coming to Our Senses: Healing Ourselves and the World through Mindfulness* (New York: Hyperion, 2005), 262. The claims he makes are typical of much of the mindfulness literature.
11. Ibid., 166.
12. Siegel cites a study that analyzed numerous existing questionnaires on mindfulness and found five recurring factors: non-reactivity to inner experience; observing and attending; acting with awareness; labeling with words; non-judgmental of experience. Siegel, 2007, 12.
13. Kabat-Zinn, 2005, 46.
14. Ibid., 166.
15. In Arendt's work, the language of perspective is obvious. For Kabat-Zinn it is less so. Nevertheless, is it a consistent theme. A clear example is the following: 'So many things can get in the way, especially the way we think, or the notions we cling to without ever examining. Attaining place or view, any authentic view, requires openness. Ultimately, it does require a condition of complete simplicity, so that we can see what is available to be seen, and know what is available to be known, both of which are impossible if we persist, especially without knowing it, in only seeing through the lenses o four own ideas and opinions, however wonderful and erudite they may be'. Kabat-Zinn, 2005, 429.
16. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking Press, 1963). Adolph Eichmann was a Nazi official who was tried, convicted, and sentenced to execution by a specially constituted Israeli court for his role in the genocide of European Jews during the second world war. Hannah Arendt, reporting for the New Yorker, was among the many correspondents who covered this very public trial. Arendt's analysis of the trial was subsequently published in her book, *Eichmann in Jerusalem*.
17. Quoted in Kabat-Zinn, 2005, 109.
18. Ibid., 109.
19. Ibid., 111.
20. Ibid.
21. Ibid., 112.
22. Ibid., 113.
23. 1961, 220.
24. In this sentence I am eliding the difference between critical though and judgment, as Arendt herself sometimes did. See note 5.
25. 2007.
26. Ibid., 136.
27. Ibid., 135.
28. Ibid.
29. Ibid., 147.
30. Ibid., 148.
31. Ibid., 150.
32. 'Should democratic politics require work on oneself? Should we aspire to a kind of change where we are different, what we recognize as problems is different, our world is different (Cavell)? If not, we cannot speak of a politics of receptivity'. Nikolas Kompridis, 'Receptivity and Reflective Disclosure: Agencies of Political Change and Resources of Solidarity' (paper presented at the American Political Science Association, August, 2010).
33. See Nedelsky in Downie and Llewellyn, 2011.
34. Kabat-Zinn, 2005, 65–66.
35. David Whyte, 'Midlife and the Great Unknown: Finding Courage and Clarity Through Poetry,' CD from Sounds True, www.soundstrue.com
36. In S*ister Outsider: Essays and Speeches* (Berkeley, CA: Crossing Press, 1984).

37. She says that, 'the trick of critical thinking does not consist in an enormously enlarged empathy through which one can know what actually goes on in the minds of others'. Arendt, 1982, 43.
38. See Nedelsky in Downie and Llewellyn, 2011.
39. Ibid.
40. Leslie Paul Thiele, *The Heart of Judgment: Practical Wisdom, Neurosceince, and Narrative* (New York: Cambridge University Press, 2006), 155.
41. Kabat-Zinn, 2005, 375. He describes the experiment on 368–75 and provides a citation to the article reporting on the research in *Psychosomatic Medicine* 65 (2003): 564–70.
42. See Nedelsky, 'Embodied Diversity: Challenges to Law' 42 *McGill L.J.* (1997): 91 and chapter 4, Thiele.
43. Kabat-Zinn has an interesting chapter on teaching mindfulness to judges, *Coming to Our Senses*, 451–55.
44. 'Reconciliation: The Aesthetics of Enlightenment,' (presented at the American Political Science Association, August, 2010, 16). See also, Morton Schoolman (forthcoming, Fall 2011), 'Democratic Enlightenment: Whitman and Aesthetic Education', in *Democratic Vistas Today: Walt Whitman and Aesthetic Education,* John Seery, ed. (Lexington: University of Kentucky Press)
45. 'Reconciliation,' Ibid., 20.
46. In his forthcoming book, *Democratic Enlightenment: Political Education through the Visual Image*, Schoolman addresses the issue of judgment.
47. See for example, Sharon Salzberg and Joseph Goldstein, 'Insight Meditation: An In-Depth Correspondence Course', (Sounds True), www.soundstrue.com.
48. Arendt did not live to write her book on judgment, which she had planned as the third volume of *The Life of the Mind.* What we have are her posthumously published lecture notes and some earlier essays on the topic. Arendt, 1982.
49. 2005, 512.
50. Ibid., 518.
51. Ibid., 525.
52. Ibid., 526.
53. Ibid., 529.
54. I discuss the ways control is (counter to common imagery) inconsistent with autonomy, the respect for the autonomy of others in particular, in *Law's Relations: A Relational Theory of Self, Autonomy, and Law* (New York: Oxford University Press, 2011): Chapter 7.
55. Kabat-Zinn offers his own version of stages of receptivity and judgment in his imagined instructions to a jury: 'Be aware of the tendency of your mind to jump to conclusions before all the evidence has been presented and the final arguments made. As best you can, continually try to suspend judgment and simply witness with your full being everything that is being presented in the courtroom moment by moment by moment. If you find your mind wandering a lot, you can always bring it back to your breathing and to what you are hearing over and over again if necessary. When the presentation of evidence is complete, then it will be your turn to deliberate together as a jury and come to a decision. But not before'. 2005, 455.
56. Even in the meditative state, practitioners are asked to discern the nature of what is arising, to be able to tell when they have become caught up in a thought, when their attention has shifted from the body to a thought about the body, when an idea of what the practice is *supposed to be* (an undesirable form of judgment in this context) is interfering with direct attention. Another version of this discernment in receptivity comes from Siegel: 'Attention helps selectively guide the process of information flow. Assemblies of neural representations in non-verbal clusters of neural nets, these unworded narratives help organize the "information" that is actually flowing. In turn, conscious attention, awareness of a specific sensory domain, can then enable the mind to sample these assemblies and then order them,

selecting certain ones and discarding others' (Siegel, 2007, 143). This sounds like a form of judgment to me.

57. For example, Kompridis says: 'the freedom I am referring to comes into play when we spontaneously and accountably make room for the call of another, rendering intelligible what may have been previously unintelligible. Becoming receptive to such a call means facilitation its voicing, letting it *become* a voice that we did not allow ourselves to hear before, responding to it in a way that *demands* (my emphasis) something of us we never recognized before'. Of course, this is a special kind of demand, for compliance with it must be free: 'In responding freely to such a call, we allow ourselves to be unsettled, decentered, thereby making it possible to occupy a potentially self-critical and illuminating perspective. From such a perspective it may become necessary to confront the possibility that we cannot go on as before, that some change is demanded of us, a change to which we feel obligated to be receptive.' 'Receptivity and Reflective Disclosure', 2010.
58. See *Law's Relations*, 2011.
59. Linda Zerilli offers a particularly helpful discussion of the relation between Arendt's conceptions of freedom and judgment in *Feminism and the Abyss of Freedom* (Chicago: University of Chicago Press, 2005).