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Equality, Capability and Neurodiversity

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Equality, Capability and Neurodiversity

Abstract

The challenges of neurodiversity have been most directly explored in debate around the demands of equality in a democracy. The debate roughly divides into two camps: democratic equality and the capabilities approach. Neurodiverstiy raises at least one central question that helps to think through the debate over these two conceptions of equality: how do different capabilities and differing levels of ability affect the demands of equality in country that prides itself on having free and equal citizens? Democratic equality, with its overt focus citizen's role as a citizen, pays insufficient attention to individual's neurological and psychological differences. The capabilities approach provides a better place to start in our theorizing about neurodiversity. By focusing on what individuals can do with resources in a particular context, it incorporates human variation as a starting point in the justice debate. Two questions, however, loom large. First, recognizing human variation will make some less independent, how should we determine who gets included as an equal member in society? Second, what limits, if any, are there on how many resources can justly be spent on the project of attaining equality? I suggest our best current approach brings together elements from the capabilities framework, thereby adopting a better framework for capturing neurodiversity, and an institutional approach more readily aligned with democratic equality, providing resources for a principled limit on the demands of justice. Using this framework I briefly argue for a presumption of inclusion and present several considerations to mitigate the worry about limits.

Keywords

Equality, Democratic Equality, Capabilities, Neurodiversity

Disciplines

Ethics and Political Philosophy

Comments

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Equality, Capability and Neurodiversity¹ Douglas Paletta

Philosophical investigations into equality address three distinct questions: what should be equalized, what is the point of equality and what is the site or scope of that equality? The debate over what should be equalized roughly divides into two camps: equality of resources and the capabilities approach. According to the equality of resources position, the demands of equality have been met once all people have roughly equal access to the resources necessary to act as citizens. So, for instance, the United States should require wheelchair ramps to ensure citizens equal opportunity for employment and equal possibility of serving on a jury. Focusing less on all-purpose means, the capabilities approach centers around ensuring everyone meets a threshold level of human functioning or capability. From the perspective of neurodiversity we can ask: how do different neurological traits and differing levels of ability affect the demands of equality in a country that prides itself on having free and equal citizens?

The traditional paradigm of equality combines a focus on the goals of democratic institutions with the equality of resources position. The goal of distributive justice in this picture is to This put citizens on equal footing in mutually accountable relationships by ensuring each has access to the kinds of things that serve as all-purpose means for pursuing their interests, like money. This approach, with its overt focus on providing citizens all-purpose means, however, pays insufficient attention to our neuro-psychological differences. In many ways, the capabilities approach is designed to incorporate issues of diversity, including neurodiversity. The capabilities approach gives issues of diversity a pride of place by starting from the fact of individual's variable capability to develop a sense of the good or use resources. For the capabilities approach, however, the question of limits looms large. In what sense can we attain equality on a functioning approach when the fact of neurodiversity highlights a wide range of neurological difference, both in kind and degree? How many resources can justly be spent on the project? I suggest the best current approach to equality brings together elements from the capabilities framework, which better accounts for what to equalize in light of neurodiversity, and an institutional framework more readily aligned with the traditional paradigm, which provides a more principled basis for establishing limits on the demands of justice.

I will lay out the benefits of this framework in several stages. I begin by sketching several reasons why the traditional paradigm sidesteps neurodiversity (§1). Next, I introduce several key facts about neurodiversity that a conception of equality should incorporate (§2). Then, I argue that equalizing capabilities rather than resources better maps onto the spectrum of neurodiversity (§3). With this in hand, I present an argument for a presumption of inclusion when it comes to who should be included in the scope of equality (§4). I end by outlining how adopting a political understanding of the point of equality provides a framework for establishing limits on expenditures (§5). Again, an institutional approach focusing on developing capabilities currently provides the best framework for including traditionally alienated citizens, framing how to address their needs and satisfying the demands of equality.

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² See: Tan, Justice, Institutions, and Luck, 1.

§1: The Traditional Paradigm

Traditionally, democratic theory concerns itself with a different kind of diversity: diversity of beliefs and values. Democracy is often characterized as the second best solution – each would presumably prefer to live in a society guided by her substantive moral beliefs. For example, if someone believes abortion is immoral, a government that bans abortion seems preferable to one that leaves the legality of the practice an open question. However, recognizing that others hold different beliefs – beliefs that should not be simply imposed on the public – points to the need for a system to adjudicate conflicts. This is what democracy provides, agreement on a system for settling disputes about issues that themselves are not amenable to agreement. Within this backdrop, the point of equality is to ensure the equal standing of citizens by ensuring they stand in reciprocal political relationships to one another.

When John Rawls, the most significant political philosopher of the twentieth century, initially introduced this view, he coupled it with an equality of resources position. Since democracy is largely neutral between competing moral codes and reasonable people may disagree about morality, the government should not prioritize one set of goods or values over another. Rather, politically we should be concerned with what everyone values. Rawls called these primary social goods which "are things it is supposed a rational man wants whatever else he wants." These goods are unique in being all purpose means and include things like rights, opportunities and money. Regardless of what someone values, these are the kinds of resources that allow any citizen to develop and pursue what they think it means to live a good life. Ensuring citizens have equal access to primary social goods thereby respects everyone's standing as agents in a scheme of social cooperation.

While this traditional paradigm works well when idealized, the account sidesteps issues of neurodiversity in at least two ways: one methodological and one more substantive. Methodologically, Rawls sets out to determine "what is the most appropriate conception of justice for specifying the terms of social cooperation between citizens regarded as free and equal, and as normal and fully cooperating members of society over a complete life." He considers this the fundamental question of justice because failing here means the theory fails in the least ambiguous philosophical context. The goal is to find a successful theory in the clearer context and expand the theory to harder philosophical cases. In doing so, he explicitly sets aside individuals who do not fit neatly into the system as part of his methodology.

More substantially, this understanding of the point and currency of equality has implications for who should count as a citizen. Citizens are characterized as having two moral powers: rationality and reasonableness.⁵ Citizens are rational in that each can develop an idea of what it means to live a good life and devise a plan to pursue it. Being reasonable, citizens recognize others as legitimate sources of limits on their pursuits and are motivated to abide by rules that other's also accept. In short, citizens demonstrate a level of motivation, analyticity, sociality and independence that allows them to contribute to a scheme of social cooperation. The focus on primary social goods recognizes that these abilities and skills require certain conditions be in place to develop them, but traditionally

³ Rawls, A Theory of Justice, 79.

⁴ Ibid., 12.

⁵ Rawls, "Kantian Constructivism in Moral Theory," 525. For more on how Full Autonomy adds conditions to Rational Autonomy see pages 528-530.

neurological variation among those who have the skills or capacity to develop those skills is not seen as relevant to the justification of principles of justice. Rather, from the standpoint of justification Rawls suggests we should use an ideal "conception of ourselves as moral persons and of our relation to society as free and equal citizens." Doing so relegates facts about human variation to secondary considerations. Neurological variation becomes a fact that needs to be considered when constructing actual laws rather than something that informs the fundamental values or principles guiding those laws. As Wong concludes her discussion of Rawls: "We see that the idea of the person is idealized and simplified, and makes no attempt to capture the full scope of human diversity in the population to which the theory of justice will actually apply."

§2: Normalizing Neurodiversity

The fact of neurodiversity serves as an important corrective at several levels in political theorizing. The central insight provided by neurodiversity involves a change in perspective that challenges heretofore assumed notions of the *normal*. As sketched in the previous section, philosophers tend to ignore and more recently idealize away neurodiversity. As understood in the literature, the neurodiversity movement makes two central claims. First, the difference between the neuro-typical members of society and those neurologically different results from natural human variation and does not signal a sharp break between the normal and abnormal. In part because there is not a sharp break, a significant amount of the characterization, stigma and differences in treatment is rooted in the social. Second, we should value – or at least not stigmatize – our cognitive differences. For present purposes, we need a framework for understanding this variation to inform both our account of equality and how it may apply politically.

Neurodiversity refers to the neurological constellation of different neurological types, which can be delineated according to a trait or set of traits. Understanding diversity in terms of traits is important since several neurological types, like autism, are "diagnosed solely on the basis of observed behavior." Other commonly cited examples of neurological variation range from temporal lobe epilepsy and depression to hypergraphia. While sometimes referred to as a spectrum, these examples show that neurodiversity does not distinguish types using a single criterion. Rather, the variation is set by establishing different combination of traits. For example, autists have difficulty communicating and interpreting social cues, hypergraphists feel a compulsion to write and "temporal lobe epilepsy has ... been associated with a heightened sense of spirituality or mystical visions." While these traits among others can be used to distinguish different neurological types, declaring some type of neurological difference a disability makes the further claim that the difference is an undesirable disorder or deviation from the norm that requires fixing. Neurodiversity activists claim that these

⁶ Ibid., 520.

⁷ Wong, "Justice and Cognitive Disabilities: Specifying the Problem," 5.

⁸ Jaarsma and Welin, "Autism as a Natural Human Variation: Reflections on the Claims of the Neurodiversity Movement," 20–21.

⁹ One important aspect of the literature in philosophy should be noted. While neurodiversity refers to psychological or neurological difference, most philosophers approach the issue by analyzing disability. While the terminology triggers othering, here I use the ideas in service of the difference characterized with neurodiversity.

¹⁰ Baker, "Neurodiversity, Neurological Disability, and the Public Sector: Notes on the Autism Spectrum," 19.

¹¹ Glannon, "Neurodiversity," 3.

¹² Ibid.

different sets of neurological traits can, and do, comprise individual's identity and potentially provide a basis for culture.¹³

The sharp distinction between the neuro-typical and others breaks down when considering two factors: the differences already present within the neuro-typical community and the similarity between those perceived as low-functioning and those perceived as neuro-typical at different stages in life. The first shifts from a binary notion of agency focused on rationality to one that admits of difference and degree. The second demonstrates overlap between those normally included and those excluded in a way that further blurs the line of normal.

Rawlsian rational and reasonable citizens gloss over a range of diversity within the traditional normal range. Many within the range are autistic, obsessive, compulsive, depressed, and so on. The focus on rational agency fails to capture the first or second personal agency of these people. As mentioned earlier, these people are not otherwise neuro-typical with some affliction, but instead the combination of characteristics or traits partly makes up who they are. Someone is not a person with autism, but an autistic person. Put differently, someone's neurological make up has a significant impact on how they agentially approach the world. Again consider the case of an autistic person. This neurological difference will affect how he perceives the world and thus how he processes decisions. To take the first, an autist "can focus on the details of parts but not on the general patterns of wholes."14 This affects both the information he has to act on and the way he makes decisions. For example, one study found that autist's "susceptibility to the frame manipulation [including frames invoking emotional context cues] was markedly reduced."15 This led autists to make more consistent decisions in risky situations than non-autists. Making more consistent decisions does not necessarily indicate that autists make better or worse decisions, the framing or emotional cues may contain important information or be irrelevant depending on the situation. It does, however, point to a sharp difference in how autists relate to the world. Importantly, many people with these neurological traits may well be rational and reasonable in Rawls's sense. However, characterizing their agency, and subsequently disseminating the same bundle of resources, fails to recognize the difference in agency and thereby equalizes citizens in a way that is not sensitive to that difference. In fairness, the traditional theory isn't supposed to capture these differences, but this is precisely the problem.

Second, accepting the impact of neurological variation on agency further makes sense of how to include those in dependency relationships. Neurological variation occurs across a typical life. In part building on the work of care theorists, everyone goes through stages of dependency and limited cognitive ability. Children have not yet developed cognitive capacities. Disease or injury can lead to temporary or permanent cognitive impairment, and many elderly live with diminished cognitive capacity. Moreover, the dependency is widespread with some statistics showing that "up to 20 percent of adults older than seventy-five suffer from Alzheimer's and other forms of dementia." Shifting the paradigm of membership away from rational agency opens the door recognizing these as stages of life with distinct kinds of agency perhaps with distinct capabilities, modes of valuing and manners of

¹³ Davidson, "Autistic Culture Online: Virtual Communication and Cultural Expression on the Spectrum."

¹⁴ Glannon, "Neurodiversity," 2. One study looking at the quantification of small numbers further evidences this point. Rather than seeing "four" when a small number of objects are presented, the timing of responses is more consistent with a process that counts up to four and is not subject to framing effects. See: Gagnon et al., "Quantification Judgement in High Functioning Autism: Superior or Different?".

¹⁵ De Martino et al., "Explaining Enhanced Logical Consistency During Decision Making in Autism," 10478.

¹⁶ Carlson and Kittay, "Rethinking Philosophical Presumptions in Light of Cognitive Disability," 309.

political engagement, which allows these normal parts of life to be more directly incorporated into our political theorizing.

Shifting the perspective of what counts as normal similarly shifts the significance of neurodiversity for political theories. As Carlson and Kittay put it, "This realization should compel us to view cognitive disability as a feature of the human condition that philosophers should take seriously." Or, to put the point differently, neurodiversity in its various forms should be part of the paradigm in a political theory, not treated as fringe cases or secondary considerations. In particular, neurodiversity challenges the more traditional conception of rationality based agency and therefore the basis of inclusion implicit in the traditional paradigm. At a minimum, better incorporating this kind of diversity provides a *prima facie* reason to adopt one among competing conceptions of equality.

§3: The Capabilities Approach

Capabilities theorists tend to answer the three questions about equality differently than Rawls. Most notably, capabilities theorists reject the equality of resources position. When it comes to the currency of equality or what should be equalized, these theorists try to contextualize the resources someone has to see what she can do with them. This focus on how people function or what they are capable of tends to align with more substantive, less neutral, ideas about the point of equality. These ideas, in turn, are compatible with an expanded notion of who to include in the scope of equality. Sketching the view presented by Martha Nussbaum, one of the chief proponents of the capabilities approach, demonstrates how the capabilities approach is better suited to addressing issues in neurodiversity. Shifting the focus of equality from a more neutral resources position to the capabilities approach captures the two central elements of neurodiversity the more traditional view sidesteps. Namely, the capabilities approach deemphasizes rationality as the core of agency and foregrounds variation in a way that opens the door for inclusion.

Presenting a moral view similar to a human rights view, Nussbaum, grounds the capabilities approach in dignity. She states, "the capabilities are not understood as instrumental to a life with human dignity: they are understood, instead, as ways of realizing a life with human dignity." As she later states, "the guiding notion therefore is not that of dignity itself, as if that could be separated from capabilities to live a life, but rather, that of a life with, or worthy of, human dignity." Importantly, this way of grounding the capabilities approach to equality invokes a single value, the idea of human dignity or a life worth living, as the single goal of politics. Nussbaum acknowledges that she does not try to present a comprehensive political or moral doctrine, but her approach contrasts sharply with positions like Rawls's democratic equality, which focuses on enabling the pursuit of different conceptions of what it means to live a good life. Democratic equality provides the means to promote a plurality of goods where the capabilities approach ultimately seeks to promote the chief value of human dignity.

One important corrective to note: living with dignity will involve pursuing personal projects that may differ radically from person to person based, in part, on what each values. This sounds like the

¹⁷ Ibid., 310.

¹⁸ Nussbaum, Frontiers of Justice, 161.

¹⁹ Ibid., 162.

democratic equality position. If democratic equality provides the means to pursue different conceptions of good lives and the capabilities approach seeks to promote human dignity that involves people pursuing different conceptions of good lives, the two views seem to come together. The reason they come together goes back to the moral powers presupposed on the democratic equality approach. If someone recognizes the legitimate claims of others and pursues a conception of the good, they most likely are achieving Nussbaum's conception of human dignity. That is, the value of human dignity is largely presupposed and built into the account. Here again is where neurodiversity gets idealized out of some traditional approaches to democratic equality. Democratic equality presupposes a notion of dignity, grounded in rationality, which precludes certain segments of the neurodiverse. By bringing the notion of dignity to the fore and presenting a notion of dignity grounded in capabilities and flourishing, Nussbaum presents an account that scales and adapts to the distinct neurological make-up of those across the neurodiverse spectrum.

Re-centering the point of equality on human dignity or a human life worth living straightforwardly leads to capabilities as the currency of equality. The primary social goods, such as rights or money, only matter to the extent people are capable of using them. The idea behind primary social goods is that though some may find them more or less useful this bundle of goods will have the kind of things that allow people to pursue a meaningful life. The fact of neurodiversity greatly expands the range of how useful citizens will find primary social goods. Different neurological traits leading to different modes of engaging the world may have a significant impact on the usefulness, and perhaps even recognition, of certain resources. If the point of primary social goods is to enable citizens to pursue a good life, in a neurodiverse society resources serve as a poor proxy for flourishing. In contrast, the capabilities approach cuts directly to the point. The goal of equality is not to give people the same starting point but to allow them to function in a way that enables them to meaningfully engage the world as each sees it. As Nussbaum puts it, the goal is to ensure citizens live with dignity.

§4: An Argument for Inclusion

So far, I have assumed that individuals falling anywhere on the neurodiverse spectrum are part of normal human variation and that the difference is not morally significant. This presupposes answering the first question posed by neurodiversity – are autistic people abnormal – further answers the second – a normative question about value. While this presumption can be compelling in high-functioning cases, whether it similarly applies to low-functioning, highly dependent persons is less clear. While not all difference should be thought of as disability, some people may lack the cognitive capacity to recognize what is happening, much less have a conception of the good, devise a plan to pursue a conception of the good, bear the burdens of social cooperation or other traditionally relevant agential factors. ²⁰ Such individuals can give better or worse lives, but they fall outside of the scope of those who engage politically. Here the question of scope reemerges – what are the limits on those who should be included among the equal? Since high-functioning individuals may already be included and extremely low functioning individuals seem to fall outside the scope of even potential political engagement, the philosophical question of scope becomes how to approach borderline cases. Rather

²⁰ Kittay and Carson think these individuals present the biggest challenge to inclusion. See: Carlson and Kittay,

[&]quot;Rethinking Philosophical Presumptions in Light of Cognitive Disability," 313.

than draw a sharp line, I argue borderline cases should be considered with a presumption for inclusion.

Excluding people who seem like borderline cases and turn out to be able to participate at some level politically perpetrates an injustice. Sophia Wong makes this point in terms of "Enabling Conditions," though she remains within a framework where citizenship is based on potentially developing Rawls's two moral powers. Roughly, at birth anyone who could potentially develop the capacities for rationality and reasonableness still need certain conditions to be in place to direct and ensure their growth. For example, historical conditions that deprived women of education and locked them into servile roles in misogynistic cultures inhibited their development of capacities. Wong argues liberal societies "must provide citizens labeled with cognitive disabilities with the Enabling Conditions until they become fully cooperating members of society." Failing to do so marginalizes a group that explicitly deserves membership in the political community. In addition to ensuring that borderline cases have the opportunity to become part of the community, denying rightful members of the community access to the political sphere directly disenfranchises them. To deny those labeled cognitively disabled relevant enabling conditions and access to the political arena errs on the side of injustice.

The opposite seems less true. The potential harm of including in so-called low-functioning individuals who turn out to lack sufficient capacity to engage politically, even with enabling conditions in place, attaches to those in the political community rather than the person who falls short of being able to become part of it. This potential harm may manifest itself in various ways. The next section will address a potential worry about the costs associated with providing enabling conditions, though it should be noted these concerns with efficiency may not trump concerns about equality and justice. Perhaps the chief concern is granting equal political power to an individual who is incapable of wielding it. The lack of capacity motivating this concern, however, partly mitigated the worry. If someone who seems like a borderline case turns out not to be able achieve some minimal level of capacity, he literally will not be able to politically engage and thereby will not be able to act in a way that significantly impacts the polis. Selecting between erring on the side of irrelevance rather than erring on the side of injustice creates a justice-based reason for inclusion.

§5: Some Notes on Limits

The capabilities approach, with its focus on functioning rather than rationality, provides the groundwork for a more inclusive membership in the community of equals precisely because it is more sensitive to the different kinds of functioning that can be found within the constellation of neurodiversity. This view, however, seems to have a sharp downfall. If more people are included, and the presumption should be in favor of including borderline cases, fostering the development of dignity may require an extraordinary amount of resources. Looking across the neurodiverse constellation, it seems like there is always something we could do to further develop the capabilities of someone within the spectrum, tailored to each individual's unique set of traits. However, as Wong puts it, a successful theory "must provide some principled basis for limiting our obligations." Restricting the

²¹ Wong, "Duties of Justice to Citizens with Cognitive Disabilities," 384.

²² Ibid., 399

²³ Wong, "Justice and Cognitive Disabilities: Specifying the Problem," 1 of pdf.

application of this understanding of equality to institutions provides a basic framework for a principled basis for limits.²⁴

Perhaps most importantly from the standpoint of limits, the capabilities approach does not present a maximizing conception. While everyone should live with dignity, the point of equality is not to achieve some privileged "full" or "normal" level of functioning. Rather, the goal is to ensure that within the backdrop of differing neurological make-ups each has the capability to live a meaningful life. Presenting a view that also brings together democratic institutions and the capabilities approach, Elizabeth Anderson puts the idea this way, "once all citizens enjoy a decent set of freedoms sufficient for functioning as an equal in society, income inequalities beyond that point do not seem so troubling in themselves." If the main concern with resources is the amount resources it will take to develop capabilities in lower functioning cases, this framework provides a theoretical argument against using every last resource to develop every last capacity.

The nature of institutions further mitigates concerns about expenditures. While the focus of the content of the policies would be on individuals, institutions are designed to effectively address a need or coordinate behavior. Part of what neurodiversity adds is a framework for recognizing and differentiating kinds of needs that should direct the structure of new resources put in place. Importantly, the term institutional here does not refer to anything like an asylum or mental institution. Rather the focus is on social institutions like schools, the system of taxation and laws or the courts. In moving away from means or resources, the capabilities approach focuses more on individual's abilities, which can only be assessed by looking at their circumstances. As Nussbaum states, "no matter how much money we give the person in the wheelchair, he will still not have adequate access to public space unless public space itself is redesigned." Using this notion of equality as a guiding principle structuring our social institutions precisely addresses the shape of the public space.

As in the case of making sidewalks wheelchair accessible, frequently creating open access to achieve a universal design requires changing something once and will address and benefit a range of people. For example, public transportation systems, which provide mobility that can greatly expand opportunity, frequently use complex maps that provide a lot of information in a small amount of space. Finding ways to simplify the maps, by providing the route of a single bus at each stop or creating technological systems that bypass the complexity that allows a caregiver to program a phone alert for when to get off a GPS-enabled bus expands access to those with different attention or spatial reasoning abilities.²⁷ Creating systems like GPS enabled buses further provides a useful resource for regular commuters. Taking lessons from universal design in the classroom, government websites can become more accessible avoiding flashing objects, unnecessary images and graphs; describing any images and always including consistent headers.²⁸ These kind of changes expand the usefulness of public spaces without creating new expensive, ongoing budget items. Moreover, where no special recognition is necessary for developing a capacity, the institutions will already be in place as they were for the neuro-typical.

²⁴ For a nice piece that brings together Rawls's notion of democracy and the capabilities approach see: Anderson, "What Is the Point of Equality?".

²⁵ Ibid., 326.

²⁶ Nussbaum, Frontiers of Justice, 167.

²⁷ Carmien et al., "Socio-Technical Environments Supporting People with Cognitive Disabilities Using Public Transportation," 244–245.

²⁸ Crow, "Four Types of Disabilities: Their Impact on Online Learning," 53.

Not all institutional changes, however, would be passive. ²⁹ Some institutions, like our educational or public health systems, play an active role in reaching out to different populations. This is where the capabilities approach calls for new positive duties to assist those within the neurodiversity spectrum. Since equality focuses on developing capabilities rather than distributing resources, there is a positive duty to fund research on different realistic approaches to how to develop certain capability as well as to recognize the value and strengths of different abilities. Also, positively, the government should provide regional outreach tailored to different kinds of needs. Finally, recognizing that developing and using certain capabilities may require confederates and caregivers likely calls for an increase support for care takers, perhaps by changing what counts as a tax deductible expense, providing access to care and providing well-researched, current information to caretakers. This is to say, creating a more open, equal society may well generate new additional costs. However, many of the changes would be structural rather than ongoing and many of the *prima facie* positive duties involve expanding and targeting services already in place. The capabilities approach provides a conception of equality tat can serve as a framework for targeting those services.

Conclusion

From this discussion, there are a few important points to take away. The fact of neurodiversity should impact our theorizing as much as it does our practice. Though the issue has largely been set aside, we already have large segments of theory to address issues of neurodiversity. Most importantly, we should not let the perfect be the enemy of the good. We have a pretty good, though still nascent, philosophical framework for incorporating and addressing neurodiversity. It is a framework that mitigates some of the concerns over limits and points to several areas, like creating more neurologically open public spaces, that can be implemented and lead to a more equal society.

Bibliography

Anderson, Elizabeth. "What Is the Point of Equality?" Ethics 109, no. 2 (January 1999): 287–337.

Baker, Dana. "Neurodiversity, Neurological Disability, and the Public Sector: Notes on the Autism Spectrum." *Disability and Society* 21, no. 1 (2006): 15–29.

Carlson, Licia, and Eva Feder Kittay. "Rethinking Philosophical Presumptions in Light of Cognitive Disability." *Metaphilosophy* 40, no. 3–4 (July 2009): 307–330.

Carmien, Stefan, Melissa Dawe, Gerhard Fischer, Andrew Gorman, Anja Kintsch, and James Sullivan Jr. "Socio-Technical Environments Supporting People with Cognitive Disabilities Using Public Transportation." *ACM Transactions on Computer-Human Interaction* 12, no. 2 (June 2005): 233–262.

Crow, Kevin. "Four Types of Disabilities: Their Impact on Online Learning." *TechTrends* 52, no. 1 (February 2008): 50–54.

²⁹ For a nice schema on how to approach different kinds of positive interventions and goals in resources allocations, see: Wolff, "Cognitive Disability in a Society of Equals."

- Davidson, Joyce. "Autistic Culture Online: Virtual Communication and Cultural Expression on the Spectrum." *Social and Cultural Geography* 9, no. 7 (2008): 791–806.
- Gagnon, Louise, Laurent Morrton, Louis Bherer, and Yves Joanette. "Quantification Judgement in High Functioning Autism: Superior or Different?" *Journal of Autism and Developmental Disorders* 34, no. 6 (2004): 679–689.
- Glannon, Walter. "Neurodiversity." *Journal of Ethics in Mental Health* 2, no. 2 (November 2007): 1–6.
- Jaarsma, Pier, and Stellan Welin. "Autism as a Natural Human Variation: Reflections on the Claims of the Neurodiversity Movement." *Health Care Analysis* 20 (2012): 20–30.
- De Martino, Benedetto, Neil Harrison, Steven Knafo, Geoff Bird, and Raymond Dolan. "Explaining Enhanced Logical Consistency During Decision Making in Autism." *The Journal of Neuroscience* 28, no. 42 (October 15, 2008): 10746–10750.
- Nussbaum, Martha. Frontiers of Justice. Cambridge: Harvard University Press, 2006.
- Rawls, John. A Theory of Justice. Cambridge: Harvard University Press, 1999.
- ——. "Kantian Constructivism in Moral Theory." *The Journal of Philosophy* 77, no. 9 (1980): 515–572.
- Tan, Kok-Chor. Justice, Institutions, and Luck. Oxford: Oxford University Press, 2012.
- Wolff, Jonathan. "Cognitive Disability in a Society of Equals." *Metaphilosophy* 40, no. 3–4 (July 2009): 402–415.
- Wong, Sophia. "Duties of Justice to Citizens with Cognitive Disabilities." *Metaphilosophy* 40, no. 3–4 (July 2009): 382–401.
- ——. "Justice and Cognitive Disabilities: Specifying the Problem." *Essays in Philosophy* 9, no. 1 (2008): Article 1.