High-Functioning Autistic Individuals as Moral Performers

The Incompatibility of Moral Agency and Autistic Information Processing

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INTRODUCTION

When we say that someone is a moral agent, we have expectations of their moral decision-making. We expect them to be sensitive to moral situations, meaning that they can recognise what is moral within a particular state of affairs. We expect them to use this sensitivity when they need to decide between what is right and what is wrong within a particular context, and when they need to act according to this decision. In other words, we expect them to make a moral judgement within a moral situation. In philosophy, there are many accounts on what it means to be a human being capable of reliable moral judgement. What these accounts attempt is to not only explain what moral agency consists in but also to provide more insight into how human beings develop their moral agency.

When focusing on the *development* of moral agency, it is not uncommon to use cases of cognitive or psychological impairment to 'test' a theory of moral agency in less ideal circumstances. As we cannot assume that there is only one way in which human beings go through cognitive and psychological development, a theory of moral agency is more encompassing when it also accounts for human states in which moral functioning is potentially decreased. For instance, are people in a depression still moral agents, even though their view of the world is heavily influenced by their depression? Are psychopaths moral agents, even though they seem indifferent toward the concerns of other human beings, and see little point in sacrificing their interests for the sake of morality? Are autistic individuals moral agents, even though they have a different mode of information processing, and are therefore unpredictable in the way they will respond in a moral situation? By answering such questions, these philosophers of moral agency think they can offer a more extensive and nuanced account of moral agency that is more easily translatable to real-life cases. By using cases of cognitive and psychological impairment, these philosophers try to be more specific about the extent to which moral agency is compatible with conditions such as depression, psychopathy, or autism.

However, after researching moral agency and high-functioning autism specifically, I started to question whether autism is really that compatible with moral agency, because the evidence these philosophers use to support their arguments seems insufficient. Therefore, I have chosen high-functioning autism and moral agency as the focus of my thesis. I am specifically interested in autism, because autistic individuals have a different experience and understanding of the world they live in. This also means that they have a different experience and understanding of themselves and other people. Therefore, it is not clear whether autistic individuals can be expected to make moral decisions in a similar way to people without autism when confronted with moral situations. This

becomes especially complicated when focussing on high-functioning individuals on the spectrum: when someone is a high-functioning autistic person (a HFA, for short), their condition does not consistently present an outward image of the cognitive deviations that are often associated with autism (such as taking language too literally, or showing contextually inappropriate responses like laughing at a funeral).[1] On the face of it, some high-functioning individuals 'pass as normal', but this does not mean that their autism is not a significant factor in their moral decision-making. While this significance may not be apparent in experimental settings or any other heavily structured situation, this is not to say that it will not become more evident as situations become less predictable and more cognitively demanding in terms of processing.

Before going into questions about autism and moral agency, I first need to be clear on what I understand autism to be. Admittedly, autism is both a philosophically and scientifically puzzling condition: while there is much psychological research on autistic individuals and their rational capacities, there is no consensus on what exactly causes or characterises the condition.[2] This is complicated by the heterogeneity of the condition: there are many different manifestations of autism, which is why the condition is often described not just as an autistic disorder, but as an Autistic Spectrum Disorder (ASD). The notion of a spectrum is supposed to allow for variation amongst autistic individuals while, at the same time, recognising that they are all autistic.[3]

Autism is often understood as a developmental disorder: a pervasive and chronic condition in which both a person's cognitive processes as well as their behavioural output is *out of order* to such an extent, that their experience of and interaction with themselves and their environment markedly deviates from the majority of individuals developing alongside them. Autistic individuals are known to experience sensory overload and general confusion when social expectations are not made explicit. As a result, they have an elevated need for sameness and predictability, as well as an aversion to change. This also explains why most autistic individuals become easily absorbed in or

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[1] Because of their intelligence, HFAs are able to camouflage and compensate for obviously autistic 'symptoms'. See Peter Vermeulen, *Brein Bedriegt: Autisme En Normale Tot Hoge Begaafdheid* (Berchem: Uitgeverij EPO, 2013), 13.

[2] Simon Cushing, 'Autism: The Very Idea', in *The Philosophy of Autism*, ed. Jami L. Anderson and Simon Cushing (Rowman & Littlefield, 2013), 34–36.

[3] Unfortunately, the autistic spectrum is often mistaken for an autistic scale, on which can be indicated 'how autistic a person is': the more high-functioning an autistic individual is, the milder their autism is taken to be. However, it would be more accurate to compare the autism spectrum to a colour spectrum: while a spectrum contains all the available colours, this is not to say that there is an equal amount of each colour in the spectrum. Rather than stating the degree of a person's autism, a spectrum describes what a particular person's autism looks like. Therefore, saying that a person is a 'little autistic' would not make much sense on a spectrum, as this would be the same as saying 'this person has some blue and red'. Evidently, a bit of blue and red is not comparable to a rainbow. See C. L. Lynch, '"It's a Spectrum" Doesn't Mean What You Think', accessed 18 June 2019, https://theaspergian.com/2019/05/04/its-a-spectrum-doesnt-mean-what-you-think/.

obsessed with a specific topic.[4] To increase predictability and lower physical and emotional stress, autistic individuals may also make repetitive movements (like rocking, twitching, or hand-flapping) and produce sounds (like a set phrase or melody).

This conception of autism, however, does not say much about how autistic individuals[5] could be at a disadvantage when dealing with moral situations. For the purpose of this thesis, I will understand autism as *a neurodevelopmental condition in which a person experiences significant issues in processing complex information*. Autistic individuals tend to process information in a bottom-up fashion as opposed to using top-down mechanisms to filter incoming information.[6] Bottom-up processing means that a person uses their senses to take in information, which provides them with a lot of data. Top-down processing, in contrast, means that a person mainly relies on background information or context to direct their attention to what is most relevant in that situation. Usually, information processing is not either a bottom-up or a top-down affair: it is an integration of both. When we consider that typically developing individuals already have a rough idea of context after only being in a situation for a 1/5 of a second, we see that this filtering of information is something that happens almost instantly.[7] As I mentioned above, because of their bottom-up information processing style, individuals with autism mainly rely on sensory information in trying to make sense of who, what, and where they are.[8] As such, they do not seem to have the benefit of near instant contextualisation. Now, as situations become more complex, it is very difficult to understand a situation just by relying on sensory information without a means to organise this information into what is relevant and what is not. Unsurprisingly, this is where many autistic individuals would experience what is commonly referred to as a 'sensory overload'.

As this thesis is a philosophical approach to autism and moral agency, let me review how autism currently plays a role in philosophical literature. I intend to show that the view that HFAs are moral agents is prevalent, even in accounts of moral agency that do not take autism as their main focus. In philosophical literature on moral agency, autism often features as a foil to a rational agent

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[4] Obsessions with trains, number plates, or computers are often used as examples, but this tends to misrepresent those autistic individuals who have other obsessions, such as a specific animal, the structure of language, or musical theory, to name a few. What makes their interest in these topics obsessive is that there might be little interest for anything outside of that special interest. It also tends to be a topic they fall back to in uncertain situations, because it makes them feel comfortable. However, what is a special interest to the individual with autism can be a great nuisance to their social environment. Not everyone wants to hear everything there is to know about, for instance, Antarctica (as became apparent to Sam, a HFA in the Netflix series *Atypical*).

[5] Considering the many conflicted views on the use of 'person first' language versus recognising autism as an identity (and therefore not separable from the person), I will be using 'autistic individual', 'autist', 'person with autism' interchangeably.

[6] Peter Vermeulen, *Autisme Als Contextblindheid* (Berchem: Uitgeverij EPO, 2009), 60.

[7] Vermeulen, 47.

[8] Note that this does not necessarily mean that autistic individuals are good at seeing particular details. It means that they mostly respond to details, because that is what they tend to process.

in full possession of their cognitive abilities. Some authors might choose to use autism as a counterexample to the notion that particular capacities are dependent upon specific cognitive mechanisms. In these cases, mentioning autism serves to clarify the significance (or lack thereof) of particular cognitive capacities (such as empathy) in situations where we would generally engage in moral reasoning. Steven Fesmire, for example, approaches high-functioning autism as a condition that, because of associated deficits in empathy, calls for external assistance in 'dramatic rehearsal' of moral situations. As such, he believes that moral agency is achievable for HFAs through assisted perception. He even states that '[i]f morality were *reducible* to following rules or codes, high-functioning autism would be the moral ideal.'[9] David Bakhurst, who also mentions autism in his moral agency account, describes Asperger's Syndrome as a 'distorting influence' on rational perception, because individuals with this condition seem to pay attention to what is insignificant over what is significant to the majority of rational agents.[10] However, he argues that 'occasional irrationality does not irrevocably stain someone's status as a rational agent who, by their rationality, is capable of making moral judgements.'[11] Therefore, according to Bakhurst, being autistic does not mean that a person is not a moral agent. Susana Monsó, finally, mentions autism, because she wants to point out that, while their mindreading[12] skills are less sophisticated than those of non-autistic individuals, they are moral agents and not merely moral patients.[13] For, according to her, moral agents have the rational capacity to reflect on their emotional response to other people's distress, whereas moral patients (she mentions animals) do not.[14] However, it is unclear whether their statements on HFAs and their conclusions regarding their moral agency are informative, because autism is not the main focus of their research.

In this thesis, I will concentrate on two philosophers who *do* take autism as their main focus in investigating moral agency, as well as argue that HFAs are moral agents, namely Jeanette Kennett and Nathan Stout. Both authors support their claims with empirical evidence on high-functioning autism and rational decision-making. Interestingly, both authors stress that high-functioning autistic individuals are obviously moral agents, because, on top of having moral concern, they can reliably

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[9] Steven Fesmire, *John Dewey and Moral Imagination: Pragmatism in Ethics* (Indiana University Press, 2003), 72.
[10] David Bakhurst, *The Formation of Reason* (Chichester (UK): Wiley-Blackwell, 2011), 134.
[11] Taken from Marin Kaufmann, 'Autism and Moral Reasoning: Bakhurst and Tomasello on Shared Perception and Connection', Utrecht University Moral Capacities Tutorial, 2017.
[12] Mindreading, here, refers to the ability to take another person's perspective so as to anticipate, understand, and respond to them.
[13] Susana Monsó, 'Empathy and Morality in Behaviour Readers', *Biology and Philosophy* 30, no. 5 (2015): 688.
[14] Diane L. Williams, Nancy J. Minshew, and Gerald Goldstein, 'Further Understanding of Complex Information Processing in Verbal Adolescents and Adults with Autism Spectrum Disorders.', *Autism : The International Journal of Research and Practice* 19, no. 7 (October 2015): 859–67, https://doi.org/10.1177/1362361315586171.

compensate for their cognitive deficiencies (with and without external assistance). Therefore, the current consensus seems to be that HFAs are moral agents despite any cognitive impairments that may impede their moral decision-making, because they do seem to have moral capacity. Put differently, the current literature suggests that high-functioning autism is compatible with what is expected from moral agents. For, as both Kennett and Stout argue, HFAs have redeeming qualities that would make it unjustified to say that they are not moral agents.

All authors I have mentioned above seem to have a common method for arguing that HFAs are moral agents: first, they focus on a presumed cognitive deficit in autism (such as lack of empathy or difficulties with a specific type of reasoning), to then argue that this deficit is either (1) proven not to be an actual hindrance in moral decision-making, or (2) something that can be and is compensated for by other qualities HFAs may have.

Yet, I believe that the question of whether HFAs can be expected to be moral agents warrants a closer look, because there is something being overlooked in current philosophical literature on HFA and moral agency: the impact of the difficulties HFAs experience with detecting relevance on their ability to recognise moral context. Due to this oversight, it is not clear whether the arguments in favour of HFAs being moral agents are at all convincing. In this thesis, I will be taking a different tack and argue that HFAs are *not* moral agents. This might seem highly controversial, but, as I will show, it need not be.

For what is to be lost when HFAs are not moral agents? On the one hand, understanding HFAs as moral agents would be inclusive. What I mean by this is that it implies that, insofar being human entails being a moral agent, HFAs are not to be considered less morally capable humans because of their autism.[15] On the other hand, a disadvantage to understanding HFAs as moral agents is that, as moral agents, HFAs are expected to be *reliable* in their moral judgement. This reliability, however, does not seem to be supported by empirical evidence. Calling HFAs moral agents might even be disadvantaging to HFAs, because holding expectations that a person cannot meet, would be like considering someone responsible for what they cannot be held accountable for.

Therefore, the purpose of this thesis is to manage expectations concerning moral decision-making in HFAs. However, managing expectations is not necessarily all about being clear on what *cannot* be expected from, in this case, HFAs. Successfully managing expectations also includes a fair amount of redirecting one's attention to what *can* be expected. To this end, I will propose an alternative framework for evaluating moral decision-making in HFAs, which I will call 'moral performance'. I will show that, unlike moral agency, moral performance *is* compatible with how HFAs

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[15] While some of the authors I have mentioned admit that HFAs may be less *competent* on account of their autism, this is not intended to suggest that they are impaired in their moral capacity.

process information and consequently with how they perceive and learn in moral situations. Moral performance does not rely on the ability to detect what is relevant in moral situations, whereas moral agency does, or so I will argue.

My research question for this thesis is: To what extent are the expectations we have of moral agents compatible with the mode of information processing in HFAs? To answer this question, I have divided my thesis into three chapters. To build my case, it first needs to be clear how current philosophical literature has been remiss in sufficiently addressing the impact of HFAs' mode of information processing on their capacity for reliable moral judgement. This will be the focus of chapter 1, where I will discuss and critique contributions by Jeanette Kennett and Nathan Stout. Special attention will be given to the empirical evidence that informs both their arguments and to the extent to which this evidence is conclusive. Second, we need to know what is expected of moral agents and to what extent these expectations are compatible with information processing style in HFA. My second chapter will, therefore, elaborate on moral agency and what development of moral agency presupposes about our cognitive abilities. In section 2.2.1., I will address the matter of incompatibility, to then introduce 'moral performance' as an alternative moral decision-making framework in section 2.2.3. I will end the chapter with section 2.3., where I will tackle the worry that moral performance implies that HFAs are not morally responsible. Finally, the question might be raised whether excluding HFAs as moral agents is morally injurious, in that it diminishes HFAs in their humanity. Would it actually be that bad to suggest that we should not understand HFAs as moral agents? After all, autism (re)presentation in psychological and philosophical research is a sensitive matter, as it connects to social issues surrounding neurodiversity, inclusivity, recognition, and (social) functionality. To address this question, my third chapter will evaluate whether my claim, that HFAs are not moral agents but moral performers, implies dehumanisation, stigmatisation, or a misrecognition of moral capacity.

As such, this thesis will engage with both philosophical and psychological literature as well as non-academic accounts on high-functioning autism. The aim is to not only find a coherent way of describing moral decision-making in HFAs in light of philosophical and empirical research, but also to propose an evaluative framework that does not incite unrealistic expectations of HFAs in moral situations.

CHAPTER 1

RECONCILING APPARENT MORAL AGENCY WITH COGNITIVE IMPAIRMENT IN HIGH-FUNCTIONING AUTISM: THE EMPIRICAL PERSPECTIVE

In this chapter, I will engage with recent philosophical literature that argues in favour of the view that HFAs are moral agents, because they are reliable in their capacity for moral judgement.[16] 'Reliable' here means that, on this view, HFAs can be *expected* to exercise their moral capacity in moral situations. My main focus will be on the arguments put forward by Jeanette Kennett and Nathan Stout. In Stout's view, psychological evidence shows that, despite issues in counterfactual thinking, HFAs are capable of reliable moral judgement. Kennett takes autistic individuals' issues with perspective-taking as a point of departure. She draws on anecdotal evidence from people like Temple Grandin and Jim Sinclair to show that HFAs can achieve 'moral autonomy through other means' than relying on their mindreading skills.[17] However, I will argue that the empirical evidence is inconclusive as to whether HFAs can be expected to form reliable moral judgements in moral situations. The arguments Kennett and Stout put forward in favour of HFAs being moral agents are therefore not convincing. To be reliable in their moral judgements, they would either have to be explicitly presented with a moral scenario, or rely heavily on other people, who may or may not be present or inclined to assist when a moral judgement is required.

The set-up of this chapter will be as follows. In section 1.1., I will draw upon articles by both Nathan Stout and Jeanette Kennett and put forward four arguments(I-IV) why HFAs could be considered moral agents. In section 1.2., I will argue that the arguments laid out in section 1.1. are unconvincing, because empirical evidence is inconclusive as to whether HFAs can reliably compensate for complex information processing issues. Being morally receptive in experimental settings and showing behavioural success in moral situations can be considered reasons for attributing moral *worth* to the responses HFAs may give in a moral situation (as they are reasoned and not accidental), but they do not necessarily indicate a capacity for moral judgement in future/novel[18] situations. In Section 1.3., I will give a summary of my argument. In addition, I will briefly discuss what my claim implies for further inquiry into high-functioning autism and moral agency.

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[16] I will be using 'capacity for moral judgement', 'capacity for moral decision-making', and 'moral capacity' interchangeably.

[17] Jeanette Kennett, 'Autism, Empathy and Moral Agency', *The Philosophical Quarterly* 52, no. 208 (2002): 351.

[18] Future situations can be highly similar to past situations, which is why they would not appear novel to the person who experiences an expected sense of familiarity. If the similarity is not salient, however, future situations would, for all intents and purposes, be considered novel as well.

Section 1 – High-functioning Autism and Reliable Moral Judgement

In this section, I will be looking into four arguments in favour of the claim that HFAs should be understood as moral agents. My aim in this section is to provide an overview of current philosophical literature on high-functioning autism and moral agency. I will be drawing on works by Jeanette Kennett and Nathan Stout. Kennett's is not a very recent contribution, but her argument is frequently cited when autism is mentioned in discussions on moral agency and cognitive impairment. Stout has been actively writing on autism, moral responsibility and moral learning in recent years. Even though Kennett and Stout both focus on different cognitive impairments in autism, both stress that there is sufficient evidence that HFAs are capable of reliable moral judgement. The arguments that can be extracted from both their works are as follows:

I. HFAs distinguish between conventional and moral transgressions, and do not merely base this distinction on the presence or absence of distress cues;

II. HFAs show rational concern for upholding moral standards and taking other people's interesting into consideration – this becomes especially apparent when comparing HFAs to psychopaths, as both groups are associated with a lack of moral sentiment (in this case, empathy);

III. HFAs employ coping strategies specific to moral situations;

IV. HFAs respond to moral reasons, barring situations that require counterfactual thinking. Though difficulties in counterfactual thinking or executive functioning may 'block' some moral reasons, HFAs are nevertheless susceptible to moral considerations.

Each argument will make up its own subsection. The first subsection will discuss psychological evidence both Kennett and Stout draw from, namely research on the moral-conventional distinction. I will discuss Kennett's argument on reverence for reason and moral concern in the second subsection. The third and fourth subsection will go into Stout's arguments on the use of compensatory strategies and model-free reasoning in high-functioning autism.

1.1.1. HFAs and Moral Sensitivity

In this subsection, I will lay out the first argument for considering HFAs capable of reliable moral judgement, which is that

HFAs distinguish between conventional and moral transgressions and do not merely base this distinction on the presence or absence of distress cues.

The general idea behind this argument is that empirical evidence supports the idea that HFAs have moral capacity, because they can sense the difference between what is moral and what is not. In other words, HFAs have moral sensitivity. The psychological studies by Blair and Leslie et al. are commonly referred to in support of HFAs being morally sensitive. In these studies, autistic children are tested on their ability to make the distinction between moral and conventional transgressions.

In his research on moral judgement in autistic children, R.J.R. Blair shows that autistic children – even those with more pronounced Theory of Mind issues - successfully distinguish between moral and conventional transgressions. In his earlier work on the moral/conventional distinction and psychopathy, Blair describes the difference as follows:

> Within the [psychological] literature, moral transgressions (e.g., hitting another, damaging another's property) are defined by their consequences for the rights and welfare of others.[19] Conventional transgressions (e.g., talking in class, dressing in opposite-sex clothes) are defined by their consequences for the social order. Children and adults generally judge moral transgressions to be more serious than conventional transgressions (…). In addition, and more important, modifying the rule conditions (e.g., by an authority figure removing the prohibition against the act) only affects the permissibility of conventional transgressions. Even if there is no rule prohibiting the action, subjects generally judge moral transgressions as nonpermissable. In contrast, if there is no rule prohibiting a conventional transgression, subjects generally judge the act as permissible.[20]

However, Blair believes that the ability to make this distinction relies on the presence of a so-called Violence Inhibition Mechanism (VIM) – a mechanism that seems absent in psychopaths.[21] When this mechanism is activated by 'non-verbal communications of distress' (sad or anxious facial expressions, crying, etc.), this elicits an immediate withdrawal response in both the transgressor and anyone observing the transgression.[22] The more this mechanism is triggered, the stronger the urge to withdraw from the situation in question.[23] Since no primary affective deficits seem to be evident in high-functioning children with autism – i.e. they have 'the emotional capacity to show arousal to the distress of others'- there is no significant difference between the responses of autistic participants

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[19] Note that Blair agrees with Smetana that 'an individual's processing of an act as moral or conventional is determined by whether he/she considers that the act results in victims.' See R. J. R. Blair, 'Brief Report: Morality in the Autistic Child', *Journal of Autism and Developmental Disorders* 26, no. 5 (1 October 1996): 577, https://doi.org/10.1007/BF02172277.

[20] Blair, 572.

[21] R. J. R. Blair, 'A Cognitive Developmental Approach to Morality: Investigating the Psychopath', *Cognition* 57, no. 1 (1 October 1995): 3, https://doi.org/10.1016/0010-0277(95)00676-P.

[22] Blair, 3.

[23] Blair does add that the VIM is not the only mechanism mediating a person's ultimate response: not every attacker stops at the sight of tears, and not every observer intervenes when a line is crossed. See Blair, 3.

and those of normally developing controls.[24] Therefore, Blair concludes that high-functioning autistic children have at least some sensitivity to other's distress, and that the mentalising difficulties associated with autism do not impede the general development of the moral/conventional distinction.[25]

As this still leaves room for the idea that a difference in response to either a moral or a conventional transgression could be attributed to a susceptibility to distress cues, rather than the ability to make the moral/conventional distinction, Leslie, Mallon, and DiCorcia decided to repeat Blair's study, only now with the crucial addition of 'the cry baby story'.[26] In this experiment, participants are presented with a scenario in which one of the protagonists shows distress cues during an exchange in which no transgression is committed: a group of children are given biscuits as a treat – one biscuit for each child. Having eaten her biscuit, one girl cries in protest, because another child does not give her their biscuit but eats it instead. As the biscuits have been distributed fairly, the girl's distress appears unfounded. Leslie et al. refer to this child as 'the cry baby'. Because there is no reason to consider this particular exchange a moral transgression, Leslie et al. expect that the scenario does not incite the same kind of response one would show in case of a moral transgression. Indeed, autistic participants do not differ in their response to this cry baby scenario compared to controls: both groups withhold sympathy from the crying child and do not respond to the distress cues, whereas they did do so in the case suggesting a moral transgression. Leslie et al. conclude, like Blair, that basic moral judgement is spared in autistic children despite ToM difficulties.

While these psychological studies on autism and moral judgement cannot tell us whether HFAs are moral agents, the apparent ability to make this distinction is generally taken as proof that a person is sensitive to moral considerations and can adjust their responses accordingly. As Nathan Stout puts it, 'successful performance on this task is at least putative evidence of a retained ability to classify actions according to moral concepts.'[27] He also emphasises that, in the scenarios describing moral transgressions (such as one child hitting another), the autistic participants still thought the hitting was not OK, *even if an authority figure (like a teacher) would say that hitting each other is permissible.* With conventional transgressions, there appeared to be more flexibility. For Stout, this clearly shows 'that individuals with ASD are sensitive to moral considerations in an important way.'[28]

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[24] Blair, 'Brief Report', 577.

[25] Blair, 578.

[26] Alan M. Leslie, Ron Mallon, and Jennifer A. DiCorcia, 'Transgressors, Victims, and Cry Babies: Is Basic Moral Judgment Spared in Autism?', *Social Neuroscience* 1, no. 3–4 (2006): 276, https://doi.org/10.1080/17470910600992197.

[27] Nathan Stout, 'Autism, Episodic Memory, and Moral Exemplars', *Philosophical Psychology* 29, no. 6 (2016): 864.

[28] Nathan Stout, 'Reasons-Responsiveness and Moral Responsibility: The Case of Autism', *Journal of Ethics* 20, no. 4 (2016): 408.

In response to the worry that HFAs' performance on these distinction tasks might not be the result of genuine moral reasoning but of 'compensatory strategies', Stout suggests an appeal 'to our intuitions regarding anecdotal evidence of moral judgement in ASD. This anecdotal evidence (…) suggests a robust ability to make moral judgments.'[29]

1.1.2. Kennett on HFAs and Reverence for Reason

The 'intuitions regarding anecdotal evidence in moral judgement in ASD' Stout mentioned in the previous subsection are ones shared by Jeanette Kennett in her article on autism, psychopathy, and moral agency. In this subsection, I will discuss the second argument for the claim that HFAs are moral agents, which is that

HFAs show rational concern for upholding moral standards and taking other people's interesting into consideration – this becomes especially apparent when comparing HFAs to psychopaths, as both groups are associated with a lack of moral sentiment (empathy).

In her article "Autism, Empathy, and Moral Agency", Jeanette Kennett intends to provide more insight into the role of reason (as opposed to moral sentiments like sympathy and empathy) in the development of moral agency.[30] She uses the case of high-functioning autism and compares this to the case of psychopathy, as both conditions have been associated with a lack of empathy.[31] In studies on psychopathy, the amoralism that individuals with this condition show is often attributed to this lack of moral sentiment. The underlying assumption is that when we cannot imagine what other people might be thinking or feeling, we are hard-pressed to show our regard for their perspective (be it positive or negative) in the way we reason and behave.[32] If this is true, not having 'an adequate pathway to other people's minds' undermines the capacity for understanding why other people's interests matter. Many have claimed that it is this incapacity that accounts for 'psychopathic moral indifference'.[33] Indeed, if this indifference deems psychopathic individuals unfit as moral agents, then it stands to reason that a lack of empathy significantly undermines development of moral agency.

However, Kennett reckons that HFAs are a clear counterexample to the claim that empathy is necessary for developing moral agency. In contrast to psychopathic individuals, HFAs do not have

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[29] Stout, 'Autism, Episodic Memory, and Moral Exemplars', 865.
[30] Jeanette Kennett is a professor of philosophy at Macquarie University, Australia, where she is part of the Centre for Agency, Values, and Ethics.
[31] Kennett, 'Autism, Empathy and Moral Agency', 342.
[32] Kennett, 344–45.
[33] Kennett, 342.

what she calls 'a fundamental indifference to moral considerations'.[34] In other words, HFAs appear to value the constraints of a moral code of conduct and therefore see reason to shape their judgements and behaviour accordingly, whereas psychopathic individuals are generally not 'moved by moral concerns' and do not see the need to compensate for this.[35] Apparently, HFAs and psychopathic individuals apply their reason differently. A lack of empathy in HFAs does not appear to be directly correlated with a-moralism, which suggests that a susceptibility to moral considerations may correlate with but not rely on empathetic ability.

Yet, the question remains to what extent the coping strategies HFAs employ adequately compensate for a possibly compromised development of moral agency. After all, a willingness to put in time and effort to neutralise the impact of a particular condition on one's thinking does not necessarily result in success. Kennett recognises that people with autism are affected in their moral competence, as their reasoned concern for other people's interests often does not mean that they can discern what these interests might be.[36] Moreover, she points out that strategies for compensation purposes cannot be realised by all autistic individuals, as this would require a level of self-reflection concerning their past and future experiences – a 'thinking beyond the moment'- that may lie well beyond the reach of those who are less able:

> (…) the visual, literal and world-focused nature of the autistic person's thinking does not lend itself well to introspection or to the kind of abstraction required for seeing oneself as a being existing over time. Severely and moderately autistic people may thus be condemned to live largely in the moment, creating connections to their past and future through routines and rituals rather than through projects and relationships.[37]

Nevertheless, she states that anecdotal evidence supports the idea that HFAs and those with Asperger's Syndrome[38] possess alternative cognitive 'tools' for arriving at moral judgement. As she puts it:

> It appears that they can develop or discover moral rules and principles of conduct for themselves by reasoning, as they would in other matters, on the basis of patient explicit enquiry, reliance on testimony and inference from past situations.[39]

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[34] Kennett, 340.
[35] Kennett, 342.
[36] Kennett, 354.
[37] Kennett, 357.
[38] Kennett bases her clinical understanding of autism on previous versions of the DSM. DSM-5 no longer recognises Asperger's Syndrome as a distinct condition. Though Kennett separates the two, I do not consider Asperger's Syndrome to be conceptually different from high-functioning autism, as 'Aspies' tend to be high-functioning as well.
[39] Kennett, 'Autism, Empathy and Moral Agency', 351.

To illustrate, she refers to Temple Grandin, an American zoologist who became famous for both her insightful research on animal behaviour/welfare, and for being a high-functioning autistic woman. Grandin describes how she meticulously catalogues and analyses her observations and experiences of other people's language and behaviour, so she can use this information to anticipate future social situations. She plays these 'videos' of experiences in her head, so she can learn about and correlate what she perceives.[40] Kennett also mentions Jim Sinclair, a renowned autistic autism-rights movement activist, who expresses the need for a 'separate translation code' for every person he meets.[41] Behavioural cues do not have a universal meaning for everyone, which is why he has to study each person's cues separately to find out what (non)verbal action would be appropriate.[42] Though it might be a more strenuous cognitive exercise, Kennett believes that the kind of alternative processing we see exemplified in Grandin and Sinclair allows HFAs to achieve moral autonomy.[43]

However, it is not clear how the ability to file social experiences in a library (in Grandin's terms) of logical processes connects to moral reasoning. As I have mentioned above, Kennett points out that HFAs express what psychopathic individuals markedly do not: a deep appreciation for reasons to act or not act that is not solely instrumental. As Kennett argues,

> [t]his reverence for reason is the core moral motive, the motive of duty. While many moral agents may not think explicitly in terms of duty when deciding what to do, they must be disposed to act in accordance with their judgements about what they ought to do, even when supporting motives such as sympathy are not available. Otherwise their right actions must be seen as accidental and without moral worth.[44]

This leads her to conclude that '[o]nly individuals who are capable of being moved directly by the thought that some consideration constitutes a reason for action can be conscientious moral agents.'[45] As opposed to psychopathic individuals, HFAs are susceptible to moral reasons, because their reverence for reason causes them to have moral concern. They can and do act upon these reasons, which makes them moral agents in Kennett's book. Therefore, difficulties in taking other people's perspectives need not preclude the possibility of reaching moral judgement in some other

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[40] Kennett, 351.
[41] Kennett, 352.
[42] While, at least in an abstract sense, this may be true for most people, Kennett wants to emphasise that both Temple Grandin and Jim Sinclair expressly *need* to be able to reconstruct social interaction into a logical process.
[43] Kennett, 'Autism, Empathy and Moral Agency', 351.
[44] Kennett, 355–56.
[45] Kennett, 357.

way.

1.1.3. Stout on HFAs and Compensatory Strategies for Moral Judgement

When a person sees the need to find a creative solution for coping with a particular situation, this seems to suggest that they have some notion of the problem they are looking to solve as well as the context in which a particular kind of behaviour is called for. In other words: at some level, they know what they are doing and why they are doing it. When considering Kennett's view above, it is clear she sees the motivation HFAs have to compensate for cognitive deficits in moral situations as a show of moral concern. Nathan Stout adds to this by pointing out that the coping strategies HFAs reputedly employ are tailor-made to such an extent, that it is understandably hard to imagine that they are not in tune with moral demands. As such, Stout defends the third argument for the claim that HFAs are capable of reliable moral judgement, which is that

HFAs employ coping strategies specific to moral situations

Because of this, Stout considers it evident that the moral decision-making of HFAs indicates that they have some understanding of what is morally required of them, because their compensational efforts are aimed at meeting this requirement. In his critique of John Martin Fisher and Mark Ravizza's account of reason-responsiveness and moral responsibility,[46] Stout argues that

> [t]he fact that individuals with ASD[47] are able to develop compensatory heuristics for moral judgments and to distinguish moral from conventional norms most of the time is evidence that they are capable of recognizing an understandable pattern of reasons that are minimally grounded in reality, and this general capacity is all that is required for regular receptivity according to Fischer and Ravizza.[48]

Along with HFAs' performance on the moral/conventional distinction tasks (as discussed in section 1.1.1.), Stout takes the specificity of HFAs' coping strategies as further evidence that they are reliably receptive to moral considerations and can, therefore, be expected to respond accordingly. Receptivity here refers to the capacity to recognise moral reasons, after which a person is able, to a greater or lesser degree, to be reason-reactive by deciding how to shape their decisions and actions

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[46] I need to add here that Fisher and Ravizza's account serves to explain what it means for an individual to be responsible for a particular action. It is not meant as a standard for determining who is or is not a responsible agent in general.

[47] This is short for Autism Spectrum Disorder and encompasses all forms of autism, though both Stout and Kennett make it clear that 'compensatory heuristics' are mostly available to those on the spectrum who can be considered high-functioning.

[48] Stout, 'Reasons-Responsiveness and Moral Responsibility: The Case of Autism', 409.

according to the reasons they have 'received'.[49] Now, problems with reason-reactivity are matters of competence. However, as receptivity prerequisites reactivity, and the question is whether HFAs have moral considerations to work with, Stout believes the specificity of coping mechanisms clearly illustrates practical consideration of moral reasons.[50]

1.1.4. Stout on HFAs and Overcoming Issues in Counterfactual Thinking

Yet, Stout also acknowledges that autism is associated with cognitive impairment. More specifically, he points out that there is reason to believe that HFAs have impaired counterfactual reasoning abilities and that this may have implications for their moral reasoning capacity. In this subsection, however, I will discuss Stout's response, the fourth argument of this section, which is that

HFAs respond to moral reasons, barring situations that require counterfactual thinking. Though difficulties in counterfactual thinking or executive functioning may 'block' some moral reasons, HFAs are nevertheless susceptible to moral considerations.

To provide some background to his claim, Stout mentions studies by Grant et al., Leevers & Harris, Riggs & Peterson, and Peterson & Bowler in which children with high-functioning autism are tested on their counterfactual thinking abilities.[51] All three studies show that children with high-functioning autism have great difficulty including counterfactuals in their reasoning process.[52] In most literature on counterfactual thinking, counterfactuals are seen as alternatives to *past* events. Stout, however, understands counterfactual reasoning as 'suspending one's presently observed reality and thinking about states of affairs that do not match that reality.'[53] In other words, counterfactual thinking

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[49] Stout, 408.

[50] In discussing various literature on reason-responsiveness, Kenneth Richman distinguishes between normative competence in its cognitive component (i.e. recognising wrong-doing, regarding the thoughts, feelings, and interests of others) and normative competence in its volitional component (i.e. reacting to reasons). Here I have used competence mainly as a marker of reason-reactivity, but this is not to say that receptivity cannot be characterised as a sort of competence. I have chosen not to do so here.

[51] Counterfactual (conditional) reasoning is a reasoning process that allows us to answer counterfactual questions of the form "If X then Y?" where X is a proposition that is known to be false; for example, "If fish couldn't swim, could they live in the sea?" and Peterson suggest that counterfactual reasoning involves adapting one's knowledge base in a counterfactual way and reasoning from the adapted knowledge base. Thus, in the example above, one must adapt one's knowledge base by replacing the fact that "fish can swim" by the counterfactual proposition "fish can't swim," simulating what might happen if a nonswimming fish tried to live in the sea, and reasoning to the conclusion that, "If fish couldn't swim, then they couldn't live in the sea." In this kind of example, the adaptation to the knowledge base involves a counterfactual proposition concerning a physical state, or physical fact, about the world.[51] Such a feat of mental comparison not only helps to make sense of a present event, it also informs future decisions in similar situations.

[52] Stout, 'Reasons-Responsiveness and Moral Responsibility: The Case of Autism', 406–7.

[53] Stout, 406.

consists in *imagining* contrasting cases,[54] which helps to better understand the causal construction of the present (or past) situation.[55] Though he does not refer to counterfactuals per se, Kennett Richman does agree that some individuals with autism may not be able to access crucial situational information: 'Where a typical observer or participant in the scene would have picked up on these facts, someone else might in a sense be blocked from them.'[56] The reason why Stout focuses on counterfactual thinking is because some studies on children with autism suggest that, while the children are capable of successfully inferring states of affairs from explicitly provided counterfactual premises, their representational ability appears to be impaired.[57] This suggests that children with autism fail to include counterfactuals when making cause-effect pairings and therefore miss out on learning/habituating courses of action that need to be inferred from *implicit* counterfactuals. Without explicit cues, there probably does not seem any need to attend to a state of affairs that is not actually the case.[58] This leads Stout to argue that their ability for moral judgement in situations that require counterfactual thinking is likely to be compromised.

However, Stout does not believe that difficulty with counterfactual thinking implies that HFAs lack the ability for moral consideration. The underlying idea is that HFAs are receptive to what they can access or perceive. While some moral reasons may not be perceived due to difficulties in, for instance, counterfactual thinking (Stout) or executive functioning (Richman), this leaves sufficient moral space HFAs *are* capable to navigate. To further explain this, Stout refers to the difference between model-based and model-free decision-making. Understanding moral decision-making within a model-based/model-free framework is to accept the view that moral reasoning 'can be best understood in computational terms'.[59] This means that

> in some circumstances, moral decisions are made according to a representation of a model, or
> decision tree. The agent represents a model and then follows that model in order to reach some end
> goal. Decisions are then made according to whether or not certain courses of action conform to our
> model or help to achieve the desired end. In other cases, however, a model-free process is utilized in

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[54] In their article, Harris et al. discuss John Leslie Mackie's thoughts about counterfactual thinking and the distinction he makes between primitive and sophisticated procedures of counterfactual thinking. In the primitive case,

[55] P. L. Harris, T. German, and P. Mills, 'Children's Use of Counterfactual Thinking in Causal Reasoning', *Cognition* 61, no. 3 (December 1996): 236.

[56] Kenneth A. Richman, 'Autism and Moral Responsibility: Executive Function, Reasons Responsiveness, and Reasons Blockage', *Neuroethics* 11, no. 1 (1 April 2018): 28, https://doi.org/10.1007/s12152-017-9341-8.

[57] Stout, 'Reasons-Responsiveness and Moral Responsibility: The Case of Autism', 406.

[58] The notion that people with autism do not see the need to attend to something unless explicitly directed is taken from Francesca Happé, as mentioned in Kate C Plaisted, 'Reduced Generalization in Autism: An Alternative to Weak Central Coherence', 2015, 5–6.

[59] Stout, 'Reasons-Responsiveness and Moral Responsibility: The Case of Autism', 411.

which positive or negative values are assigned directly to particular actions by way of positive and negative feedback which has been habituated over time.[60]

The ability for representing counterfactual states of the world would therefore only be relevant in cases where model-based reasoning is required. When these cases can be navigated using model-free reasoning - where a person would systematically pair particular actions with the appropriate moral value - a deficit in counterfactual reasoning need not be much of a hindrance. As long as there are moral situations in which autistic individuals can see what is moral (as opposed to merely conventional) or can follow rules to respond to these perceived moral elements, we have no reason not to consider them moral agents. In both Kennett and Stout's view, HFAs have what it takes to get it right most of the time, which, considering their sensitivity to moral transgressions and their solid motivation to adhere to reason, is more than what we would minimally expect from moral agents.

Section 2 - High-Functioning Autism and Compensation in Complex Moral Situations

In the previous section, I have shown that HFAs appear capable of reliable moral judgement in virtue of their moral sensitivity, their reverence for reason, the active employment of compensatory strategies, and/or their model-free reasoning capacity. Both Stout and Kennett accept these arguments as evidence that HFAs are moral agents. In this section, I will respond to the two main claims that can be distilled from those four arguments: HFAs are moral agents, because (1) they are capable at systemising their social environment through moral rule formation and application, and (2) they get it right most of the time.[61] Claim (1) is mainly based on arguments II, III, and IV, whereas (2) is more rooted in arguments I and III. Attributing moral agency to a neurologically atypical minority like HFAs implies that the cognitive deviations associated with autism are not a significant factor to the extent that they compromise their moral decision-making in daily life. This is not to say that a person can only be a moral agent if they are faultless in their moral decision-making. It is to say that the attribution of moral agency creates the *expectation* that a person is capable of exercising their moral capacity in future situations. According to Stout and Kennett, HFAs can sufficiently meet this expectation by compensating for anything they may lack in the cognitive department. Yet, there

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[60] Stout, 411.
[61] Or, as Stout phrases it with regards to making the moral/conventional distinction, 'they are no worse off in this respect than are neurotypical agents.' See Nathan Stout, 'Reasons-Responsiveness and Moral Responsibility: The Case of Autism', *Journal of Ethics* 20, no. 4 (2016): 409.

are other psychological studies supporting the notion that, in the case of HFAs, it is debatable whether *reliable* compensation can be expected in real-life, novel, and complex (social) situations. I will therefore argue that the available empirical evidence is inconclusive as to whether claims (1) and (2) sufficiently hold beyond test performances.[62]

1.2.1. HFAs and Issues in Rule Organisation

In section 1.1.2., I referred to the anecdotal evidence Jeanette Kennett uses to substantiate the notion that HFAs actively engage in rule formation and application to impose order onto their social surroundings. In this subsection, I will question the extent to which rule formation and application are a form of reliable compensation. I mentioned Kennett's example of Temple Grandin, who describes having a mental library of logical processes that help her make sense of her past and future experiences. In a sense, Grandin uses her library as a manual that tells her what she should (not) pay attention to, and that provides her with a limited set of verifiable options for what a social exchange or scenario could mean and what her role in it should be.[63] As I mentioned in II, Kennett takes from this evidence that HFAs can apparently

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[62] Though I do think current studies on autism are significantly improving their research designs, I must note that one important issue with much of the psychological studies on rational/moral capacities in autism is that the participants are mostly children and predominantly male. A probable reason for this is that behavioural deviancies are often most apparent in young children, as high-functioning autistic adults show a higher degree of adaptivity. Furthermore, a now deeply questioned tradition of only including young boys in psychological testing as well as the stereotypical image of the male autist have contributed to an underrepresentation of the female autistic population in autism research. Furthermore, it is not clear what we can or cannot expect from adult autistic individuals, as there has not been sufficient research into this. See Fred Volkmar, Brian Reichow, and James McPartland, *Adolescents and Adults with Autism Spectrum Disorders*, 2014, https://doi.org/10.1007/978-1-4939-0506-5.

[63] Such a manual could say, for instance, that: 'When someone says that "the night is falling", they are notifying me of the fact that day time is transitioning to night time. In case there is a time schedule for the evening, someone may say this to indicate that we need to move on from the activity we are currently engaged in or the location we are currently situated at. In case there is no time schedule or a plan that involves myself of the both of us, this is most likely meant as a social nicety, to which I should reply with a nod or a "yes". "The night is falling" does not mean that I have to protect my head when walking outside or stay indoors for fear of something falling on top of me.' It may seem as if this is a trivial bit of information and not something that a rational person needs to remind themselves of. However, considering HFAs, like most individuals with autism, experience difficulty in understanding non-literal expressions and that it is not always the case that someone is not being literal, someone may have to decide on a case-by-case basis how to respond to such an expression. As Mathersul, McDonald, and Rushby suggest, the difficulty in interpreting other people's non-literal expressions is often due to individuals with autism not understanding 'that there are a variety of ways in which they [i.e. other people] might use that information when communicating.' See Danielle Mathersul, Skye McDonald, and Jacqueline A. Rushby, 'Understanding Advanced Theory of Mind and Empathy in High-Functioning Adults with Autism Spectrum Disorder', *Journal of Clinical and Experimental Neuropsychology* 35, no. 6 (2013): 663, https://doi.org/10.1080/13803395.2013.809700; 'Participate!', accessed 19 June 2019, https://www.participate-autisme.be/go/nl/autisme-begrijpen/wat-is-autisme/autisme-van-binnen-uit/autisme-en-communicatie.cfm.

develop or discover moral rules and principles of conduct for themselves by reasoning, as they would in other matters, on the basis of patient explicit enquiry, reliance on testimony and inference from past situations.[64]

Now, rules can be seen as descriptive principles: they both explain the conditions under which a particular phenomenon occurs as well as impose direction on future action within a particular circumstance. Yet, not every rule has the same level of priority: knowing which rules one should respond to and which ones are less relevant to the situation, requires an understanding of the context one has to decide in. In other words, to take stock of all the relevant information and the rules that may apply to this information, one needs a general overview of the situation. It is only when there is such an overview, that it might become clear what rule takes precedence over another. Imagine a scenario in which one person sees another person being thrown off their bike and falling awkwardly into the grass. At the edge of this stretch of grass, however, the onlooker in this scenario sees a sign telling them to keep off the grass. In this context, because there is an accident and chances are that the cyclist may be hurt, a rule stating that 'one should help a person who may have come to some harm' trumps the rule that states that 'one should keep off the grass'. Another reason why a general overview would enable a person to decide what rule to apply is that a general overview of a situation helps to make connections between the novel situation and past situations that were similar. In short, forming and applying rules in novel circumstances demands that a person have the ability to assume a general overview of a situation so as to generalise and prioritise any rules that may apply.

However, the rule governance that is considered an advantage in compensating for cognitive impairment in moral decision-making may, due to executive function deficits in HFAs, cause more confusion than clarity in practice. As Kenneth Richman explains, 'executive function processes are "top-down" control mechanisms'.[65] These mechanisms aid in, amongst other processes, inhibitory control, which allows for behavioural and cognitive inhibition, as well as selective attention. In laymen's terms, a top-down control mechanism surveys and filters incoming information, so that only the relevant information is attended to. By filtering information, it allows a person to focus on those elements in a situation that are relevant to their purposes. As such, they do not have to sort through every single available detail, which would constitute a more "bottom-up" approach. When this "top-down" control mechanism appears compromised, as it does in autism, then filtering information becomes a more consciously strenuous process. This is why rules are so helpful to many

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[64] Kennett, 'Autism, Empathy and Moral Agency', 351.
[65] Richman, 'Autism and Moral Responsibility: Executive Function, Reasons Responsiveness, and Reasons Blockage', 24.

individuals with autism: as rules sort information into predictable patterns, using them allows a person to 'chunk down' a large amount of information to rule-operated segments. By directing one's attention to a selection of information, rules help to avoid spending an inordinate amount of time and effort on considering every single (possibly irrelevant) detail. As such, using rules compensates for not having a well-functioning top-down mechanism.

Unfortunately, this does not mean that rules solve the issue of not having the full benefits of a top-down control mechanism, as there is no clear rule for sorting out the rules. While rule formation and application may be manageable in a simple and structured setting (like a psychological experiment), when situations become more complex, the amount of information HFAs have to process may increase to such an extent, that they might turn out fairly unequipped to filter out what is most important to respond to.[66]

According to Williams et al. this is why 'autism is [best] characterized by impairment in complex cognitive processing in multiple domains while simpler abilities in those same domains are intact or sometimes better than normal.'[67] Complex Information Processing Theory (CIPT) assumes that the meaning of a situation depends on the combination and subsequent interpretation of multiple events (actions, reactions, factual circumstance) and relevant background information (thoughts, desires, intentions, history, relations). Only when we have an overview of these relevant situational elements, can we grasp the context in which these elements should be understood. Complexity then lies in the demand placed on a person's cognitive system, not necessarily in the number of occurring events.[68] This makes the CIPT interesting, as, according to this model of autism,

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[66] When access to relevant information (even for the purpose of studying it, learning about it, and practicing with it) requires a particular kind of rational attentiveness, and this attentiveness is not cognitively facilitated in a group of atypically developing individuals, then (like Stout points out) this might be a direction those individuals' rational faculties would not naturally/automatically turn. Having to redirect attention for every single occasion in which information needs a special accessing 'code' can be too cognitively demanding, which could mean that HFAs having coping strategies or other alternative ways of filling in situational blanks does not equip them to effectively process such complex information. Language, for instance, may serve as a bootstrap for verbal individuals with autism: it is a form of 'controlled processing' they use to compensate for a lack of automatic information integration. However, as Williams et al. point out, development of fluent language is not enough to address the differences in concept formation/conceptual reasoning that interfere with adaptive functioning. This underlying difficulty also affects the development of higher order language skills. See Diane L. Williams, Nancy J. Minshew, and Gerald Goldstein, 'Further Understanding of Complex Information Processing in Verbal Adolescents and Adults with Autism Spectrum Disorders.', *Autism : The International Journal of Research and Practice* 19, no. 7 (October 2015): 865, https://doi.org/10.1177/1362361315586171.
[67] Diane L. Williams et al., 'Associations Between Conceptual Reasoning, Problem Solving, and Adaptive Ability in High-Functioning Autism', *Journal of Autism and Developmental Disorders* 44, no. 11 (1 November 2014): 2909, https://doi.org/10.1007/s10803-014-2190-y.
[68] Williams, Minshew, and Goldstein, 'Further Understanding of Complex Information Processing in Verbal Adolescents and Adults with Autism Spectrum Disorders.', 860.

'the impairment is characterized as a generalized deficit involving multiple modalities and cognitive domains that depend on distributed cortical systems responsible for higher order abilities.'[69]

Therefore, even though HFAs can form and apply rules in simple situations, this does not mean that they would be able to cope when situations become more complex. If we take this evidence seriously, then successful performance in experimental settings (see the moral/conventional distinction experiment as explained in section 1.1.1.) may not be as indicative of successful management of future moral situations, as the formal measure of the studies 'may not necessarily reflect actual [real-life] functioning for [adult] individuals with autism.'[70] When we look at outward functioning of HFAs in past situations, we may draw from this that, despite their cognitive limitations, they appear behaviourally successful. However, studies by Williams et al. and Kourkoulou et al. suggest that there is cause to consider individuals with autism to be rather unprepared for dealing with novel social information without either a pre-existing or an explicitly provided action framework.[71] This would refute claim (2), as it does not seem to cover situations beyond an experimental setting.

1.2.2 HFAs and Issues in Relevance Detection

In the previous subsection, I argued that while we can expect a high degree of rule-governance in high-functioning autism, this is not to say that rule formation and application would be a reliable compensation strategy for HFAs in complex, real-life situations. I clarified that autistic individuals rely on a bottom-up mode of information processing, which means that they are at a disadvantage when navigation a situation requires an integration of both bottom-up and top-down information processing. In this subsection, I will home in on an ability that is dependent on such an integration: relevance detection. The Relevance Detection Theory of Autism focuses on this ability to provide more insight into the difference between autistic and neurotypical processing, which is why I will discuss it here. As presented by Zalla and Sperduti,

> [t]he *Relevance Detection Theory of Autism* posits that hyper-activation of the amygdala in response to potentially threatening or physically intense events in the environment is due to a disrupted interplay between a cognitive "top-down" attentional system and an automatic "bottom-up" attentional mechanism operating on raw sensory input.[72]

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[69] Williams, Minshew, and Goldstein, 859.

[70] Williams et al., 'Associations Between Conceptual Reasoning, Problem Solving, and Adaptive Ability in High-Functioning Autism', 2918.

[71] Williams et al., 2909.

[72] Tiziana Zalla and Marco Sperduti, 'The Amygdala and the Relevance Detection Theory of Autism: An Evolutionary Perspective', *Frontiers in Human Neuroscience* 7 (30 December 2013): 8, https://doi.org/10.3389/fnhum.2013.00894.

The neuroimaging studies they refer to show that, in autism, there is an impaired integration of bottom-up physical information (internal salience) and top-down contextual information (external salience).[73] Zalla and Sperduti suggest that this integration is essential in forming 'a *priority map* of self-relevant events.'[74] In other words, through this integration, the events in a situation become organised in order of relevance. Neurotypicals might not be perfect at information processing and making sense of a particular context, but they appear to have a greater capacity for filtering out irrelevant information or storing information for later use.

These difficulties in information processing and integration also affect HFAs' ability to match patterns of events in new situations with similar patterns in past situations. According to Kate Plaisted, autistic individuals appear to have a 'reduced ability to process similarity at the perceptual and attentional level' (i.e. reduced generalisation).[75] This reduced generalisation ability may have implications for the moral learning process in HFAs. Here I consider moral learning the process through which a person becomes more capable of identifying and recognising moral situations, using past experiences for moral reference. To interpret what is the best response in a new situation, a person would refer back to similar situations they have experienced and adapt their response from there.[76] However, as suggested above, HFAs do not process (situational) information in the same way as non-autistic people do, which hinders them in referring back to their past experiences when responding to future situations. Due to their reliance on bottom-up information processing, they may arrive at the bigger picture of a situation, but they can only do so by painstakingly sorting through a considerable amount of possibly irrelevant details. Starting from the details, it takes them much longer to see the similarity between a former experience and a new one, as difference often lies in the details. This can be contrasted with top-down perception, where any overlap between a former situation and a new situation is quickly found when the former situation 'primes' recognition of its situational structure in newly occurring situations. Therefore, in not being able to rely on their powers of cross-contextual recognition, people with autism have to pair each situation with its own, individual structure. Put simply, autistic individuals tend to depart from the notion that 'a situation is different until proven similar', whereas for non-autistic people it would be that 'a situation is similar until proven different'. Non-autistic individuals may, for instance, see similarly positioned seating areas in restaurant A and B, and assume that, like restaurant A, restaurant B serves lunch. It is only when they pick up the menu card that they notice there is no lunch service. In a slightly different

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[73] Zalla and Sperduti, 10.
[74] Zalla and Sperduti, 10.
[75] Plaisted, 'Reduced Generalization in Autism: An Alternative to Weak Central Coherence', 2.
[76] I will say more about moral learning in section 2.1.

restaurant context, autistic individuals may notice that the tables at restaurant C are square whereas the tables at restaurant D are round.[77] As a result, autistic individuals have little reason to suppose that C is comparable to D because they do not know whether the shape of the tables is significant or not. It is only when they gather more information (menu card included) that they may realise that both facilities serve dinner. If we extend this to moral decision-making, this means that when it comes to novel moral situations, it is unclear whether past situations or particular rules can be brought to bear on the unfamiliar circumstance to inform HFAs in their responses.

It could be said that, in line with argument I, III, and IV in section 1.1., this need not undermine the plausibility of claim (1), namely that HFAs can achieve moral agency by systemising their social environment through rule formation and application. It may mean that HFAs are just less capable than their age-and ability-matched non-autistic peers. They may be, as Kennett phrases it, 'conscientious, though often clumsy, moral agents.'[78] If this is indeed the case, we might wonder what moral agency really amounts to in the case of HFAs. There is reason to think that most moral situations are by definition complex, as context plays a considerable role in signifying the moral permissibility of an act or exchange.[79] Moreover, when understanding a person as a moral agent, expectations are placed on their functioning *in real-life situations*, not in experimental settings or other heavily structured conditions. I am not arguing that non-autistic individuals do not have issues with complex information processing or integration. Still, it is reasonable to think, as Williams et al. state, that

> [w]hen the demands places on the brain's system exceed their capacity, a breakdown in neurological and supported cognitive function occurs. This type of breakdown occurs for all individuals at some point during information processing. What is different for individuals with ASD is that behavioral measures of their overall level of cognitive function are not predictive of when such breakdowns will occur in the same way that they are for age- and ability-matched individuals with typical development.[80]

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[77] For those who may wonder why a round table could mean that there is a different kind of service, I would like to point out that a round table does not have a convenient shape for carrying full plates of food. This is not to say restaurants may not choose to put round tables in their dining area. I would say it would be an inconvenient choice, but that is my personal take on it.

[78] Kennett, 'Autism, Empathy and Moral Agency', 345.

[79] Even if concerns one person hitting or even killing another, context still matters: hitting a person

in a martial arts context may even be praised, and while the ethics of war are unclear on the best of days, we would not *necessarily* accuse a NATO soldier of murder. I am not arguing that harmful acts in either a martial arts context or a NATO army context are morally permissible. I am saying that while we might want to say that 'physical harm is never justified', it depends on the moral theory whether the context affects the moral value of an act.

[80] Williams, Minshew, and Goldstein, 'Further Understanding of Complex Information Processing in Verbal Adolescents and Adults with Autism Spectrum Disorders.', 860.

Therefore, the apparent moral sensitivity and the employment of coping strategies (as discussed in argument I and III) do not necessarily entail that morally appropriate behaviour in HFAs is an indication of reliable moral judgement (or 'something just as good').[81]

Section 3 - High-functioning Autism and Evidence of Moral Agency: Final Remarks

In section 1.1., I discussed four arguments put forward by both Nathan Stout and Jeanette Kennett for the claim that HFAs are moral agents on account of their ability for reliable moral judgement. According to them, HFAs are reliable in their moral judgement because of their moral sensitivity, their reverence for reason, the active employment of compensatory strategies, and/or their model-free reasoning capacity. In section 1.2., I responded to these arguments by picking out the two underlying claims: HFAs are moral agents, because (1) they are capable at systemising their social environment through moral rule formation and application, and (2) they get it right most of the time. However, the empirical evidence shows that in the case of HFAs their ability for rule formation and application is likely unreliable in complex and/or novel situations. The evidence is therefore inconclusive as to whether they can be reliable in their moral judgement, as this would require a general view of a moral context which, due to HFAs difficulties with information integration and generalisation, is not as obtainable as it might be for non-autistic individuals. Furthermore, while anecdotal evidence may support the notion that HFAs' behaviour can be seen as morally considerate, their outward functioning is not a reliable indication of moral capacity in similar future contexts. What this means for further philosophical inquiry into high-functioning autism and moral agency, is that it needs to be clear to what extent conclusions can be drawn from empirical evidence. As I mentioned in my introduction, calling a person capable of *reliable* moral judgement is to say that they can be expected to exercise their moral capacity in moral situations. It is not to say that someone exercises their moral capacity *on occasion*, or when the conditions are ideal. If empirical evidence is to inform philosophical enquiry in this case, we first need to more closely into this expectation of a person exercising their moral capacity. Only when we are clearer on what this expectation entails in the case of moral agency, can we put empirical evidence about high-functioning autism into context.

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[81] Stout, 'Reasons-Responsiveness and Moral Responsibility: The Case of Autism', 410.

Chapter 2

Standards of Moral Expectation and High-functioning Autism: The Difference between Moral Agency and Moral Performance

In chapter 1, I concluded that current empirical evidence supporting the notion that HFAs are capable of moral judgement is inconclusive as to whether HFAs are moral agents. The main reason the evidence is inconclusive, is that most psychological studies that point to *scenario-based* moral capacity in high-functioning autism do not provide insight in HFAs' ability to engage or exercise their moral capacity in situations in which *a moral scenario is not explicitly provided*. In other words, evidence that HFAs engage their moral capacity in experimental settings does not necessarily entail that HFAs can engage their moral capacity *outside of these settings*.[82] This is a problem when we want to know whether we should understand HFAs as moral agents, because the expectations that we have of moral agents are not limited to an ability to exercise their moral capacity in an experimental setting (or an otherwise explicitly structured scenario). Instead, we expect moral agents to be able to exercise their moral capacity when they find themselves in real-life moral situations. Therefore, in order to look more closely into the question whether HFAs are moral agents, it needs to be clear what moral agency is and what can be expected of a moral agent, before empirical data can be truly informative.

So far, I have only briefly touched upon the concept of moral agency, but I have not yet elaborated on what moral agency actually amounts to. What did become apparent in chapter 1 is that, whatever moral agency turns out to be, there has to be more to it than behavioural success in moral contexts or meticulous adherence to moral rules and procedures. While it may be true that HFAs employ coping strategies to navigate social situations (including moral ones), it is not clear to what extent these strategies are a manifestation of their moral capacity when they employ them in moral situations. On the whole, these strategies do not seem to possess the kind of adaptability that, as I will argue, is required for moral agency.

Stout and Kennett believe that, despite some cognitive impairments, HFAs are moral agents. This means that, according to them, HFAs have what it takes to meet the expectations we have of moral agents.[83] In this chapter, I will argue that this is not the case. The reason for my position is that

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[82] Of course, this also refers to otherwise heavily structured settings, that are not necessarily set up for psychological experiments. Settings may include formal training and educational situations (such as the ones in army facilities or primary schools), but also one's parental home when growing up.

[83] Stout even goes as far as saying that, even if it is not really making moral judgements at all, whatever HFAs do in moral decision-making is 'something just as good', because it 'yields actions that are consistent with those that flow from neurotypical moral judgments.' According to him, it would therefore not be justified to

moral agency (not moral judgement) presupposes a learning process or development that relies on the ability for detecting relevance, which is an ability not well supported by HFAs' mode of information processing.

Therefore, I will argue that HFAs are not best understood as moral agents at all, but rather as what I will call 'moral performers'. Moral performance does not require that a HFA have a developed moral capacity, but rather a developed capacity for managing situational scripts.[84] Both empirical and anecdotal evidence corroborates that, on account of their bottom-up processing style, HFAs rely on scripts to insert predictability in situations where they may feel there is none. It is therefore unjustified to hold HFAs to a standard of moral decision-making that presupposes a mode of information processing they have insufficient access to.[85]

It is my aim to show that moral agency presupposes a 'pre-attentive' capability for relevance detection, because without it, a person would not have the cognitive means to see what is or is not important in a moral situation – i.e. whether something is a moral context or not. Furthermore, I want to show that the expectation that moral agents are capable at detecting relevance has significant implications for the way we assess and understand moral decision-making in HFAs.[86] The assumption I will start from here is that, whatever one's moral theory, relevance detection plays an important role in moral decision-making. As such, I take moral agency to be dependent on the ability to detect morally-relevant elements in real-life situations.

This chapter is divided into three sections. In the first section, I will clarify the concept of moral agency. My aim for this section is to show that moral agency is a developed capacity for moral decision-making, and that this development is dependent on the ability to detect relevance. To support the notion that identification of morally relevant features plays an important role in the development of moral agency, I will draw upon Peter Railton's view on moral learning. In the second section, I will propose 'moral performance' as an alternative evaluation framework for analysing moral decision-making of HFAs. In this section, I will be referring back to the Complex Information Processing Theory and Relevance Detection Theory I have discussed in section 1.2.2., to support the

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claim that HFAs are not morally receptive. However, as I have argued and will continue to argue, being morally receptive is not the same as being a moral agent. See Stout, 'Reasons-Responsiveness and Moral Responsibility: The Case of Autism', 410.

[84] Using a script should not be confused with 'scripting': a constant repetition of a particular word sequence.
[85] While I will not go into this potential injustice here, I will say more on this in section 3.4.3. Here I will argue that calling HFAs moral agents could be considered an instance of misrecognition of moral capacity.
[86] There might be more abilities that are prerequisite to the development and exercise of a person's moral capacity. I will not be delving into what these abilities might be. Instead, I have chosen to single out the ability to detect relevance, because it is crucial to moral learning. While I will be discussing the concept of moral development, I will not be engaging with debates that focus on questioning the source of human morality – e.g. nature versus nurture, or moral perception versus moral intuition. Neither will I expound on theories of the good (i.e. what it means to live a good human life) or on theories of the right (i.e. what it means to do what is right).

view that it is not realistic to expect moral agency (as I have defined it) from HFAs. To both explain my choice for the term 'performance' in moral performance as well as illustrate how moral performance differs from moral agency, I will be using the notion of a theatrical play as a metaphor for the way HFAs position themselves in moral situations. This metaphor will drive home not only how important situational scripts are for HFAs, but also the amount of care and effort most HFAs put into meeting social expectations. However, my claim could be misconstrued as saying that HFAs are not morally responsible, as moral responsibility is generally associated with being a moral agent. In section 2.3., I will tackle this worry by arguing that moral performers can be held morally accountable.

Section 1 - Moral Agency, Moral Learning, and Relevance Detection

In this section, I will discuss what is expected of moral agents in terms of both moral judgement and moral development. I will show that moral agency is a developed moral capacity, that presupposes the pre-attentive ability to detect moral relevance. To show the importance of relevance detection in moral learning, I will be comparing the development of moral capacity with the development of physical fitness. This comparison will also serve to illustrate the importance of using past experiences to inform one's responses in new situations for increasing moral understanding. The aim of this section is to argue that the development of moral agency is dependent on relevance detection.

2.1.1. Moral Agency as a Manifestation of Developed Moral Capacity
When thinking about the notion of a moral agent, 'agent' is oftentimes narrowly conceived as 'someone who has the power to act'. However, as I have briefly mentioned in section 1.2., a person is a moral agent if their moral decision-making is a *manifestation* of their *developed* moral capacity. If it were not such a manifestation, then we might as well talk about moral 'actors', who may, occasionally, be able to make a random moral judgement (but who is to say when?). Therefore, I think it is important to keep this notion of moral decision-making as a manifestation of a developed moral capacity firmly in mind. This notion that moral decision-making *has* to be a manifestation of moral capacity is not intended to put excessive demands on the quality of an agent's decision-making. It means that their experiences in moral situations are, at least to some extent, transferable to similar situations. This is to say that by calling a person a moral agent, it is presupposed that they can be expected to go through a similar decision-making process when they encounter a moral situation that closely resembles one they have experienced before, yet also make adjustments to

accommodate any differences.[87] In other words, moral agents have what it takes to learn how to navigate moral situations, respond to moral contexts, and make moral judgements.

'Having what it takes', however, does not mean that, to be a moral agent, it is enough to just have moral capacity. It also requires the ability to actively exercise this capacity in order to (further) develop moral agency. Take the capacity for physical fitness for comparison. The capacity for physical fitness can only be developed into actual physical strength when this capacity is actively developed through literal exercise.[88] Just like exercising one's capacity for physical fitness allows for the development of physical strength, so too does active exercise of one's moral capacity allow for the development of moral agency. In other words, moral agency is a *developed* capacity for moral decision-making.[89] Peter Railton argues in a similar vein, in that, according to him, moral development should not so much be a matter of 'native endowment or social conditioning'. Instead, he says that what is most important is 'how much *flexibility and depth of understanding in response to evidence and inference* is possible. That is, how much *learning* – wherever one starts.'[90] From a moral *learning* perspective, acquiring moral understanding is 'the result of domain-general learning processes'[91] through which people integrate their susceptibility to morally-laden situations with their perceptions of and engagement with their social surroundings.[92] Therefore, a person develops

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[87] Note that moral agency should not be confused with moral competence. As Jeffrey Spike states, it is important to consider 'capacity distinct from competence. The latter is the province of the courts, while the former demarcates the jurisdiction of either ethics or psychiatry'. The reasoning behind this statement becomes more obvious when considering the semantics behind both concepts. 'Capacity' carries the notion of possession: it refers to a person's capability of possessing knowledge or skills. 'Competence' however, is more tied to the notion of achievement: it refers to a person's capability of meeting a standard for, say, moral decision-making. In the case of competence, the question is therefore not 'Can a person do it?', but rather 'Can a person do it well (enough)?'. This is not to say that a person's internal state is not influenced or shaped by external influences (like their social surroundings or general upbringing), nor that a person's outward functioning was achieved without internal mechanisms playing a part. However, moral competence should not be equated with moral agency: moral competence refers to a position on a scale, whereas moral agency (as I understand it) only suggests that a person has or possesses what it takes to be on a scale in the first place. See Spike, 'How to Not Philosophize with a Hammer: Reply to Montgomery', 129; 'The Definition of Competence'; 'Capacity | Origin and Meaning of Capacity by Online Etymology Dictionary'; 'The Definition of Capacity'.

[88] For argument's sake, I am assuming that a developed capacity for physical fitness translates to physical strength that manifests in healthy muscle tissue and related outward achievement in terms of weight resistance.

[89] I am not implying here that moral agency is an 'end station' of moral development, only that the moral decision a moral agent makes is a manifestation of their moral capacity at a certain point in their moral development. As such, 'developed' does not mean that a person is done developing.

[90] Peter Railton, 'Moral Learning: Conceptual Foundations and Normative Relevance', *Cognition* 167 (2017): 175 his emphasis.

[91] What makes it a domain-general learning process is that there is not a specific mechanism enabling the integration: it requires a combination of several cognitive capacities that are not specifically moral. See Railton, 172.

[92] A moral learning perspective is not the only view describing how we come to be capable of moral judgement from birth onwards. From a nativist perspective, moral understanding is hard-wired into people's brains, which means that they would need to have an innate capacity (or module) for moral judgement. The extent to which moral development is possible would then likely depend on the quality of a person's cognitive 'hardware'. In

morally on account of their moral sensitivity and the way this sensitivity becomes engaged when they are in a moral situation.

It might be good to have an example to better understand what this integration of moral susceptibility and perception of and engagement with one's social surroundings might look like. Let us assume that watching people scold their children would generally call for non-interference. We might not interfere out of respect for the parents' authority over their child as well as an awareness that we do not know the backstory behind the scolding. Then let us assume that watching a person hit another would generally call for interference. We might choose to interfere out of respect for a person's physical and mental integrity and therefore an intolerance of harmful behaviour. Yet, let us also assume that being in a potentially violent situation would generally call for non-interference, out of respect for one's own physical and mental integrity. Now, imagine encountering a scenario in which a parent publicly hits their child. Formulating an appropriate response would then require an integration of and deliberation on these rules of conduct (i.e. the conditions for necessary interference), as well as additional information (the child's age, the parent's apparent mental or physical state, other people who may be present, involved, or even responsible, one's own skills at effective self-protection, etc.). In such a situation, a person would have to respond to an unfamiliar arrangement (a parent hitting a child) by drawing from familiar scenarios (a parent scolding a child, one person hitting another).[93]

Having explained how we would come to moral understanding, I would now like to readdress the notion that any development requires exercising the capacity one seeks or needs to develop. Therefore, let me come back to my example of developing physical strength. As development necessitates exercising the capacity one seeks to develop, it stands to reason that exercising a capacity requires recognition of opportunities for exercise. If, for some reason, a person with the capacity for physical fitness does not recognise the gym as a relevant location for exercising, they will likely not develop physical strength through the gym unless they happen to end up there – perhaps situated on a treadmill or holding weights in each hand - through no conscious action of their own. Now, in this example, an inability to recognise opportunities for exercise can be somewhat remedied by the provision of the relevant information. Opportunities for exercise may change over time, but not radically so. It also helps that there are plenty of well-advertised gym franchises, which makes it

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contrast to this view, an external socialisation perspective would suggest that people do not gain moral understanding by virtue of an innate moral module. Instead, their moral development depends on their social environment and the extent to which they can successfully interact and harmonise with and be educated by other people. See Railton, 180.

[93] Note that this paragraph does not describe a cognitive process individuals consciously go through. What it means to say is that, because individuals gain repeated experience with multiple scenarios in their lives, such a deliberation process is likely to happen automatically.

much easier to recognise a suitable opportunity for exercise when one is in an unfamiliar environment: knowing and consequently recognising the name guarantees the opportunity. The gym aside, opportunities for exercise might also include taking the stairs when there is a lift, or cycling to work instead of driving. Both options require that one recognise the stairs and the bicycle as *relevant situational features* when in pursuit of increasing one's physical strength. In other words, what one recognises, is the *context* within which the capacity for physical fitness can be developed.

Yet, unlike with increasing one's physical strength, the exact conditions for developing moral agency are not as straight-forward. Opportunities for exercising one's moral capacity are not as obviously found on a location (the gym or the park), at a specific time (at the crack of dawn), with a particular group of people (other fitness enthusiasts), or in the use of a specific object (like a treadmill or a bicycle). It would not do to suggest individuals should develop their moral agency by putting themselves in situations of, for instance, war, or abuse. That is to say, those extreme situations are not the only settings within which a person engages their moral capacity in their decision-making.

So, besides the opportunities not being as obvious in the case of developing moral capacity, what is different about developing the capacity for physical fitness and developing the capacity for moral decision-making?

The difference between developing the capacity for physical fitness and developing one's moral capacity, is that the first kind of development would be an instance of training, whereas the second kind would be an instance of learning. The difference between training and learning is that for training, it is not necessary to recognise opportunities for exercise, whereas for learning it is. With training, proficiency is gained even if there is no special awareness of the fact that one is training. Physical strength, for instance, can be developed without an awareness that one is exercising or that the exercising will lead to physical strength.[94] Walking up the stairs or taking the bicycle can be a choice that is not informed by the awareness that these two actions rely on one's capacity for physical fitness, yet still make one physically stronger in the process. Again, let me illustrate with a brief example. Imagine that a person - Ed - with a capacity for physical fitness but without the ability to recognise suitable opportunities for exercise happens to have developed some physical strength, because his friend – Bob – wakes him up every day by pressing a barbell into his hands. Because Bob increases the weights attached to each end of the barbell every day, Ed's physical strength gradually increases. In this scenario, Ed can go through life without being much aware of any exercising

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[94] I would like to thank Niels van Miltenburg for pointing this out, and for introducing the distinction between training and learning.

context, yet still develop his capacity for physical fitness. By going through the motions, Ed becomes more proficient at lifting heavy objects.

By contrast, development of moral capacity means that a person increases their awareness of the kinds of situations that might require them to make a moral decision. Without this awareness, no amount of going through the motions will help a person understand that they are in a moral situation in which they are expected to act. I will say more about this awareness in the next subsection. For now, however, the point I want to make is that there is no moral equivalent to 'repeatedly lifting a dumbbell', because what makes something moral is heavily context-dependent. Training to spot abuse, for example, would not develop one's moral capacity the same way lifting a barbell would develop a person's physical strength, because signs of abuse (e.g. one person hitting another or a bruise on the inside of a person's leg) cannot be verified as such if the context is unclear. What is a sign of abuse in one context, can be a move in a martial arts contest or evidence of an unfortunate altercation with a piece of errant furniture in another context.

Another way in which context recognition is necessary for learning as opposed to training, is that in learning, a person needs to use their past experience as reference material when interpreting a new context.[95] Without recognising the context in which these experiences are required, one does not engage with or build upon the material that has already been learnt. In comparison, training does not require this kind of reflection,[96] as the proficiency one has developed (like physical strength) is accessible regardless of whether one recognises an opportunity for exercise. Not consciously engaging with one's capacity for physical fitness does mean that muscle mass one has already gained is lost or rendered useless.

2.1.2. Relevance Detection, Moral Context, and Moral Scenario

In the previous subsection, I have explained that moral agency is a developed capacity for moral-decision making, which implies that a moral agent's moral decision-making is a *manifestation* of this developed moral capacity. This development occurs through moral learning, which is the process through which a person gradually learns to integrate their moral sensitivity with their experiences of their social surroundings. As a person reflects on and draws from past experiences, they become more adept at moral context recognition, which allows them to deliberate on and increase their familiarity with the moral scenarios within those moral contexts. I used the example of physical strength to show the difference between training oneself or being trained to be proficient within a

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[95] I illustrated this above when I discussed how a person can formulate a response to an unfamiliar arrangement by drawing on their experience gained in familiar scenarios.
[96] As I already mentioned in footnote 93, by mentioning this 'reflection', I do not intend to say that referring back to past experiences is necessarily a separate cognitive process that happens consciously.

particular context and learning to recognise and interpret multiple contexts without knowing beforehand what the outcome will be. Training is more passive than learning, because in learning, a person needs to consciously and continuously engage with their environment, in that there is no 'going through the motions' nor being selective about the contexts they want to learn in. In training, a person could just go through the motions and become proficient (at least to some extent).

However, it is not clear what warrants the expectation that moral agents can, conceptually, move from moral situation, to moral context, to then make a moral decision about a moral scenario. What is it that enables the learning process from moral capacity to moral judgement? More specifically, how does a person arrive at a moral context from a moral situation? First, I need to clarify how I distinguish between situation, context, and scenario, and why this distinction is useful. I understand a situation simply as a state of affairs, that has no clear relation to the person in it. It is only framed in terms of time and location. A library might be an example of a situation. Now, before one can form a judgement about, say, the content written on a page in a book in that particular library situation, one needs to know *what kind* of book one is dealing with. In other words, before saying anything about the scene described on the page, there is need for context: the collection of circumstances that determines, specifies, or clarifies the meaning of a scene or scenario. Let us say that the context in this analogy is a romance novel. The supposed sequence of events – i.e. the scenario – written on the page mentioned above can now be reviewed within the context of the romance novel. The distinction between situation, context, and scenario is useful, because it shows two things: (1) what one can judge is a scenario within a context, not a situation, and (2) zooming in on a context from a situation presupposes a capacity for picking out what is most relevant to one's decision-making process and therewith bypassing every piece of information that is not relevant. Therefore, without this pre-attentive ability, a person is not able to form a response to anything, because without knowing the context, there is no telling how to interpret a supposed sequence of events. Let me run with the analogy of the library and the romance novel and illustrate how *not* having this pre-attentive ability to pick out what is most relevant, influences the way a person might experience a situation. Imagine, if you will, that you are standing in the middle of the library, surrounded by multiple shelves stacked high with books. Now imagine that someone gives you the following assignment:

"I would like you to tell me, from your spot here in the middle of the library, how you judge the scene as written on page 42. You have 20 seconds, before you are given a new assignment."[97]

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[97] 20 seconds is randomly chosen and is therefore does not indicate the time it would normally take to pick out context. As I mentioned in the introduction to this thesis, a rough context is usually recognised in a 1/5 of a second, which would be 200 milliseconds.

Page 42? you wonder. *Of what?* Panic ensues. *Is it a page in a book or a magazine? What is it called? What genre is it? Is the book or magazine even in the library?* Clearly, you have no idea what this person is asking you about, and all you can do is stand there, utterly flummoxed. What you do not know, is that page 42 describes a scene in which a man is assaulted in the street because of his supposedly suspicious behaviour, and that this scene is from a romance novel. This novel is located on the top shelf of the romance section, in between the 25th and 27th book from the left. As you do not know these details, how do you get from the middle of the library to a judgement about the scene on page 42? Clearly, not knowing what is most relevant to pay attention to in this situation (and consequently not being able to complete the assignment in 20 seconds) would leave a person completely lost and stressed out.

The reason why it is important to make the distinction between situation, context, and scenario with regard to moral agency, is because it uncovers the pre-attentive ability to pick out the context within which a moral decision or judgement can be made.[98] As I have pointed out in the previous section, moral learning occurs through integration of a susceptibility for morally-laden situations with perceptions of and engagement with the social surroundings. This integration is the process through which a person positions themselves in a moral situation, so that they can keep gaining experience in moral decision-making. However, this moral learning process presupposes what Railton refers to as 'fundamental abilities to be attentive to, discriminating about, and internally motivated by, morally-relevant features of the world – and implicitly competent at distinguishing these from matters of authority, convention, taste, or convenience.'[99] I will be focussing on what he calls 'morally-relevant features of the world', as I believe this ties in with the previous paragraphs, in which I established that focussing on a context means that one is able to pick out what is most relevant to one's decision-making process. In a sense, a moral context is a compilation of morally-relevant features, as it frames those situational elements that warrant moral consideration when judging a moral scenario.[100] Therefore, recognition of opportunities for moral

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[98] I took the notion of a 'pre-attentive' ability to pick out context from Peter Vermeulen. See Vermeulen, *Autisme Als Contextblindheid*, 47.

[99] Railton, 'Moral Learning: Conceptual Foundations and Normative Relevance', 180.

[100] Note that I am not saying that there is only one reading of a situation or only one compilation of situational information that is the relevant one. My point is that, depending on culture and social practice, there are likely readings, unlikely readings, and unpredictable readings of a situation. Like I said in chapter 1, "Complex Information Processing Theory (CIPT) assumes that the meaning of a situation depends on the combination and subsequent interpretation of multiple events (actions, reactions, factual circumstance) and relevant background information (thoughts, desires, intentions, history, relations). Only when we have an overview of these relevant situational elements, can we grasp the context in which these elements should be understood." To have an understanding of a situation, this requires that a person pick out elements of a situation based on a general view of the situation. See Diane L. Williams, Nancy J. Minshew, and Gerald Goldstein, 'Further Understanding of Complex Information Processing in Verbal Adolescents and Adults with Autism Spectrum

decision-making depends on the ability to detect moral relevance. And, as development of moral capacity depends on exercising this capacity through moral decision-making in moral scenarios, it appears that the ability for *relevance detection* is what allows for moral development in the first place, because it functions as an implicit guide to one's moral consideration.

Section 2 - Moral Performance: HFA and Situational Scripts

In the previous section, I have argued that the development from moral capacity to moral agency presupposes the pre-attentive ability to detect moral relevance. In other words, the development of moral agency is relevance detection-dependent. In this section, I will discuss what this relevance detection-dependency implies for understanding moral decision-making in HFAs. I will argue that, because of their difficulties with relevance detection, HFAs cannot be expected to be moral agents. On account of their particularist, bottom-up style of information processing, HFAs cannot be expected to recognise moral context. This means that they cannot navigate moral situations using information from within that situation. I will show that, because of this, HFAs (need to) engage in situational preparation by using specific scripts. To do this, I will first give a summary of what I have already said about HFAs and relevance detection in chapter 1. Secondly, I will say more about situational preparation and how HFAs may use scripts to insert more predictability into situations they wish to navigate. I will then go on to illustrate how their bottom-up information processing style and script-following makes them moral performers, by using a theatre performance metaphor. Therefore, it is my aim to show that HFAs should be understood as moral performers and not moral agents.

2.2.1. HFAs and Relevance Detection Revisited
Recall that, in section 1.2.2., one of the issues associated with autism is that of impaired relevance detection. Due to information integration difficulties, HFAs may experience impairments in constructing a general overview of a situation, as well as in filtering out insignificant details. This issue with filtering out insignificant details and focusing on relevant information, impedes their ability to recognise context in a situation. Consequently, this impairment in context recognition makes it significantly difficult to figure out what rules may apply, and what rule may take precedence over another. As a result, this complicates formulating a response to a scenario, because responding to a scenario presupposes a cognitive mediation between rules and social context. Furthermore, as

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Disorders.', *Autism : The International Journal of Research and Practice* 19, no. 7 (October 2015): 860, https://doi.org/10.1177/1362361315586171.

HFAs are shown to have a bottom-up style of processing information, similarities between a new situation and a previous one may only become apparent when the new situation has been analysed in its entirety.[101] Unfortunately, because such an analysis would take an inordinate amount of time and effort, HFAs cannot be expected to quickly spot similarities between old and new situations. When applying this to moral decision-making, this significantly complicates their capacity for making a moral decision *in the moment,* but it also means that there is little opportunity for moral learning. For, as I have argued in section 2.1.1. above, without recognising moral context, one does not engage with or build upon the material that has already been learnt in previous moral contexts. Therefore, considering that relevance detection in HFAs is impaired to the extent that it compromises the moral learning process, this leads me to conclude that HFAs cannot be expected to develop moral agency.

If HFAs cannot be expected to develop moral agency through moral learning, then we cannot expect them to be moral agents. However, this is not to say that HFAs cannot *learn* at all. It is to say that their learning style is not suited for recognising what is morally relevant in a moral situation. As Jakob Hohwy describes it, the autistic learning style is 'more particular and sensory oriented, and less general and globally coherent'.[102] This means that, when encountering an unfamiliar situation, HFAs do not rely on background information or a rough idea of context to predict what will likely happen in the situation. Instead, they continue to take in or 'sample' sensory information to build their understanding of the situation up from the ground (hence their information processing style is best understood as 'bottom-up processing').[103] This continuous sampling, however, can be quite overwhelming, especially when a person does not detect relevance. Furthermore, it does not necessarily make a situation more predictable, because it does not make the person doing the sampling (in this case, the HFA) be more prepared for new incoming information. Therefore, to avoid 'elevated levels of uncertainty' and consequent unpredictability, HFAs need to come prepared when entering into a situation. As I will argue, it is this situational preparation that their particularist learning style *is* suited for.

2.2.2. HFAs, Situational Preparation, and Script-following

Situational preparation means that HFAs plan their course of action in a situation from *outside* the situation. However, it is not only important for HFAs to know what to do and when to do it: to successfully navigate a situation, they must also have some idea about how *other individuals in the situation* might respond. Recall that in section 1.1.2., I mentioned Kennett's reference to Temple

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[101] This includes additional information about the situation that may be explicitly provided or requested.
[102] Jakob Hohwy, *The Predictive Mind* (Oxford: Oxford University Press, 2013), 162, https://doi.org/10.1093/acprof:oso/9780199682737.001.0001.
[103] Hohwy, 163–64.

Grandin, and how Grandin navigates social situations by using a mental visual library. In this library, she catalogues her observations and experiences with other people's language and behaviour, so she can use this information to insert a measure of predictability into a highly unpredictable social environment. Kennett also refers to Jim Sinclair and how he states his dependency on translational codes for understanding other people and preparing a suitable response. The use of such situational manuals or scripts appears to be more the rule than the exception with autistic individuals.[104] Because they cannot rely on a top-down control mechanism, HFAs need something like a manual or a script to impose a structure on a situation. As such, scripts help to categorise details into coherent scenarios by literally working out the order and manner in which to respond to a situation *before* one is actually in the situation.

If a HFA wants to prepare for a birthday party as a visitor, for example, they would not only have to prepare a birthday greeting to the person who's birthday it is.[105] They would also have to figure out where and when to, for instance, pass on this greeting (via text before visiting, at the door of their house, when you are both seated, when giving them their present, after other people have given them their presents, etc.). Another thing they have to prepare for is, for instance, a potential offer of cake or a drink from the birthday person themselves or maybe a relative or partner. Let us say that the person preparing for this visit has been to a birthday before and that, at this birthday, cake was served after coffee but before any gift-giving. Based on this experience, three potential scenarios one would have to prepare responses for could be: 'someone asking whether one would like a cup of coffee, and if so, whether one takes milk and/or sugar', 'someone asking whether one would like a slice of cake, and if so, whether they would like some whipped cream on top', and 'the person who's birthday it is unwrapping their gift, after which they might or might not say "thank you"'. Of course, there are more imaginable scenarios, but for now, I will stick to these three. The way HFAs would prepare their responses to these scenarios, would be to have routine instructions in the form of 'if/when-then'-statements:[106] 'if someone asks me whether I want coffee, I say "no, thank you"', 'if someone asks me if I want a slice of cake, I say "yes, please"', 'if someone asks if I want whipped cream with my cake, I say "no, thank you"', etc.[107] By internalising their routine responses to these scenarios,[108] a person can navigate the birthday visit *insofar as the situation is*

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[104] Vermeulen, *Brein Bedriegt*, 118.

[105] This is not an example of a moral context, but it is a clear illustration of what situational preparation might consist in.

[106] Vermeulen, *Autisme Als Contextblindheid*, 270.

[107] 'Yes' and 'no' are not the only possible responses one can give in these scenarios. A possible instruction for 'proper' gift-giving, for example, could be that 'when I see another person handing over their gift, I wait until that gift has been unwrapped and set aside, before offering my gift. When offering my gift, I say "I got you something for your birthday. I hope you like it." If they thank me for the gift, I smile a little and slightly nod my head (once) in their direction'.

[108] Vermeulen, *Brein Bedriegt*, 93.

similar to the ones which the person has based their response on. In other words, the person following the script only knows how to respond to the scenarios that are included in the script.

However, as there are different kinds of birthday parties, it is likely that not every birthday party will follow the same format. This means that a situational 'script' helps prepare for something, like a birthday visit, *to the extent it offers routine responses to likely scenarios*.[109] This means that the more likely scenarios become incorporated in the script for 'birthday visit', the higher the predictability of the situation, and the lower the chance of the person using the script becoming confused (when there is no offer of coffee but tea, for instance). As a person gains more experience with birthday visits, the script may become more detailed and specific.[110] This does not mean that a script can be adapted in the moment when one encounters an unfamiliar scenario. A script needs to be fixed to offer clear and unambiguous direction within a situation. Outside of the situation, though, the scenario and its appropriate response may be added to the script.[111] What this means, is that the experience a person gains in a situation is translated to a more detailed script for that particular situation. It does not entail that the experience leads to better interpretation skills within similar contexts, because a person who relies on scripts for navigating situations needs to know what script to use *before* being in a situation. As such, they cannot choose a script in the situation itself, unless the context is explicitly provided.[112] However, just like a blind person cannot just venture out of the house without taking any precautionary measures - in the hopes that the strangers in the street tell him where he is and what he could do -, HFAs cannot afford to go into situations without a script. [113]

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[109] That a script can be helpful, does not mean that it fully compensates for any difficulties in recognising context. A script enables situational navigation and is based on what is inferred from common social practice. However, as scripts are rather inflexible, they do not always help to anticipate when a context may suddenly shift.

[110] However, scripts are intended to clarify situations, not to make them too complicated to process, as this would defeat their purpose. If, for example, the script for 'a birthday visit' comes to cover too many different situations, it might be useful to distinguish between kinds of birthday visits by, for instance, using the time of the day or year as a distinguishing factor. However, as Vermeulen points out, this remains a balancing act. See Vermeulen, *Autisme Als Contextblindheid*, 271.

[111] I am not necessarily suggesting that the person relying on the situational script knows what the appropriate response is or would have been. However, this is not to say they cannot ask others for this information. The aim of good script management is to meet social expectations to the best of one's ability. This is why script-followers may not be always easily distinguished from individuals who do not rely on situational scripts, as the scripts are based on what is gleaned and inferred from common practice.

[112] In the case of the birthday party, it might go something like this: a person who relies on situational scripts ends up at a birthday party but does not know how to respond to the situation. Fortunately, the person throwing the party walks up to them and says: "Oh, how nice of you to visit me on my birthday!" Because of this explicit statement, it is now clear that they need to use their script for 'birthday visit'.

[113] If HFAs were to out into a situation without a script, their responses are bound to be a-contextual, meaning that they will respond to the first thing they associate a rule with. Imagine a traffic scene, wherein a police officer acts as a traffic controller. Further down the road, there has been an accident involving a truck carrying toxic cargo. Imagine an HFA is driving or cycling on that road, heading towards a green traffic light. The police officer holds up his right hand to signal that the HFAs needs to stop driving or cycling. However, if the HFA would respond a-contextually in this scenario, they might think: 'Ah, that man is waving at me. When a person

2.2.3. Moral Performance

In the previous subsection, I explained that making sense of any situation is problematic for HFAs because of their bottom-up information processing style. While they cannot learn to recognise contexts in a situation, HFAs can prepare for situations by constructing a manual or a script that is tailored to the situation that they wish to navigate. However, scripts are inflexible, which means that HFAs can show contextual responses insofar as their script holds instructions for dealing with potential scenarios. Another way in which HFAs are able to responds contextually, is when the context is made explicit to them. When they are made aware of a change in context, HFAs can shift to another script (assuming they have a script for the new context).

While the lack of flexibility in script-following does not make it a replacement context recognition, using scripts does enable HFAs to make decisions in situations they would otherwise not be able to navigate. This means that, insofar moral situations can be scripted beforehand, HFAs are capable of making decisions in moral situations. Yet, if HFAs are not moral agents because they cannot be expected to detect relevance in moral situations, but they *can* sometimes make moral decisions regardless, what are they? In this subsection, I propose that HFAs should not be understood as moral agents but as *moral performers.*[114] Possible implications and objections to my proposal will be thoroughly discussed in chapter 3.

Moral performance describes how HFAs positions themselves in a moral situation by using pre-fashioned situational scripts for the purpose of imposing predictability onto unpredictable moral circumstances. However, the only reason why it can be called a *moral* performance is because it is executed within a context most people would consider moral. Furthermore, because moral performance does not rely on an exercise of moral capacity, no moral learning is required for making moral decisions as a moral performer. Instead, what is required is the ability to manage and follow situational scripts. In other words, a moral performer is expected to prepare a situational script before heading into a situation and to follow that script, unless explicit cues suggest that they shift to another script.

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waves at me, I wave back. Oh, look, the light is green! When the traffic light is green, this means I have to keep on driving when I am already moving, or that I need to start driving in case I have stopped before a red light.' In this situation, responding a-contextually could be very dangerous, indeed. Much thanks to Sabine van der Heijden for providing the example of the waving police officer.

[114] Note that moral performance should not be confused with John Dewey's notion of a 'dramatic rehearsal'. According to Steven Fesmire, Dewey describes moral deliberation as a dramatic rehearsal: the process through which possible courses of action are anticipated and played out in one's imagination. However, this is not comparable to constructing an inflexible script for navigating a specific situation. Dramatic rehearsal is something that stretches over multiple situations and experiences, as one does not rehearse whole situations, merely elements. Furthermore, dramatic rehearsal presupposes the ability to recognise context, whereas moral performance does not. Fesmire, *John Dewey and Moral Imagination: Pragmatism in Ethics*, 69.

Note that calling HFAs' moral decision-making a 'performance' is not meant to suggest that they can only 'fake' their way through a situation by pretending to be moral agents. Yet, we would not necessarily say that performers in, for instance, a theatre play are faking or pretending: they are acting in accordance with their role as it is described in the script of the play. If the stage is their 'situation', and the play is their 'context', then following the script is not a case of pretence. Instead, following the script is evidence of the awareness that one is performing in a play.

Then, let us continue with this metaphor and assume that, in this case, every play has its script. This implies that no script is essentially the same. An altered phrase or an additional character makes for a different script, which will then (re)present a different play. To the extent performers manage the script and the stage cues, their performance fits the play. It is safe to say that scripts do not transfer across plays: it would not do, for example, to use the script for *Romeo and Juliet*[115] for performing in *Hamlet*.[116] Though they are both Shakespearian plays and may even share a subtheme or two, this does not mean the script for the one secures an adequate performance in the other. Also, what happens in *Hamlet*, stays in *Hamlet*; one play is not affected by the other play, as roles do not stretch beyond their scripts.[117] Hamlet is not a Danish Romeo, so playing Hamlet does not increase one's understanding of Romeo.

Still, it might be unclear why HFAs can be called *moral* performers if they are not required to know that the script they are following contains specifically moral scenes. Are they actually making moral judgements? As I mentioned above, moral performance is moral, because the decisions are made in a situation containing morally relevant features. Coming back to my Shakespearean play example, I would argue that the stage on which *Romeo and Juliet* is performed constitutes a moral situation, because the play contains scenes in which a moral decision is made (for instance, the scene in which Romeo decides to kill Juliet's cousin, Tybalt).[118] It is not so much that the script points out that scenes are moral. Rather, it is because of the script that one would know the meaning of Romeo's action (namely, that it constitutes an act of violence). As such, for HFAs, making a moral decision based on a situational script is not the same as making a moral judgement. As I have mentioned in the introduction of this chapter, HFAs can only make a moral judgement about a moral scenario that they are explicitly presented with. This explicit presentation, however, has to happen

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[115] William Shakespeare, *Romeo and Juliet*, ed. G. Blakemore Evans (Cambridge University Press, 1984).

[116] William Shakespeare, *Hamlet*, Dover Thrift Edition (New York: Dover Publications Inc., 1992).

[117] This is not to say that playing in *Hamlet* does not help someone's performance in *Romeo and Juliet.* However, I believe that the experience aids a performer in better handling a script in a Shakespearean play, not necessarily in interpreting how they should best respond to a scene in *Romeo and Juliet*.

[118] My example of the library in section 2.1.2., for instance, would not be an example of a moral situation, because a page describing a moral scene is not the same as a moral scenario. However, this example is not meant to illustrate moral decision-making. It only serves to show the importance of recognising context in navigating situations, both for one's decision-making as well as one's emotional sanity. See act 3, scene 1 of Shakespeare, *Romeo and Juliet*.

outside of a situation, because when they are in a situation, HFAs have two options: either they respond according to a situational script, or they respond a-contextually (i.e. they respond to the first thing that they associate with a rule). As script-guided responses do not rely on the exercise of one's moral capacity, they are not moral judgements. They are, however, responses within a moral situation.

Now, to summarise section 2.2., I have argued that, because HFAs have significant issues with relevance detection, they cannot be expected to position themselves in moral situations as moral agents. Instead, I have proposed an alternative framework of moral decision-making that better suits their mode of information processing: moral performance. Unlike moral agency, moral performance does not presuppose the ability to detect what is morally relevant within a moral situation. Instead, it presupposes the ability to manage and follow 'situational scripts' for navigating moral situations. As such, the moral decision-making of moral performers is not a manifestation of a developed moral capacity, but a developed capacity for script management.

Section 3 - Responsible Moral Performers: Moral Responsibility and High-functioning Autism

Whilst I was developing my proposal, one of the most common responses I received from people after sharing my claim that HFAs are not moral agents was: 'Oh, so you are saying that HFAs are not responsible for anything they do. If their autism exempts them from being held accountable for their actions in moral contexts, we cannot even blame them when they decide to go on a killing spree! How, then, are they any different from psychopaths?' Dark humour aside, the matter of moral responsibility within a moral performance framework needs to be addressed in order to prevent more responses like the one I have just mentioned. To do so, I will briefly address the link between moral responsibility and moral agency, to then argue that moral performers can be held morally accountable, just not necessarily for the same reason as moral agents might.[119] I will therefore discuss two separate, but related issues: (1) it is unclear whether HFAs can be held morally accountable, and (2) even if they can, it is not clear whether we would hold moral agents and moral performers accountable in the same way.

Admittedly, the notion of moral responsibility has often been linked to moral agency, because moral responsibility pertains to moral actions and moral agents reason and act morally. Unless we have a clear reason to doubt someone's rationality, we generally assume that a person

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[119] I would like to add that I am discussing moral responsibility as accountability here, not as culpability. Therefore, my focus will not be on the question to what extent HFAs can be blamed for their actions.

can be held accountable for their decisions and actions. However, I have argued that HFAs are not moral agents but moral performers. Understandably, one could reason that if moral responsibility only applies to moral agents, then those who are not moral agents cannot be held morally accountable for their decisions and actions.

Yet, I would say that moral responsibility lies in the expectation of competence along a particular standard of moral decision-making. This entails that we can hold someone morally accountable insofar as that person can meet expectations of competence as either a moral agent or a moral performer. Therefore, even if someone cannot be held accountable as a moral agent, this does not mean they cannot be held accountable as a moral performer. When a rational person makes a poor decision and they are considered accountable for their choice of action, this is another way of saying that there is reason to assume that they either knew better or that they could and therefore should have known better than to make the choice that they did. In the case of murder of theft, for instance, we have reason to think that HFAs can be held accountable, as these actions are generally considered moral transgressions regardless of situation or context.

The *basis* for moral understanding in moral contexts, however, *is* different for moral agents than it is for moral performers. As the decisions moral agents make in moral contexts reflect the development of their moral capacity, the basis for their moral understanding lies in this developed moral capacity. In contrast, the decisions moral performers make in moral contexts do not reflect the development of their moral capacity, but the development of their capacity for script management. Therefore, it is highly likely – but not necessarily true – that when a HFAs does something that seems to go blatantly against any sense of common decency, their choice may not be the result of the deliberation we have in mind.[120] To understand what I mean by this, consider the following news story:

On August 21, 2018, the Dutch Broadcast Foundation (NOS) published a rather peculiar news item on an incident that happened at a supermarket in Den Helder.[121] Apparently, one of the store's customers had suddenly collapsed in one of the aisles. Some local police officers stepped in and were

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[120] For this reason, I do not think that saying that autism can be an 'excusing' factor is that helpful. Taken literally, saying that a person is excused on account of their psychological condition implies that, were it not for the condition, they would be held accountable for their decision or action. As Ken Richman mentions, this can 'have a flavor of infantilizing parentalism', in that a person is treated as somehow less than a fully morally responsible adult. As I have argued, though, when a decision or action is being interpreted outside of the context it was made, this could mean that a person – autistic or not - is being held accountable for a consideration they did not make. As I have argued, moral performers position themselves differently in moral situations from moral agents. Consequently, they may not operate within the context most people assume they are. See Richman, 'Autism and Moral Responsibility: Executive Function, Reasons Responsiveness, and Reasons Blockage', 30.

[121] Many thanks to Sabine van der Heijden for pointing this news item out to me.

performing CPR at the scene. As they were assisting their charge, one of the officers was suddenly tapped on the shoulder by another customer, who asked the officer whether he could hand him a sack of potatoes, as he could not reach the shelf himself. The story eventually reached the news via Twitter, where another police officer, Mike Koenekoop, relayed the story he had been told by his colleagues who were at the scene.[122] The majority of responses were of complete moral outrage, cursing the customer who had dared to show such a 'lack of human decency' by 'selfishly' choosing to ignore the fact that the officers were fighting to save another person's life in favour of securing their daily shopping.[123] Over a hundred people responded to the feed, yet only two people replied by asking the police officer whether the offending customer had been autistic. One of them explained why she was asking the question, saying that she would not be surprised if the customer had been autistic, as autistic individuals oftentimes experience difficulties in switching from one context to another.[124]

While no confirmation of autism was ever given, the story is an illuminating illustration of the way many people would respond to such a 'transgression'. As was clear in most of the responses to the Twitter feed, many blamed the customer for choosing their own need for buying groceries over another person's life. What I take from this, is that these people assumed that (1) the customer operated in the same context as the police officers assisting the victim, and that (2) the customer could have put his own needs aside but decided not to.

From a moral agency perspective, it might be said that the offending customer could and therefore should have known better than to address an officer in function who was clearly engaged in life-saving action. In that particular context, the officer was not 'someone tall or close enough to reach for the potatoes' but 'the police officer who is saving another person's life'. However, from a moral performance perspective, there would first have to be established whether the autistic individual was operating in the same context. If they were, then the question might be whether the autistic individual acted contextually or a-contextually. If acting contextually, then it might be informative to figure out if there was a specific point in their script that they misappropriated but could have done differently. If they were not operating in the same context, however, this does not automatically mean they are not responsible for their actions. Just because someone experiences

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[122] 'Supermarktklant vraagt reanimerende agent om zak aardappelen', accessed 8 June 2019, https://nos.nl/l/2246941.
[123] Mike Koenekoop, 'Waar gebeurd. Politie collega's staan iemand te reanimeren/assisteren tussen de schappen van een supermarkt. Vechten voor iemands leven. Tikt er een klant op je schouders of je "even een zak aardappelen wilt aangeven…"', Tweet, *@mikekoenekoop* (blog), 19 August 2018, https://twitter.com/mikekoenekoop/status/1031178420531732480?ref_src=twsrc%5Etfw%7Ctwcamp%5Etwe etembed%7Ctwterm%5E1031178420531732480&ref_url=https%3A%2F%2Fwww.nhnieuws.nl%2Fnieuws%2F2 29954%2FAgent-tijdens-reanimatie-in-supermarkt-gestoord-door-klant-Geef-even-zak-aardappels-aan.
[124] Koenekoop.

significant difficulty in picking out those morally relevant features that allow them to make a moral judgement, does not mean that they cannot be held accountable for any decision they make within a moral situation. Even if the police officer in the news item was regarded as 'someone tall or close enough to reach for the potatoes', this is not to say asking someone for help when they are in uniform and otherwise engaged is appropriate, regardless of whether they are doing something as serious as performing CPR.

To summarise, HFAs can be held morally accountable for their decision and actions in moral situations, regardless of their autism. However, because they are moral performers and not moral agents, this means that may operate within a different context than the one they are expected to operate in. Still, they can be held accountable for the choices they make in moral situations, provided they are understood in the appropriate context. Furthermore, if their decision-making is a-contextual, they could be held accountable for intended rule-breaking, such as in the case of murder or theft. However, more specific inquiry into high-functioning autism, moral responsibility, and moral performance is necessary to offer any conclusive insights. For now, I consider the worry that HFAs are not morally responsible to be sufficiently assuaged.

In the previous chapter, I have argued that HFAs are best understood as moral performers instead of moral agents. I have excluded them as moral agents to then include them as moral performers. As I have described in chapter 1, both Jeanette Kennett and Nathan Stout seem to stress the importance of recognising HFAs in their moral capacity *by including them as moral agents.*

Yet, it is not entirely clear whether inclusivity of HFAs as human beings should translate to a unifying concept of moral agency. In other words: would excluding HFAs as moral agents and including them as moral performers be considered a moral injury? I will argue that it would not. To be clear: I am not talking about a physical or psychological injury that is morally apprehensible nor a forceful limitation of one's freedom to exercise one's moral capacity. Instead, I am talking about the moral injustice that occurs when a person or a group of people is diminished in their humanity by some explanatory account, policy, or an otherwise expressed public statement. As this affects not only the person or people in question, but also the local or global society witnessing the injustice, moral injury goes beyond harm on a personal level.

In this chapter, I will argue that, in the case of HFAs, including them as human beings capable of rational decision-making may well require excluding them as moral agents.[125] My aim is to show that a better understanding of high-functioning autism and its implications for moral decision-making is more effectively achieved, not by providing reasons for accepting a common identity that HFAs and non-autistic individuals share,[126] but by focussing on the differences between them in terms of information processing. My proposal to regard HFAs as moral performers provides HFAs with a positive moral identity, in the sense that they are not *less* for not being considered moral agents: just that they should be understood as operating within a moral framework that reflects their mode of information processing.

This chapter is divided into five sections. In the first section, I will be discussing what I take a moral injury to consist in and how this relates to inclusion of people as human beings. I will then move on to discuss three potential implications of my claim. Exploring these implications will help me

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[125] The question that I take to be central to the current discussion is therefore not whether we are capable of being successfully inclusive considering the possibility that our moral psychology is shaped in such a way that it is bound to categorise and/or respond unfavourably to 'otherness' of any kind. Neither am I interested in the more practical question on what the best way would be to include neurodivergent individuals in any description of human rational decision-making.
[126] For the purpose of this paper, I consider identity as the manner in which a person positions themselves or is positioned in relation to themselves, others, and their environment.

argue why calling HFAs moral performers instead of moral agents would not be a moral injury. The potential implications I will be discussing in sections 3.2, 3.3, and 3.4. are dehumanisation, stigmatisation, and misrecognition of cognitive capacity, respectively.[127] For these sections, I will be mainly drawing upon writings by Janette Dinishak on 'the deficit view' of autism, and Pier Jaarsma and Stellan Welin on claims made by the neurodiversity movement. In order to better explain how their views fit into my argument, I will briefly discuss what is meant by both 'the deficit view' as well as 'the neurodiversity movement'. In the fifth and final section, I will briefly reflect on inclusivist tendencies in philosophical literature on autism and moral agency to show that biting the bullet need not be such a hard chew. As for the set-up of section 3.2. to 3.4.: I will first define the implication in question, to then explain why it would be an instance of moral injury as defined in section 3.1. I will then end each section by asking and responding to the question whether my claim that HFAs are moral performers instead of moral agents implies a moral injury in terms of either dehumanisation, stigmatisation, or misrecognition of moral capacity. In addition to assuaging worries about dehumanisation, stigmatisation, and misrecognition of moral capacity in relation to my claim, I will argue that it would actually be more worrisome to attribute moral agency to HFAs than to refrain from doing so. For one thing, as moral agents, their decision-making would be held up to a standard they are unlikely to meet. For another, moral performance does not depart from deficit view, but instead matches the different yet not less human way HFAs position themselves in moral situations with a decision-making framework that best suits their mode of information processing.

Section 1 – Exclusion as Moral Agents and Implications of Moral Injury

To understand how exclusion, in general, might imply moral injury, I need to clarify what I take moral injury to mean. Admittedly, the concept of a moral injury is a confusing one, as it has different connotations among psychologists, psychiatrists, and philosophers. That is to say, opinions vary as to who or what is being injured, who or what is doing the injuring, and what the experience entails. For this chapter, I will understand moral injury as an *unjustified diminishment of a person's humanity* that may be implied by a theory (about, in this case, moral decision-making), a social/corporate policy, or an otherwise stated opinion. Such a diminishment would communicate, not only to that person but to society, that this person is not of the same value as other people and therefore unworthy of the same regard or treatment.[128]

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[127] I am not suggesting these are the only implications of my claim, but I consider these three possible implications most relevant to the question whether excluding HFAs as moral agents constitutes a moral injury.
[128] This is a somewhat shortened version of the definition Joseph Wiinikka-Lydon attributes to Jean Hampton, as it is not within the scope of this paper to elaborate further on the concept of moral injury. Important to note

The assumption here is that inclusion – i.e. recognising a person as equally valuable or deserving on account of being human - is what is required to understand them as being human. What follows from this, is that when someone is *not* considered equally valuable or deserving *because they supposedly lack a trait or ability that is characteristically human*,[129] they become separated or excluded from the people who do not lack this trait or ability. Put differently, those who are considered lacking in human abilities or traits are not treated the same, because they signify 'otherness' on account of not belonging to the group that has a common ground of humanity. When an individual is considered 'other than what is characteristically human', they may not be understood as equivalent to other people who *are* in the possession of the trait or capability in question. In terms of regard, this puts a divide between the 'haves' and the 'have-nots'.[130]

Now, in the first paragraph of this section, I described moral injury as an *unjustified* diminishment of a person's humanity.[131] Two obvious instances in which this diminishment would be unjustified would be when (1) a person is not actually lacking the human trait or capability in question, only purported to; or when (2) the trait or capability in question is *associated* with a way of being but not essential to being human. In this chapter, I will be focusing on the second instance. As I argue that HFAs are not being morally injured when they are understood as moral performers instead of moral agents, this means that I understand moral performance as a different way of being in moral situations. This entails that moral *agency* is not the only way in which human beings position themselves in moral situations. Actually, holding HFAs to a standard they cannot live up to on account of their mode of information processing – even calling them 'conscientious, but often clumsy, moral agents' like Kennett does – would be more morally injurious than measuring them up to a standard that more closely corresponds to the way they exist as human beings in moral situations. I will say more about this in section 3.4.3.

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here is that the harm implied in the term 'injury' is not necessarily a personal matter, but rather, as Wiinikken-Lydon calls it, 'a threat to the standards that allow for peaceable social interactions'. See Joseph Wiinikka-Lydon, 'Mapping Moral Injury: Comparing Discourses of Moral Harm', *The Journal of Medicine and Philosophy: A Forum for Bioethics and Philosophy of Medicine* 44, no. 2 (16 March 2019): 181–82, https://doi.org/10.1093/jmp/jhy042.

[129] When referring to human being, I will be using 'trait', 'feature', and 'characteristic' interchangeably.

[130] 'Have' and 'have-nots' are terms generally used to contrast groups of people in terms of financial income. I am here taking the liberty to appropriate them to serve my point about the possession of human traits and capabilities.

[131] Note that I am not suggesting that diminishment of a person's humanity would ever be justified, as it may be clear that in considering someone a person, one already recognises their humanity. I just want to point out that a moral injury describes a devaluing of a person in terms of humanity, because they supposedly do not live in a way that is recognisably human. In this sense, diminishment refers to an erosion of humanity, not a total refusal to ascribe any humanity to a person.

Section 2 – Exclusion as Moral Agents and Implied Dehumanisation

In the previous section, I explained that a moral injury is an unjustified diminishment of a person's humanity. In this section, I will be exploring the question whether my claim that HFAs are not moral agents but moral performers implies dehumanisation of HFAs. I will first give my definition of dehumanisation to then explain why it can be understood as an instance of moral injury. Secondly, I will argue that the deficit view of autism can be understood as dehumanising toward HFAs. Thirdly, I will discuss the neurodiversity movement as a possible strategy for preventing dehumanisation. Fourthly, I will show that my claim does not imply dehumanisation, because it does not deprive HFAs of any human traits.

3.2.1. Dehumanisation as a Moral Injury

As I mentioned in the introduction to this chapter, my main research question is whether excluding HFAs as moral agents but including them as moral performers constitutes a moral injury. In section 3.1., I have clarified the notion of moral injury I will be departing from. The first instance of a possible moral injury I will be discussing in this section is dehumanisation. Before moving on to discussing in what sense HFAs could be dehumanised by excluding them as moral agents, let me first clarify what I mean by dehumanisation and how it is an instance of moral injury. As for a definition, dehumanisation can be understood as the act – either verbal or non-verbal, direct or indirect - through which a person is deprived of human traits and/or capabilities. Now recall that, in the introduction to this section, I described moral injury as an *unjustified* diminishment of a person's humanity. I further stated that the diminishment becomes unjustified when (1) a person is not actually lacking the human trait or capability in question, only purported to; or when (2) the trait or capability in question is associated with *a way* of being human but not necessarily *essential* to being human.[132] The fact that dehumanisation constitutes a *deprivation* of human traits and/or capabilities already suggests that a person is *disowned* of their human characteristics. This implies that the person is assumed to be in the possession of the human characteristics they are deprived of through pointing out a lack of a characteristic or misrecognising a human feature for a non-human feature. Therefore, dehumanisation presupposes some kind of human norm, meaning that a person being dehumanised is considered to be less than or below human. By my definition, then, dehumanisation would constitute a moral injury, because it implies an unjustified diminishment of humanity.

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[132] This is not meant to imply I support the view that there is such a thing as 'the human essence'. 'Essential', here, refers to *the ways in which a human is or can be*. As such, it says more about the human *life* than it does about the human *being*. Since this topic lies beyond the scope of this paper, I would like to refer the reader to philosophical literature on essentialism for further inquiry.

Yet, it is not always clear how to conceive of dehumanisation outside of instances of, for example, ethnophobia or crimes of war.[133] What are the *human* traits that a person can be deprived of? In their study "Understanding, Attitudes and Dehumanisation towards Autism', Cage et al. mention two types of human traits: uniquely human traits and human nature traits. The first describes traits that can only be attributed to human beings and not to, for instance, animals.[134] Examples include politeness, humility, and ignorance.[135] Human nature traits, the second type, point to 'innate features typical of all humans, irrespective of culture, such as helpfulness and curiosity.'[136] Other examples include friendliness, impatience, and jealousy.[137] However, unlike unique human traits, human nature traits are not strictly proper to human beings, as we do ascribe them to animals as well.[138] Interestingly, '[d]enying someone uniquely human traits suggests that they are seen as more 'child-like' or lacking in self-restraint, and the denial of human nature traits implies that the other is seen as more 'machine-like' or lacking in emotionality or warmth.'[139]

3.2.2. Dehumanisation and The Deficit View of Autism

Having explained what dehumanisation consists in, I will now discuss why dehumanisation is a relevant topic in the case of autism. I will do so by focussing on what is referred to as the deficit view of human differences. In a broad sense, this view refers to the notion that human differences should be understood in terms of cognitive and/or behavioural deficits. In a narrow sense, it suggests that to further our understanding of human differences, defining and explaining deficits should be the focus of scientific inquiry.[140] Applied specifically to autism, this deficit view entails that autism as a condition should be defined, explained, and studied in terms of deficits and limitations. As such, it overemphasises what might be considered autism-induced cognitive and behavioural weaknesses, 'sometimes to the complete exclusion of mention of strengths or neutral differences associated with autism.'[141] Because of this, autistic individuals are oftentimes reduced to persons who are mainly characterised by a limited set of (socially undesirable) experiences (such as sensory sensitivities)

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[133] An example of this would be the dehumanisation of Jewish people by the Nazis during the Second World War. In this case, a Jewish person would literally be referred to as the 'Untermensch' to the Aryan ideal of the 'Übermensch'. See Ss Hauptamt Jupp Daehler, *Der Untermensch/The Underman: The Complete English Translation* (Blurb, Incorporated, 2017).

[134] Eilidh Cage, Jessica Di Monaco, and Victoria Newell, 'Understanding, Attitudes and Dehumanisation towards Autistic People', *Autism*, 21 November 2018, 2, https://doi.org/10.1177/1362361318811290.

[135] Cage, Di Monaco, and Newell, 4.

[136] Cage, Di Monaco, and Newell, 4.

[137] Cage, Di Monaco, and Newell, 4.

[138] Our language is testament to this practice: recall the well-known idiom 'curiosity killed the cat'.

[139] Cage, Di Monaco, and Newell, 'Understanding, Attitudes and Dehumanisation towards Autistic People', 2.

[140] Janette Dinishak, 'The Deficit View and Its Critics', *Disability Studies Quarterly* 36, no. 4 (2 December 2016): 5, http://dsq-sds.org/article/view/5236.

[141] Dinishak, 4.

and/or stereotypical behaviours (such as repetitive movements or 'stims', which are intended to self-soothe).[142] Cognitive strengths and other features of autistic individuals' 'diverse way of being' are mentioned, but this rarely stretches beyond a token discussion, presumably meant to show an awareness if not full acknowledgement of the many aspects to and manifestations of autism.[143] If the multitude of studies on autism and empathy is anything to go by, some autistic individuals, at least, are perceived as lacking general feeling or a desire for connection, and judged unfavourably because of this.[144]

However, this deficit view of autism is not only harmful because it conceptualises autistic individuals as deficient or limited on account of a lack or absence of human traits or capabilities. According to Janette Dinishak, another major downside to this approach, is that

> [i]t functions as a prejudice that infects scientific practice taken as a whole (e.g. the reliability and validity of multiple aspects of scientific reasoning including hypothesis formulation, hypothesis testing, scientific observation, the interpretation of data, the communication of findings to the lay public and the attitudes, interests, and values that inform the science of autism.[145]

As such, a deficit approach shapes the kinds of questions researchers believe are most pressing when trying to gain more insight into a condition such as autism. What makes this problematic, is that by doing so, research does not approach autism as a phenomenon in its own right, but rather as a *deviation* of a more typical human form. For instance, some studies understand autism solely as a lack of theory of mind, by which the condition *as a whole* is associated with a *domain-specific* dysfunction.[146] As a result, research assuming the deficit view is set to learn more about the typically

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[142] Unsurprisingly, Cage et al. 'found evidence of dehumanisation, with autistic people rated as lower specifically with regards to the human uniqueness traits.' However, Cage et al. do point out that their use of a dehumanisation measure for analysing attitudes towards autism is unprecedented, and their study has not yet been replicated. Nevertheless, their study is of interest to my discussion, because it not only tests dehumanising attitudes towards autism specifically, but it also provides insight into the relationship between human trait deprivation and impressions people might have of autistic individuals. See Cage, Di Monaco, and Newell, 'Understanding, Attitudes and Dehumanisation towards Autistic People', 7.

[143] Dinishak, 'The Deficit View and Its Critics', 4.

[144] Vermeulen, *Brein Bedriegt*, 102–3.

[145] Dinishak, 'The Deficit View and Its Critics', 5.

[146] In my thesis introduction, I have mentioned that I understand autism as a neurological condition that is characterised by atypical information processing, and therefore not solely as a lack in Theory of Mind. However, the reason why I mention it here is because I want to point out that, on a deficit view, an autistic person may be seen as a typical person who has developed atypically due to a dysfunctional component or cognitive mechanism. Unfortunately, I do not believe increased understanding of a dysfunctional mechanism in isolation provides more insight into the workings of the cognitive system as a whole. Furthermore, as Mareschal et al. point out, characterising neurodevelopmental disorders as sets of normally functioning versus impaired components does not sufficiently acknowledge that the brain is 'highly interactive'. See abstract of Denis Mareschal et al., *Lessons from Atypical Development* (Oxford University Press, 2007),

developing human cognitive system 'unfolding under atypical constraints', but therewith fails to treat the atypicality as a system in itself.[147]

3.2.3. De-Dehumanisation through Qualitative Autism Research and Neurodiversity

What would help to prevent or counter dehumanising conceptions of autism like the deficit view, according to Dinishak, is adopting a more diverse understanding of human differences. A diversity approach would challenge the notion of 'the human norm' as well as invite research into autism that takes the condition itself as a point of departure. What we need for further insight into autism, Dinishak argues, is 'descriptive and explanatory frameworks for autism that take into account both the range of quantitative differences and qualitative differences, differences both in degree and kind from what is typical.'[148] What she means by this, is that in addition to more neutrally phrased comparative studies between autistic and non-autistic individuals, there is need for qualitative concepts and more autistic narratives 'to capture the diversity and complexity of differences between autistic and typical individuals', so that autism has an identity of its own.[149] The claims put forward by the 'Neurodiversity Movement' echo in agreement: (1) autism is, among other neurological conditions, just another natural human variation and therefore not an illness, and that (2) rights and value should be conferred 'to the neurodiversity condition, demanding [moral and political] recognition and acceptance.'[150]

However, adopting a neurodiverse outlook on human differences is not without its problems. As Jaarsma and Welin point out, when autism is accepted as a natural human variation that should be accepted and not pathologised, it becomes hard to find grounds for providing specialised care for those autistic individuals who are in need of it.[151] 'Acceptance', they admit, 'does not 'cure' difficulties with social relationships, social communication, rigidity and sensory issues.'[152] With regard to special care and additional resources, then, the neurodiversity position leaves us with quite the paradox.

To solve this neurodiversity paradox, Jaarsma and Welin suggest that we use the concept of 'vulnerability' as a common ground for justifying specialised care for anyone who relies on it. The assumption Jaarsma and Welin start from is that all human beings have vulnerabilities. Their choice

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http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780198529910.001.0001/acprof-9780198529910-chapter-011.

[147] Mareschal et al.

[148] Dinishak, 'The Deficit View and Its Critics', 21.

[149] Dinishak, 18–20.

[150] Pier Jaarsma and Stellan Welin, 'Autism as a Natural Human Variation: Reflections on the Claims of the Neurodiversity Movement', *Health Care Analysis* 20, no. 1 (1 March 2012): 21, https://doi.org/10.1007/s10728-011-0169-9.

[151] Jaarsma and Welin, 27.

[152] Jaarsma and Welin, 27.

to put HFAs forward as a vulnerable group is therefore a strategic one: it allows for the provision of 'specialised' care to those HFAs who might need it, without diminishing them in their humanity by saying that they are more vulnerable than other people. They further defend their claim by saying that '[v]ulnerability as a concept does not separate a particular group of people from the rest of mankind, unlike the concepts of disability and disorder. Therefore, vulnerability implies equality rather than inequality.'[153] In this sense, 'specialised care' does not mean that HFAs are given a specifically special status on account of their vulnerabilities. Instead, it describes a kind of care that is tailored to the one who needs it. Whether this person has neurological, psychological, or physical vulnerabilities is therefore only relevant insofar it informs the ´fit´ of the necessary care. The upshot of this is that the need for daily, specialised assistance need not be incompatible with the notion that conditions such as autism should not be regarded as abnormal deviation or pathologies that need to be cured. The equality, then, lies more in recognising that having more or different needs is not abnormal. It is exactly these needs that speak for one's humanity, as all human beings have them.[154]

Before moving on to section 3.2.4, where I will argue that my claim does not imply dehumanisation, I would like to address my level of commitment to the concept of neurodiversity. While I do support and rely on the general idea behind the neurodiversity movement – namely, that there are various ways of being human – I must confess to some scepticism about successful practical implementation of the position in, for example, healthcare and education. How should acceptance of neurodiversity and equal treatment of all human beings be quantified in terms of social resources like specialised care or assistance?[155] I will not go into it here, but I suspect it is an issue not easily resolved. Nevertheless, I do agree with Dinishak that the deficit view is too problematic to maintain and that a neurodiversity approach would be preferable in light of the issues I have described in section 3.2.2.

That being said, I am hesitant to fully embrace the normative aspect to the neurodiversity approach, by which I refer to the *demand* for moral and political acceptance and recognition of all natural variations. Understandably, the neurodiversity movement has given rise to other social movements (such as Mad Pride or the psychiatric survivor movement), and developments within academia (such as Mad Studies) intended to give a voice to people who have been marginalised

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[153] Jaarsma and Welin, 27.

[154] It is not clear how this would work when it comes to social resource distribution. Not only is there the issue of determining who is 'in need' as opposed to 'just needy', but it cannot be denied that the needs of some HFAs may be plentiful as well as financially, practically, *and epistemically* demanding compared to those of many non-autistic individuals. In other words, it takes time, resources, opportunity, well-educated caregivers, and a social environment that is sufficiently knowledgeable about autism to meet the specific needs that HFAs may have. Therefore, I will admit to a level of scepticism about the feasibility of Jaarsma and Welin's vulnerability-route.

[155] See previous footnote.

because of their physical, psychological, or neurological 'abnormality'.[156] It is the 'method to this madness' that gives me pause. The neurodiversity movement has always been intended to build a 'solidarity network' within which marginalised groups could find both a common ground and a collective voice. At the same time, some people active within this network seem to favour a more radical approach for bringing about social change, as they might be of the opinion that the cause of their feelings of limitation lies not with them but with the social environment.[157] As Peter Vermeulen explains it, their only problem seems to be that the world is just not ready to meet them at their level of experience.[158] To my mind, this recasts the normal-abnormal dichotomy into a privileged-underprivileged dichotomy, which could lead to a whole other kind of segregation. Therefore, while I believe a more holistic approach is called for, in that a condition like autism is understood as a phenomenon in itself, I do not favour the 'us versus them'- discourse that some proponents of the neurodiversity movement seem to have adopted.[159]

3.2.4. Human Moral Performers

Now, let me return to the main topic of this section. In the preceding subsections, I have explained that dehumanisation is a deprivation of human traits and capabilities, and I have shown that a deficit view of autism can be seen as dehumanising, because it understands autism solely in terms of cognitive deficits. As a result, a deficit view of autism is a highly limiting factor in gaining further insight into autism as a phenomenon in itself. Among others, Dinishak and Jaarsma and Welin propose a more diverse approach to autism in order to create an academic environment within which autism is accepted as a natural human variation with its own story.

Having set the stage, I will now go into the question whether my claim, that HFAs are moral performers instead of moral agents, *adds* or *takes away* from this story. By definition, excluding HFAs as moral agents puts a divide between them and non-autistic individuals. However, it is not clear whether this divide is morally injurious. As I have mentioned above, an act is morally injurious when a person considered to lack a human trait they do have (call this 'a denial of presence'), or when a human trait is not recognised as such on account of it not being necessarily essential to human being (call this 'a dismissal of human value').[160] Understanding HFAs as lacking affective empathy, for instance, would be an instance in which the presence of a trait (empathy) is denied, as they do

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[156] Brigit McWade, Damian Milton, and Peter Beresford, 'Mad Studies and Neurodiversity: A Dialogue', *Disability & Society* 30, no. 2 (7 February 2015): 305–6, https://doi.org/10.1080/09687599.2014.1000512.
[157] McWade, Milton, and Beresford, 306.
[158] Vermeulen, *Brein Bedriegt*, 43–44.
[159] Vermeulen, 43.
[160] Both cases of moral injury I have described in the previous paragraph – a denial of presence and a dismissal of human value – imply that a person is unjustly diminished in terms of humanity, but with a subtle difference, as the examples I give clearly explain.

display emotional contagion and a general responsiveness to distress in other people.[161] Perceiving some HFAs as anti-social because they focus on someone's mouth, intonation, or feet position rather than on their eyes, would be an instance of dismissing an alternative way of deducing social information from physical cues as a human way of connecting.[162]

This raises the question whether moral agency is the only way in which a human being can position themselves in a moral situation *without it implying a diminishment in humanity.* Associating high-functioning autism with a lack of relevance detection ability may give the impression that excluding HFAs based on this lack is dehumanising, because it suggests a lack of a cognitive ability that human beings are expected to have.[163] Furthermore, not having this ability implies an *underdevelopment* of moral capacity, which does not put HFAs in a favourable light.

As I mentioned in section 3.2.2., what makes the deficit view of autism problematic, is that on this view one's understanding of autism is solely based on a fault in a system that would be fully functional were it not for that particular cognitive glitch. My understanding of moral decision-making in HFA, however, is not characterised by a lack in relevance detection, but by the ability to construct and apply situational scripts. This ability is not a by-product of an underlying deficiency, but a developed capacity suited to the 'sense-modalities' HFAs rely on the most (i.e. what they use to orient themselves in relation to their themselves and their surroundings, as well as what grabs their attention).[164] This is an alternative way of saying that the development of situational script management makes sense for HFAs considering their mode of information processing. Calling HFAs moral performers instead of moral agents is not a necessary evil, but a conscious choice that shows a wider consideration of the way HFAs experience life and make their decisions in light of this experience. If moral performance is not recognised as an alternative way for human beings to position themselves in moral situations, this could even be seen as a dismissal of the human value of the kind of moral decision-making HFAs engage in. In any case, moral performance is not a broken version of moral agency, because moral performance is not the result of an underdeveloped moral capacity. As such, it does not suggest that HFAs lack the ability to navigate moral situations as moral performers, nor does it misrecognise the human value of their alternative way of moral decision-making.

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[161] Tiziana Zalla et al., 'Moral Judgment in Adults with Autism Spectrum Disorders', *Cognition* 121, no. 1 (2011): 115–26.
[162] Dinishak, 'The Deficit View and Its Critics', 20.
[163] Note that 'expected to have' is not the same as 'supposed to have'. Expectations are more about the social willingness to accept the different ways in which HFAs connect with their environment.
[164] Dinishak, 'The Deficit View and Its Critics', 20.

Section 3 - Exclusion as Moral Agents and Implied Stigmatisation

In the previous section, I have argued that my claim that HFAs are moral performers instead of moral agents is not dehumanising: Moral agency is not the only way in which a person can be positioned in moral situations, moral performance is therefore a different but not less human way of processing and responding to moral situations. While my argument does rely on the notion that HFAs are limited in their relevance detection ability in moral situations, moral performance is not the product of a faulty system. Therefore, describing HFAs as moral performers does not in any way emphasise 'what they are not'. To the contrary, it is a positive way of describing the process HFAs go through when having to make decisions in moral situations. As such, my claim does not devalue HFAs in terms of humanity on account of the way they process information in comparison to non-autistic individuals.

In this section, I will look into the question whether my claim implies a stigmatisation of HFAs. First, I will give a definition of stigmatisation as well as explain why stigmatisation would be an instance of moral injury. To do this, I will mainly focus on common (negative but also positive) stereotypes surrounding autism.

3.3.1. Stigmatisation of Autism as a Moral Injury
As Pier Jaarsma and Stellan Welin point out, in the autism community, continuous stigmatisation is an uncomfortable truth.[165] Before delving into stigmatisation and autism, let me first clarify my understanding of stigmatisation and say a little about how it relates to dehumanisation. I understand stigmatisation as the process through which a person or a group of people is reduced to a limited set of experiences, traits, and/or capabilities, that are often considered (socially) undesirable. The difference between dehumanisation and stigmatisation is that with dehumanisation, a person is regarded as 'less than human', by which someone is denied humanity. I would call it a direct diminishment, because the person in question is not necessarily redefined. In a sense, they become 'undefined' because they are no longer considered as something that properly fits a human description. With stigmatisation, a person is defined in terms of a limited set of socially undesirable traits, by which their identity becomes that of 'an inferior human'. That is to say, they are assigned a specific position in society not of their own making nor choosing and are therefore diminished by implication. Compared to dehumanisation, I would say that with stigmatisation the diminishment is more indirect.

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[165] Jaarsma and Welin, 'Autism as a Natural Human Variation', 27.

Now I have explained what my definition of stigmatisation is, I will be turning to the question of stigmatisation and autism. People on the low-functioning side of the spectrum are often reduced to the stereotypical autist, who is flat-out asocial, possibly non-verbal, extremely rigid and compulsive in both thinking and behaviour, and therefore unable to participate in society. This image is not mitigated by the notion that what is most visible in extreme cases of 'classical autism' is the low level of cognitive ability, not necessarily the autism.[166] Still, this is a common image of autism and presumably the one that is considered stigmatising in an obvious way.[167]

As a result, since many of them do not appear autistic in the classical sense, HFAs are often misunderstood in their abilities to cope with their lives: after all, when being autistic is taken to imply a low level of cognitive ability on account of the condition, HFAs with (above-)average cognitive ability are consequently not considered to be much affected by their condition – it may even be referred to as 'mild autism'.[168] At the same time, there is the tendency to overemphasise the conceived strengths of autistic individuals, such as their attention to details and their systemising skills. Again, the assumption is that when autism seems less of a burden, an autistic individual can tap into the talents that are frequently attributed to their autism. For example, it is often high-lighted on recruitment websites what their out-of-the-box thinking could do for companies and institutions looking to increase productivity and work towards innovation.[169] This, however, heavily plays down the experience of impairment many HFAs do have on a daily basis.[170]

It may be somewhat unclear why it might be stigmatising to celebrate HFAs for their autistic talents and their intellectual creativity. How could this be morally injurious? Has this not been one of the goals the neurodiversity movement has been working hard to achieve? Not exactly. It may be true that most proponents of the neurodiversity movement believe in setting aside the deficit view of autism to improve acceptance of autism as a natural human variation. However, acceptance of autism hardly shows in exchanging one stereotype for another. 'High-functioning' does not mean that HFAs have access to exceptional intellectual abilities. It should not be underestimated how harmful the stereotype of the autistic genius (as many may be familiar with thanks to popular TV series such as *The Big Bang Theory)* can be, when a person does not wear their disability on their sleeve as clearly as physically disabled individuals might. Some HFAs may be forced to explain their autism and related vulnerabilities to complete strangers in order to receive help in their daily life, possibly risking ridicule and incredulity because, on top of the positive stereotype, they may not look

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[166] Vermeulen, *Brein Bedriegt*, 27.
[167] Vermeulen, 27.
[168] Vermeulen, 12–13.
[169] 'These Major Tech Companies Are Making Autism Hiring a Priority', Monster Career Advice, accessed 2 June 2019, https://www.monster.com/career-advice/article/autism-hiring-initiatives-tech.
[170] Vermeulen, *Brein Bedriegt*, 187.

or act very autistic.[171] Put like that, the colourful stereotype of the brilliant autistic individual quickly loses its appeal, as it places unrealistic expectations on HFAs. Moreover, it may give the impression that there is not much more to a high-functioning autistic individual than what their autism has 'bestowed' on them, which is quite reductive as well.

Yet, many HFAs actively promoting neurodiversity within the autism community (especially those self-identifying as Aspies, in reference to Asperger's Syndrome) insist on being recognised as a minority group, and pride themselves on their strengths and talents, sometimes even to the detriment of 'neurotypicals'.[172] They work hard to make the neurodiversity movement work for them by ensuring that there is plenty inside information about high-functioning autism that has not been framed in terms of deficits. Many HFAs consider their autism a part of their identity, not something that can be separated from the person.[173] Of course, this is not meant to feed into stigmatisation, but rather to gain control over their own narratives, as well as connect with those who share their values.[174] However, Jennifer Sarrett adds a word of caution to this strategy, as it might homogenise a highly heterogenous condition: not all HFAs have the same experiences, nor do they treat their autism the same.[175]

3.3.2. Stigmatisation and Moral Performance

To summarise the previous subsection, I have explained that stigmatisation is morally injurious in that it reduces a person to a limited, and socially inferior version of themselves that they themselves did not choose. I have also explained that, in the case of HFAs, stigmatisation can come in two forms: either they are 'tarred with the same brush' as low-functioning autistic individuals and therewith grossly underestimated, or they are eulogised as exceptionally talented individuals and overestimated as a result. The urge to choose one's own narrative in order to eradicate stigma is particularly strong among autistic proponents of the neurodiversity movement, which means that many HFAs wish to be recognised as a minority group with a shared language and values. Still, it is good to be mindful about the fact that there is no such thing as 'the autistic experience', meaning that like-mindedness among autistic individuals does not imply that they mind their autism the same.

Again, the question is whether my claim that HFAs are moral performers instead of moral agents is stigmatising. Recall that something becomes stigmatising when it reduces a person or a

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[171] Ann Davis does not mention autism specifically, but she does point out how disclosure of one's invisible impairments can often lead to incredulity, excessive questioning, and rejection. See N. Ann Davis, 'Invisible Disability', *Ethics* 116, no. 1 (2005): 154, https://doi.org/10.1086/453151.

[172] Vermeulen, *Brein Bedriegt*, 43–44.

[173] Jennifer C. Sarrett, 'Biocertification and Neurodiversity: The Role and Implications of Self-Diagnosis in Autistic Communities', *Neuroethics* 9, no. 1 (1 April 2016): 24–25, https://doi.org/10.1007/s12152-016-9247-x.

[174] Sarrett, 25.

[175] Sarrett, 25.

group of people to a limited set of experiences, traits, and/or capabilities, that are often considered (socially) undesirable. Calling HFAs moral performers instead of moral agents could be seen as a marginalising move, as it may look like a moral performer is a reduction of a moral agent. Being a moral performer can therefore seem like an inferior way to be, so it is not clear how my choice to call HFAs moral performers does not stigmatise them. Furthermore, if being a moral performer means that a HFA is identified by their lack in relevance detection ability, then this could be considered damaging to their social position.

However, as I have already argued in section 3.2.4., being a moral performer is not the same as carrying a stigma for not being a moral agent. Moral performance provides a positive narrative that gives content to the way HFAs approach moral situations, but not by saying that all they are is rule-followers. Scripts are complex but explicitly organised systems in themselves that take the way in which HFAs process information as a point of departure. Using these situational scripts is therefore much richer than simple rule-following, because the script provides the *context* that HFAs might not be able to grasp in the moment, not just the rules. As such, moral performance is a significant cognitive undertaking that mirrors a clear motivation to connect, to literally take (a) part in social practices, because

(1) every single context requires the adoption of a new script, which means that one would have to store and work with a large body of information, whilst having to deal with any new information that may be imposing on one's senses; and
(2) effort also goes into finding clues for what script one should use, which may or may not include interaction with other people one may not understand or trust enough to display such a great amount of vulnerability to. To me, this clearly shows the ability and willingness to take risks in order to achieve something one considers important: to handle situations and the people in them in an appropriate and considerate way. This does not scream 'inferiority' to me.

Section 4 - Exclusion as Moral Agents and Implied Misrecognition of Moral Capacity

In the previous section, I have argued that my claim that HFAs are moral performers instead of moral agents is not stigmatising. As I have described in section 3.2.4., moral performance does not highlight or single out deficits or other socially undesirable features associated with autism. Furthermore, saying that HFAs are not moral agents is not the same as saying that they are inferior in their moral decision-making. It only means that HFAs do not position themselves in moral situations *as moral agents but as moral performers*. In this context, the only reason why their way of existing could be labelled as socially undesirable is that, due to its scripted format, moral performance may not be

satisfying to people expecting moral agency. This does not make my proposal stigmatising: it affirms the importance of explicit expectation management. It is the opposite of stigmatisation to suggest that HFAs should be held up to a standard they themselves can be measured by.

In this section, I will address the question whether my claim implies a misrecognition of HFAs' moral capacity. Having already addressed concerns about my claim being dehumanising or stigmatising, there is one more potential implication that I believe needs to be addressed. As I mentioned in my introduction, both Nathan Stout and Jeanette Kennett made a good case for HFAs having moral consideration (in Stout's case), and moral concern (in Kennett's case). Yet, it could be argued that I am dismissing their argument by excluding HFAs as moral agents, because I might be throwing out the baby with the bath water. If I agree that HFA possess moral sensitivity – and I do – then how can I propose a framework for *moral* decision-making that does not rely on applying one's moral capacity to moral situations? This raises the question whether my proposal implies a moral injury, because moral performance does not explicitly recognise the already established notion that HFAs *are* morally capable. Like I have done in sections 3.2. and 3.3., I will first explain what I mean by misrecognition of moral capacity. Secondly, I will explain how this misrecognition can be understood as an instance of moral injury. Thirdly, I will show that my claim does not imply misrecognition of moral capacity. Lastly, I will explain how calling HFAs moral agents may be more morally injurious than calling them moral performers.

3.4.1. Misrecognition of Moral Capacity as a Moral Injury

To clarify, I understand misrecognition of moral capacity as an explicit or implicit denial or misconstrual of a person's capacity for moral judgement. In either case, a person is mistaken for someone they are not: a person without moral capacity or a person whose moral capacity is not taken to signify that they are fully morally capable. In the latter case, it would be something like saying that while a person has moral capacity, they cannot be expected to apply this capacity in a way we associate with a rational individual.

To understand why this misrecognition would be an instance of moral injury is to first and foremost accept that possessing moral capacity is a uniquely human trait, as the ability to deliberate and reflect on what is right or wrong to do (and act according to this reasoning process) is something considered proper to human beings.[176] To reiterate, an act or implied statement is morally injurious when a person is unjustly diminished in their humanity through either denial of a human trait or a misrecognition of the human value of a particular trait. Therefore, it follows that, when we accept

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[176] Bernard Gert and Joshua Gert, 'The Definition of Morality', 17 April 2002, https://plato.stanford.edu/entries/morality-definition/.

moral capacity as a uniquely human trait, failing to recognise this particular trait would be an instance of moral injury.

3.4.2. Moral Performance and Recognising Moral Capacity in HFAs

In the previous subsection, I have explained that misrecognition of moral capacity is morally injurious, because it would erroneously devalue a person in their humanity, considering that having moral capacity is a uniquely human trait. Therefore, the question that remains to be answered is whether my claim that HFAs are moral performers instead of moral agents implies a misrecognition of moral capacity. I will argue that it does not imply a denial nor a misconstrual of the moral capacity of HFAs. On the contrary, I am willing to argue that calling them moral agents instead of moral performers would be more of a misrecognition of moral capacity.

For one thing, I have not denied that HFAs are receptive to moral considerations. When presented with an explicit, moral scenario, HFAs do appear capable of moral judgement. In other words, empirical and anecdotal evidence seems to support the notion that HFAs have moral capacity. I accept this. However, what I have questioned in section 2.2.2., is the extent to which this receptivity[177] can be taken as evidence of moral agency. I have described moral agency as the developed capacity for moral decision-making. This means that when moral capacity is not continuously exercised, developing moral agency is highly unlikely. Therefore, claiming that HFAs' moral decision-making does not stem from a developed moral capacity is not the same as saying they do not have moral capacity. In other words, HFAs can have moral capacity without relying on this capacity to position themselves in moral situations. This is not a denial of moral capacity, but a denial of development of moral agency.

For another, I have not presented moral performance as a different kind of development of moral capacity. Instead, I have suggested that HFAs do not rely on their moral capacity in navigating moral situations, because their mode of information processing greatly complicates any impromptu adaptation. What I mean by this, is that because of their bottom-up information processing style, HFAs cannot be reasonably expected to quickly match a new moral situation to a similar situation they have experienced before. This is also the reason why every situation can seem completely different to HFAs. After all, it takes such a long time to process and sort all the explicitly available information, that taking interpretational short-cuts based on similarities between past experiences and a new situation is not really an option. In other words, knowledge and coping skills that HFAs may learn within one moral context is not necessarily transferable to other contexts. As a result,

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[177] I use 'receptivity' and 'sensitivity' interchangeably.

HFAs have trouble detecting morally relevant situational features.[178] Because of this, they rely on situational scripts to help them figure out how to respond in a moral situation, but also what to respond to. This, I have argued, is what makes them moral performers. HFAs can develop their moral performance, but this does not indicate a development of moral capacity, but of the capacity for situational script management.

3.4.3. Misrecognising HFAs as Moral Agents

Evidently, by calling HFAs moral performers instead of moral agents I am not denying nor misconstruing their moral capacity. In fact, it could be argued that calling HFAs moral agents would be more morally injurious than calling them moral performers. On Stout and Kennett's account, for instance, HFAs have moral capacity, but at the same time they also appear to be less morally capable (or 'clumsy',[179] as Kennett would say) because of their autism.[180] According to the description I have given of misrecognition of moral capacity, this would constitute a misconstrual of moral capacity, because it mistakes full moral capacity for a compromised version.[181] Mistaking a full capacity for a compromised version of this capacity then implies that the decision-making that results from exercising this capacity is somehow faulty. Stout may disagree and argue that autistic individuals are not less morally capable, but that the difference lies in their preference for model-free reasoning in moral-decision making.[182] This would not make them less morally capable, only morally capable in a different way.

However, as I have explained in the previous subsection, HFAs do not rely on their moral capacity to position themselves in moral *situations.* If they would, then it would make more sense to call them moral *agents*, as then their responses in moral situations would then be a *manifestation* of their moral development. Conversely, Stout's argument applies more to the way HFAs respond to

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[178] In chapter 2, I described how responding to a moral scenario within a moral situation requires the ability to pick out those situational features that one can be morally considered about. As I have argued in 1.2.2. on relevance detection-dependent moral agency, this 'picking out' not only presumes a sensitivity to moral situational features, but also an integration of this sensitivity with past experiences: knowing what has been morally relevant in similar situations one has already experienced, makes it easier to detect moral relevance when confronted with a novel situation.

[179] Kennett, 'Autism, Empathy and Moral Agency', 345.

[180] 'Capable' should not be confused with 'competent', because I am not talking about whether HFAs use their moral capacity well. Instead, I am referring to the extent to which their moral capacity is considered 'developable'.

[181] It may seem rather odd that I am talking about a misrecognition of moral *capacity* and not moral *decision-making*. One may think that my actual grievance is about mistaking the source of moral decision-making in HFAs. While I do think this is a mistake, it is an understandable one, considering that one would generally assume moral agency. What I am showing here, is that calling HFAs moral agents is, in itself, morally injurious, because it seems to suggest that autism is some kind of distortion.

[182] Stout, 'Autism, Episodic Memory, and Moral Exemplars', 868.

explicit moral *scenarios*,[183] as here, the morally relevant features of the moral situation have been assembled to make up a scene HFAs can pass moral judgement on. It is like comparing moral sensitivity to a tree nut allergy: there is a direct reaction when the person with the allergy is fed a dish containing nuts, but not much will happen when there is a stray cashew hiding underneath a nearby table.[184] If understood as moral agents, this implies that HFAs would have to be considered less morally capable in moral situations than in explicit moral scenarios. After all, in moral situations they have to pick out or 'sense' what is morally relevant to their decision-making process, whereas in explicit moral scenarios they do not. Therefore, understanding HFAs as moral agents would put them at a developmental disadvantage from the get-go. In comparison, understanding HFAs as moral performers does not highlight such a disadvantage, as moral performance does not require a development of moral capacity.

Section 5 – High-functioning Autism, Moral Performance, and Moral Injury: Final Remarks

In this chapter, I have looked into the question whether my claim, that HFAs are not moral agents but moral performers, diminishes them in their humanity through dehumanisation, stigmatisation, or misrecognition of moral capacity. In section 3.2.4., I have argued that my claim does not imply dehumanisation, because it does not deprive HFAs of any human traits. As such, it does not imply that HFAs are in any way defective or somehow below-human. In section 3.3.2., I have argued that my claim is not stigmatising toward HFAs either, because moral performance does not reduce HFAs to a set of traits or experiences that are often considered socially undesirable. A moral performer is not a 'broken' or inferior moral agent. Therefore, being called a moral performer is not the same as being called morally incapable, because moral performance does not rely on a developed moral capacity. In section 3.4.2., I have argued that my claim does not show a misrecognition of their moral capacity. Moral performance is not supposed to signify a performance that has been developed from moral capacity. Stating that HFAs are moral performers is not the same as saying they do not have moral capacity. What it *does* say, is that, on account of their mode of information processing, HFAs develop scripts to navigate moral situations. Their decision-making in moral situations is therefore not indicative of a developed moral capacity, but a developed capacity for script management. This is not to say that HFAs do not experience moral concern, that they cannot have moral consideration, or

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[183] Recall the experiments by Blair and Leslie et al., in which their participants are first presented with a moral or a conventional scenario, and then asked to rate the goodness and seriousness of the act performed in the scenario.

[184] I do not mean to say that moral capacity is like an allergy in all respects. I am merely making the comparison to point out that if a person cannot pick out morally relevant situational features, it is unlikely that they will recognise what they could be morally concerned about.

even that they cannot make moral judgements when explicitly presented and prompted with a moral scenario. Of course, a script can help to direct a person's attention to those situational features they may be morally considered about. However, as it is tailored to a specific situation and therefore non-transferable, a script does not aid domain-general moral learning. Refraining from attributing moral agency to HFAs does not misrecognise moral capacity: it just does not suggest a *development* of moral capacity resulting in moral agency. In fact, calling HFAs moral agents when their information processing style is incompatible with what is expected from moral agents would be more of a misrecognition of capacity: it implies that HFAs are less morally capable, because their moral capacity is less developable on account of their autism.

SUMMARY AND CONCLUDING REMARKS

Summary

In this thesis, I have argued that high-functioning autistic individuals should not be understood as moral agents, because the expectations we have of moral agents are incompatible with the way HFAs process information. Instead, I have proposed that we regard HFAs as moral performers, because of their reliance on situational scripts for navigating moral situations. In my first chapter, I have shown that current philosophical literature on autism and moral agency underestimates the impact of HFAs' mode of information processing on their capacity for reliable moral judgement. II have argued that both Jeanette Kennett and Nathan Stout mistakenly conclude moral agency from empirical evidence that only support the notion that HFAs are capable of moral judgement in experimental settings. Furthermore, they overestimate the extent to which HFAs can reliably compensate for any cognitive impairments, as they insufficiently consider the fact that HFAs have significant difficulty with detecting relevance in any given situation. Therefore, empirical evidence is inconclusive as to whether HFAs are moral agents, because it does not show that HFAs can be expected to make reliable moral judgements in real-life situations.

In chapter 2, I have followed up on chapter 1 by inquiring into what exactly *is* expected from a moral agent capable of reliable moral judgement, and whether these expectations are compatible with the way HFAs process information. I have argued that developing one's moral capacity into moral agency requires the pre-attentive ability to detect what is morally relevant. I argued that, as HFAs have significant issues with relevance detection on account of their bottom-up style of information processing, it follows that they cannot be expected to develop moral agency. Instead, I have shown that HFAs can position themselves in moral situations as moral performers: by following detailed situational scripts, HFAs are able to navigate moral situations and respond to moral scenarios. However, as moral performance is not a manifestation of a developed moral capacity but a develop capacity for script management, HFAs do not engage their moral capacity when following a script. That being said, I have argued that moral performers are still responsible for a-contextual rule transgression as well as for the decisions they make in moral situations. Still, as these decisions might not be what is expected in that scenario, specific attention should be paid to the script the HFA in question is following.

In chapter 3, I have looked into the question whether my claim, that HFAs are not moral agents but moral performers, somehow diminishes them in their humanity through, for instance, dehumanisation, stigmatisation, or a misrecognition of moral capacity. In other words, is my claim

morally injurious? I have argued to the contrary: moral performance, if anything, is an acknowledgement of humanity in HFAs. It does not deprive HFAs of human traits, because it does not understand HFAs as below-human because of their bottom-up style of information processing. Instead, moral performance is a more accurate description of how HFAs position themselves in moral situation, without suggesting that their way of doing so is less human. Furthermore, moral performance does not imply that HFAs are inferior moral agents nor that they should be characterised by what 'disqualifies' them as moral agents, namely their issues with relevance detection. As such, moral performance does not cherry pick autistic traits that might be considered socially undesirable, which means it is not stigmatising, either. Finally, I have argued that moral performance is not a manifestation of a developed moral capacity but of a developed capacity for script management. As such, it does not misrecognise their moral capacity, because it does not rely on their moral capacity. If HFAs were expected to rely on their moral capacity in their moral decision-making, however, they would have to be considered less morally capable because of their autism, which would be a greater misrecognition.

Concluding Remarks

Having made my argument, though, I would like to reflect on what it would mean for further philosophical inquiry into autism and moral decision-making. What to take from my claim that HFAs are not moral agents? Perhaps, we should consider how all of our fights for social justice have shaped us into academics who are first and foremost here to unite different people, whether it be metaphysically, epistemically, or morally. I commend authors like Jeanette Kennett and Nathan Stout, who both provide more insight into (high-functioning) autism in order to educate a philosophical community that perhaps knows *of* autism yet may not actually know *about* autism. By doing so, they not only call attention away from the common stereotypes and towards the heterogeneity of autism as a neurological condition, but also show the added value of further philosophical engagement with the matter of autism and moral agency.

Yet, sometimes, it may seem like academics inquiring into autism and its implications for moral agency are engaging in an anxiety-fuelled hunt for the human core, because the thought that we may have to cut our losses and acquiesce that some people just do not or cannot be made to fit in is somehow unacceptable. However, it is only when we admit that some people might not fit in our commonly used moral decision-making framework that we can make changes to the way we relate and respond to them. What needs to come with this admission, however, is the willingness to take an alternative approach to moral decision-making that is better suited for assessing the deliberation processes of people that cannot be sufficiently included in the existing framework. It is not enough to slightly adapt our common framework, because then we would still be trying to make

someone participate on our terms, not their own. Instead, we would have to give something up, and I would argue that what we have to give up is the inclusivist ideal – the idea that with the right adjustments to our common practice we can include, account for, and relate to everyone.

Giving up the inclusivist ideal in the case of high-functioning autism and moral decision-making means that we can no longer use a common description (moral agency) for an uncommon group of individuals (HFAs). However, as I have explained in 3.1., exclusion is only a moral injury when someone is diminished in their humanity, like in the case of dehumanisation, stigmatisation, or misrecognition of moral capacity. I have argued that my claim does not imply a diminishment of humanity, because, as I have argued, moral agency is not the only way in which a human being can position themselves in moral situations.

Admittedly, there often lies much pain behind the wish to be acknowledged as a full member of society, and I deeply empathise with this sentiment. However, I am not convinced that forcefully expressing that wish through demands for care and respect increases the likelihood of it ever coming true. Of course, some may argue that my claim that HFAs are not moral agents but moral performers is no less forceful. Yet, I have not put forward a demand for respecting the differences between HFAs and non-autistic individuals in their moral decision-making. Instead, I have laid out what I believe to be convincing reasons for choosing an alternative approach to HFAs and their moral decision-making process. My proposal to understand HFAs as moral performers is not meant as an autism rights claim, but rather as a means for increasing understanding and managing expectations when it comes to HFAs in moral contexts. As such, my proposal not only recognises human diversity, but also gives a good idea of what acceptance of said diversity might look like when we consider the implications that high-functioning autism may have for moral decision-making.

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