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Neurodiversity in constitutional adjudication: legal foundations and scientific evidence on the inclusion of autistic people in Brazil's Supreme Federal Court

Neurodiversidade na jurisdição constitucional: fundamentos jurídicos e evidências científicas sobre a inclusão de pessoas autistas na composição do Supremo Tribunal Federal

Neurodiversidad en la jurisdicción constitucional: fundamentos jurídicos y evidencia científica sobre la inclusión de personas autistas en la composición del Tribunal Supremo Federal

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Abstract: This article examines, from a constitutional and interdisciplinary perspective, the inclusion of autistic and other neurodivergent people in the highest levels of the judiciary, focusing on Brazil's Supreme Federal Court. The research question is what can actually be supported by positive law and scientific literature when one argues that neurodiversity should also reach constitutional adjudication. The method is a critical narrative, non-systematic review combining the Federal Constitution, the Convention on the Rights of Persons with Disabilities, the Brazilian Inclusion Act, Law No. 12,764/2012, rules of the National Council of Justice, and peer-reviewed research on neurodiversity, autism, stigma, cognition, group diversity, deliberation and judicial representation. The article separates three propositions that are often conflated: the legal duty of equality, non-discrimination, accessibility and reasonable accommodation; the institutional hypothesis that diversity of experiences and cognitive styles may broaden deliberative repertoires; and the stronger claim that a seat should be mandatorily reserved for an autistic justice. The first two propositions have a robust normative basis and plausible, although conditional and non-Supreme-Court-specific, empirical support. The third does not currently follow from the constitutional text and cannot be presented as a scientific conclusion. The inclusion of autistic candidates should remain compatible with the individual requirements of article 101 of the Constitution, without deficit or superiority stereotypes, while preserving privacy, merit, judicial independence and reasonable accommodations.
Keywords: autism; neurodiversity; Supreme Federal Court; disability; judicial diversity; reasonable accommodation; institutional legitimacy.

Resumo: Este artigo examina, em perspectiva jurídico-constitucional e interdisciplinar, a inclusão de pessoas autistas e de outras pessoas neurodivergentes nos espaços de cúpula do Poder Judiciário, com foco no Supremo Tribunal Federal. O problema de pesquisa consiste em determinar o que efetivamente pode ser sustentado, à luz do direito positivo e da literatura científica, quando se afirma que a neurodiversidade deve alcançar também a jurisdição constitucional. Adota-se revisão narrativa crítica, não sistemática, articulando Constituição Federal, Convenção sobre os Direitos das Pessoas com Deficiência, Lei Brasileira de Inclusão, Lei nº 12.764/2012, normas do Conselho Nacional de Justiça e estudos revisados por pares sobre neurodiversidade, autismo, estigma, cognição, diversidade de grupos, deliberação e representação judicial. O trabalho distingue três teses frequentemente confundidas: o dever jurídico de igualdade, não discriminação, acessibilidade e adaptação razoável; a hipótese institucional de que a diversidade de experiências e estilos cognitivos pode ampliar repertórios deliberativos; e a afirmação mais forte de que deveria existir assento obrigatoriamente reservado a uma pessoa autista no Tribunal. Conclui-se que as duas primeiras teses encontram base normativa robusta e apoio empírico plausível, embora condicionado e não específico ao STF, enquanto a terceira não decorre atualmente do texto constitucional nem pode ser apresentada como conclusão científica. A inclusão de candidatos autistas deve ser compatível

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com os requisitos individuais do art. 101 da Constituição, sem estereótipos de déficit ou de superioridade, preservando privacidade, mérito, independência judicial e adaptações razoáveis.
Palavras-chave: autismo; neurodiversidade; Supremo Tribunal Federal; pessoa com deficiência; diversidade judicial; adaptação razoável; legitimidade institucional.

Resumen: Este artículo examina, desde una perspectiva jurídico-constitucional e interdisciplinaria, la inclusión de personas autistas y otras personas neurodivergentes en los más altos cargos del Poder Judicial, con foco en el Tribunal Supremo Federal. El problema de investigación consiste en determinar qué es efectivamente sustentable, a la luz del derecho positivo y de la literatura científica, cuando se afirma que la neurodiversidad debe alcanzar también la jurisdicción constitucional. Se adopta una revisión narrativa crítica y no sistemática, articulando la Constitución Federal, la Convención sobre los Derechos de las Personas con Discapacidad, la Ley Brasileña de Inclusión, la Ley nº 12.764/2012, las normas del Consejo Nacional de Justicia y estudios revisados por pares sobre neurodiversidad, autismo, estigma, cognición, diversidad grupal, deliberación y representación judicial. El trabajo distingue tres tesis frecuentemente confusas: el deber jurídico de igualdad, no discriminación, accesibilidad y adaptación razonable; la hipótesis institucional de que la diversidad de experiencias y estilos cognitivos puede ampliar los repertorios deliberativos; y la afirmación más contundente de que debería haber un asiento reservado para una persona autista en la Corte. Se concluye que las dos primeras tesis tienen una base normativa robusta y un sustento empírico plausible, aunque condicionadas y no específicas del STF, mientras que la tercera no se desprende actualmente del texto constitucional ni puede presentarse como una conclusión científica. La inclusión de candidatos autistas debe ser compatible con los requisitos individuales del art. 101 de la Constitución, sin estereotipos de déficit o superioridad, preservando la privacidad, el mérito, la independencia judicial y los ajustes razonables.
Palabras clave: autismo; neurodiversidad; Tribunal Supremo Federal; persona con discapacidad; diversidad judicial; adaptaciones razonables; legitimidad institucional.

1 Introduction

The composition of a constitutional court is not a merely administrative issue. In top courts, the biography of its members, the professional paths they have followed, the social experiences they have known and the ways in which they organize complex problems coexist with something that cannot be relativized: the duty to decide legally, based on the Constitution, laws, precedents and publicly presented reasons. The tension between plurality and impartiality, therefore, should not be resolved by slogans. It demands a better formulated problem.

In the debate about autistic people in positions of authority, two simplifications frequently appear. The first is deficient: it assumes that differences in communication, sociability, sensory processing or the need for predictability would be incompatible with the exercise of intellectually sophisticated and institutionally demanding functions. The second is celebratory: it attributes to autistic people, as if they formed a homogeneous block, characteristics of moral, logical or cognitive superiority. Both images are scientifically fragile. The autism spectrum is heterogeneous, and contemporary literature recommends abandoning

both the reduction of the person to deficit and the fabrication of an "ideal autistic type" endowed with universal virtues (Kapp et al., 2013; Pellicano; den Houting, 2022; Bury et al., 2020).

The relevant question for Brazilian constitutional law is different. If the State recognizes that autistic people are people with disabilities for all legal purposes, if the Convention on the Rights of Persons with Disabilities ensures participation in public life and performance of public functions with equal opportunities, and if the Brazilian Inclusion Law determines the removal of barriers and the offering of reasonable accommodations, would it be coherent for the highest spaces of power to be imagined as naturally inaccessible to these people? The question does not require the indication of any name. It requires examining the normative architecture of public opportunities and the way in which institutions select, receive and allow people to work whose forms of interaction do not fully coincide with majority expectations.

In the Federal Supreme Court, the starting point is art. 101 of the Constitution. The provision establishes that the Court is made up of eleven justices chosen from citizens over thirty-five and under seventy years of age, of notable legal knowledge and unblemished reputation, appointed by the President of the Republic after approval of the choice by the absolute majority of the Federal Senate (Brazil, 1988). There is no constitutional requirement for neurotype, absence of disability, or behavioral conformity to unwritten social standards. There is also no reservation of seats due to disability or neurodivergence in the current constitutional text. This double fact is essential: autistic people cannot be excluded due to their condition, but the Constitution also did not establish a mandatory chair for them.

The aim of this article is to construct a technically defensible answer between these two extremes. The hypothesis is that the effective inclusion of autistic people in the universe of possible candidates for the STF finds a robust legal basis in the principle of equality, the prohibition of discrimination, the Convention on the Rights of Persons with Disabilities and infra-constitutional legislation; it also finds plausible institutional reasons in the literature on cognitive diversity, plurality of perspectives and the composition of collegiate bodies. However, the available data do not allow us to state that an autistic person, because they are autistic, will judge better, be more impartial or adopt certain legal positions. Nor do they allow us to scientifically derive a seat reservation obligation.

This delimitation is important for two reasons. First, because the defense of inclusion loses credibility when it depends on psychological determinisms. Second, because contemporary equality does not require transforming identity into destiny. An autistic person can be conservative or progressive, formalist or consequentialist, expansive or restrained in matters of constitutional jurisdiction. May have high or low tolerance for public exposure,

different sensory needs and varied modes of communication. What anti-discrimination law requires is that these differences not be converted, without an individualized basis, into a presumption of incapacity.

The article develops this argument in eleven movements. After explaining the method and limits, it presents the paradigm of neurodiversity and its coexistence with the legal notion of disability; analyzes the Convention, Law No. 12,764/2012, the Brazilian Inclusion Law and the accessibility standards of the Judiciary; examines the constitutional regime governing the composition of the STF; reviews evidence on autistic cognition and the work environment; connects this evidence, cautiously, to the literature on group diversity and collective decision-making; discusses studies of judicial diversity and legitimacy; identifies favorable arguments and objections; and, finally, it proposes institutional criteria that simultaneously preserve inclusion, individual merit, privacy and judicial independence.

2 Research problem, method and limits of inference

The research problem can be stated as follows: what legal foundations and what scientific evidence are pertinent to evaluating the inclusion of autistic people in the composition of a constitutional court, specifically the Federal Supreme Court, without converting neurodivergence into an automatic criterion for appointment or a cause for exclusion? The formulation contains a deliberate methodological choice. The object is not to demonstrate that an identity produces certain judicial behavior. It is to investigate access conditions, barriers, possible effects of plurality and limits of scientific generalization.

The research has a legal-dogmatic and interdisciplinary nature, with a critical and non-systematic narrative review of the literature. In the normative axis, official texts were prioritized: Constitution of the Republic, Convention on the Rights of Persons with Disabilities incorporated by Decree No. 6,949/2009, Law No. 12,764/2012, Law No. 13,146/2015 and acts of the National Justice Council on accessibility and inclusion. In the empirical axis, peer-reviewed articles and systematic reviews published in journals of psychology, neuroscience, autism studies, organizational behavior, political science and judicial studies were prioritized. The selection sought works directly related to five groups: neurodiversity paradigm; heterogeneity and possible forces associated with autism; stigma and inter-neurotype communication; diversity and group performance; descriptive diversity and behavior or judicial legitimacy.

The method does not authorize new causal inferences. This article does not carry out an experiment, meta-analysis or survey of STF decisions. It also does not identify the neurotype of current or historical justices. Such identification would be methodologically inadequate without self-declaration or unequivocal public information, in addition to involving sensitive personal data. The absence of public information about diagnosis is not equivalent to proof of the absence of neurodivergence. For this reason, the text avoids statements such as "there has never been an autistic justice" or "the STF is made up only of neurotypicals". There is not enough public base to turn these phrases into scientific facts.

There is also a problem of external validity. Considerable part of the research on autism and work has been carried out in companies, universities or experimental tasks. Studies on judicial diversity focus mainly on race and gender, especially in United States courts. Research on cognitive diversity typically examines teams, mock juries, or formal models. None of these sets is equivalent to the Federal Supreme Court. Transferring your results to the STF requires analogical argumentation and explicit recognition of limits.

The language used seeks to reflect a real tension between fields. In Brazilian law, the classification of autistic people as people with disabilities is legally expressed and produces rights. In the field of neurodiversity, many autistic authors and people defend identity language and the understanding of autism as a neurocognitive variation that includes abilities and difficulties, rejecting an exclusively pathologizing narrative (Dwyer, 2022; Pellicano; den Houting, 2022). These perspectives need not be treated as mutually exclusive. Legal protection against barriers can coexist with a non-reductionist description of the person.

Finally, the word "need" requires analytical decomposition. There is a legal need to prevent discrimination and provide equal opportunities. There is a possible institutional need, in a broad sense, to avoid excessive homogeneity and broaden perspectives in organizations. And there is a third proposition, much more specific, according to which the system should create a chair necessarily occupied by an autistic person. The first two can be discussed on a normative and empirical basis. The third would depend on a legal-political choice of institutional design and is not imposed, today, by art. 101 of the Constitution nor demonstrated by scientific studies.

3 Neurodiversity, autism and the contemporary paradigm of disability

The concept of neurodiversity emerged as a critique of the assumption that there is only one legitimate form of neurological functioning. In its contemporary formulation,

neurodiversity describes variation between brains and processing styles and, in some uses, supports an ethical and political approach according to which neurocognitive differences should not be assessed exclusively by the vocabulary of the defect (Kapp et al., 2013; Dwyer, 2022). The strength of the paradigm lies less in denying difficulties than in shifting the question: instead of just asking "what is wrong with the individual?", it also starts to ask "what characteristics of the environment transform differences into disadvantages?".

Pellicano and den Houting (2022), in an influential review, identify three recurring limitations of the traditional medical paradigm in autism science: excessive focus on deficits, emphasis on the individual to the detriment of the context, and narrowing of perspectives considered legitimate in the production of knowledge. The neurodiversity proposal does not require denying suffering, disability or need for support. It requires recognizing that the same characteristic can represent difficulty in one context and advantage or neutrality in another, depending on the task, environment, support and social interaction.

This reading converges, in part, with the disability model adopted by the Convention on the Rights of Persons with Disabilities and the Brazilian Inclusion Law. The LBI defines a person with a disability based on a long-term impediment that, in interaction with one or more barriers, can obstruct full and effective participation under equal conditions (Brasil, 2015). The center of analysis is no longer just the bodily, mental, intellectual or sensorial characteristic and starts to include the relationship between the individual and the environment. An excessively noisy room, a selection procedure based on implicit social codes, a routine without minimal predictability or a culture that interprets direct communication as a lack of respect can create barriers that are not, in themselves, a result of the person's intellectual capacity.

In Brazil, Law No. 12,764/2012 expressly establishes that a person with an autism spectrum disorder is considered a person with a disability for all legal purposes (Brazil, 2012). Decree No. 8,368/2014 reinforces this condition and connects the rights of autistic people to the Convention and general disability legislation. Legally, therefore, there is no doubt about the impact of the protection system for people with disabilities. This equivalence, however, does not authorize the assumption of civil, professional or decision-making incapacity. The LBI itself ensures legal capacity under equal conditions and structures its discipline around autonomy, accessibility and participation.

It is important to distinguish deficiency from incompetence. Disability is a legal category of protection against disadvantages, discrimination and barriers. Competence for a specific role depends on role requirements and individual assessment. In a constitutional court, this means that the diagnosis of autism does not satisfy or replace the requirements of art.

101; but it also does not constitute a basis for adding, informally, a non-existent constitutional requirement, such as a standard of conventional sociability or the absence of the need for adaptation.

The literature on autism reinforces the heterogeneity. Bury et al. (2020), in a critical systematic review of the so-called "autistic advantage" at work, found insufficient basis to assert a general superiority in performance. The authors noted themes such as attention to detail, tolerance for repetitive tasks, and circumscribed interests, but cautioned that ecological evidence was limited and that positive stereotypes can be as inappropriate as negative stereotypes. Cope and Remington (2022), listening to autistic people about their own professional experiences, found reports of attention to detail, focus, logical thinking, memory, creativity and particular perspectives, but the results are qualitative and do not transform such characteristics into universal ones.

Checketts' (2026) review of the professional life cycle of autistic workers reaches a compatible conclusion: scientific production is still uneven, with a strong concentration on difficulties and a smaller volume of studies on strengths. Among the abilities described are pattern recognition, attention to details, hyperfocus, logical reasoning and unconventional perspectives; among the challenges, stigma, recruitment processes designed for majority communication styles, unpredictability and the need for environmental adjustments. The picture is one of interaction, not of essence.

For the topic of this article, the consequence is methodological and constitutional. Neurodiversity can be treated as a legitimate dimension of plurality without attributing to autistic people a mandatory representative mission or expected judicial behavior. Inclusion becomes a problem of institutional openness: allowing individuals who meet the legal requirements to have real conditions to reach the selection process and, once appointed, to perform the role with the necessary adjustments, without adaptation being confused with a reduction in performance standards.

4 The right to participate in power: convention, Brazilian legislation and access to justice

The strongest legal argument for the potential presence of autistic people in high-responsibility state roles is not a special talents theory. It is the right to equal opportunities. The Convention on the Rights of Persons with Disabilities was approved in Brazil according to the procedure of art. 5th, § 3rd, of the Constitution and promulgated by Decree No. 6,949/2009.

Your art. 29 determines that States guarantee people with disabilities political rights and the opportunity to exercise them under equal conditions, including the possibility of holding elected positions and performing any public functions at all levels of government, with the use of assistive technologies when appropriate (Brasil, 2009).

The expression "any public functions" is relevant. It moves the topic beyond welfare policies. People with disabilities are not just recipients of public decisions; They are also possible agents of the State, formulators, judges, managers, parliamentarians, members of legal careers and occupants of management positions. The Convention thus adopts an idea of citizenship that includes the exercise of public power, and not just access to services.

The Brazilian Inclusion Law reproduces this guidance. The art. 76 requires public authorities to guarantee political rights and the opportunity to exercise them under equal conditions. § 1, II, provides for incentives for people with disabilities to apply for and perform any public functions at all levels of government, including through assistive technologies when appropriate. § 2 orders to promote participation in the conduct of public affairs without discrimination and with equal opportunities (Brasil, 2015).

Although the appointment to the STF is not an electoral candidacy, the normative core of the device is broader than the right to vote and be voted for. The legislation speaks of public functions at all levels. A subjective right to be appointed justice of the Supreme Court cannot be derived from this, because the appointment depends on the constitutional requirements and the political-institutional procedure of art. 101. One can, however, extract a right not to be discarded due to disability and to have any barriers assessed under the logic of reasonable accommodation.

Reasonable adaptation is defined by the LBI as a necessary and appropriate modification or adjustment that does not impose a disproportionate burden and that ensures the exercise of rights under equal conditions. In the judicial environment, the law itself is particularly explicit. The art. 79 determines that public authorities ensure that people with disabilities have access to justice on equal opportunities, with adaptations and assistive technology when required. The art. 80 expressly mentions the role of a person with a disability as a lawyer, public defender, magistrate or member of the Public Ministry (Brasil, 2015). The presence of the word "magistrate" undoes an implicit historical premise: that accessibility in the Judiciary would only exist for those under jurisdiction. The legislator also considered professionals with disabilities who exercise legal authority.

The National Council of Justice deepened this agenda. Resolution No. 401/2021 provides for guidelines for accessibility and inclusion of people with disabilities in bodies of

the Judiciary and their auxiliary services, institutionalizing accessibility and inclusion units. Without creating rules for the composition of the STF, the act highlights that accessibility is an organizational duty of the Judiciary, and not an exceptional concession. The cultural consequence is relevant: when an institution becomes accessible to its own members and employees, it stops treating disability as external to the organization.

The UN Committee on the Rights of Persons with Disabilities also emphasizes, in General Comment No. 6, that inclusive equality goes beyond the formal prohibition of discrimination. It requires considering disadvantages, combating stigma and accommodating differences. General Comment No. 7 reinforces the value of the participation of people with disabilities in the processes that concern them and in the implementation of the Convention (United Nations, 2018a; 2018b). Although these comments do not determine the composition of a national supreme court, they help to interpret the contemporary meaning of participation and equality.

From a constitutional point of view, the issue can be formulated as a prohibition of undue barriers. If a candidate meets the age, legal knowledge and unblemished reputation, the existence of an autism diagnosis cannot be converted into a presumption of incapacity to deliberate, communicate or represent the institution. If there is a concrete need for adjustment, the adjustment must be analyzed, not transforming the need for adjustment into disqualification. This reasoning is the essence of reasonable accommodation: preserving the essential standard of function by changing, when necessary and possible, the way in which peripheral activities are accessed or performed.

There is an especially sensitive point in high visibility positions. Many barriers are not architectural. They are attitudinal and communicational. A more literal speaking style, less use of eye contact, the need for breaks after long sessions, hypersensitivity to light or noise, preference for written communication at certain stages or less adherence to informal social rituals do not say, without functional assessment, anything about mastery of constitutional law. Confusing social signals with legal competence is precisely the type of error that the biopsychosocial model seeks to avoid.

Equality, on the other hand, does not mean that every imaginable adaptation is mandatory. The law works with reasonableness and disproportionate burden. Duties of the STF justice include collegiate sessions, production of votes, institutional dialogue, hearings, cabinet management and public exhibition. Responsible inclusion must map essential functions and find individualized solutions. Anti-discrimination protections do not erase job requirements;

prevents non-essential requirements, often inherited from a neurotypical pattern of behavior, from being treated as if they were constitutional.

5 Art. 101 of the Constitution and the idea of merit in choosing the STF

The discussion about judicial diversity tends to quickly come across the word “merit”. The problem is that the term can mean different things. In art. 101, the Constitution provides legal parameters: age, citizenship, notable legal knowledge and unblemished reputation, in addition to the presidential nomination procedure and approval by the Senate. The provision does not establish a public competition, objective score, mandatory career path or psychological profile. It is a constitutionally structured choice, with legal and political-institutional components.

In this design, diversity does not replace merit, but it also does not need to be conceived as its opposite. Absolute opposition reasoning assumes that there is a single "most qualified" person identifiable by neutral metric and that any consideration of trajectory, experience, or plurality would lower the technical standard. The constitutional text does not offer such a metric. The category "notable legal knowledge" is qualitative, as is "unblemished reputation". Between multiple people who meet these requirements, the choice involves institutional judgment within constitutional limits.

Disability, therefore, cannot function as a clandestine negative criterion. A process that formally affirms equality, but discards someone because they need adequate lighting, agenda predictability or objective communication, can create an attitudinal barrier. The opposite is also true: the diagnosis cannot dispense with examination of legal knowledge or reputation. The constitutionally most stable way of thinking about the problem is to require the same substantive criteria as in art. 101, removing barriers that distort the possibility of demonstrating and exercising them.

This point helps to avoid tokenism. Tokenism occurs when a person is included primarily as a symbol, receiving the expectation of representing an entire group or legitimizing an institution through their identity. In matters of autism, the risk is especially clear because there is no single "autistic view" on the Constitution, fundamental rights or separation of powers. An autistic person is not a natural spokesperson for all autistic people. Descriptive representativeness can have symbolic and epistemic value, but it should not imprison the individual to an agenda.

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Representation theory helps organize the distinction. Pitkin (1967) separated dimensions of representation that cannot be reduced to the similarity between representative and represented. Mansbridge (1999), when discussing descriptive representation, showed that it can have contextual reasons, especially in situations of distrust, historical exclusion or the need to communicate experiences that dominant groups know less about. Carefully transposed to the Judiciary, the idea does not imply that a judge must decide according to identity. It just means that institutions made up of people with different trajectories can have access to experiences and questions that a more homogeneous composition may not produce spontaneously.

In the STF, judicial independence imposes additional caution. justices do not exercise a representative mandate for social groups in an electoral sense. Your duty is to the Constitution and the legal reasons of the case. Therefore, talking about the Court's diversity should not mean distributing seats to reproduce corporate interests. The tenable argument is institutional: among fully qualified people, opening up the universe of trajectories considered legitimate can reduce blindness, expand repertoires and signal that constitutional institutions also belong to historically underrepresented groups.

The disability paradigm adds an element: merit cannot be measured by ease of performing social normality. Informal nomination processes, hearings, circulation in professional networks and media exposure can reward fluency in social codes not directly related to legal capacity. In other professional fields, autistic people report difficulties in interviews and recruitment precisely because such processes value implicit interpersonal cues, unpredictability, and social presentation, sometimes to the detriment of actual work tasks (Doyle, 2020; Checketts, 2026). It cannot be assumed that the same mechanism operates in every high-level appointment, but the analogy deserves attention.

The best summary is simple: inclusion does not mean downgrading art. 101; it means applying it without adding ableism. An autistic person, to be a justice, must have remarkable legal knowledge and an unblemished reputation, just like any other. The State, in turn, must prevent non-essential characteristics of the neurotype from being converted into an informal veto and must ensure, once the requirements are present, reasonable conditions for the exercise of the position.

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6 What science really says about autistic cognition

Any argument that associates neurodiversity with institutional quality needs to start with a warning: diagnosis is not a cognitive curriculum. Autism spectrum disorder is defined by a set of behavioral and developmental characteristics, but individuals differ widely in language, intelligence, sensory profile, executive functions, interests, adaptive capacity, mental health, forms of communication, and support needs. Internal variability is as important as mean differences between groups.

Still, there are lines of research that help to understand why intellectual environments can benefit from not assuming a single cognitive style. The enhanced perceptual functioning model developed by Mottron et al. (2006), described research results in which autistic people showed different performance in aspects of perceptual discrimination and local processing. Mottron (2011) later argued that science and clinical practice should recognize capabilities, not just deficits. These works were influential, but they do not allow us to infer that attention to detail is always superior, nor that it directly translates into better legal reasoning.

In work contexts, the evidence is closer to the institutional question, but remains limited. Cope and Remington (2022) analyzed reports from autistic people and identified themes such as attention to detail, intense concentration, memory, creativity, logical and systematic thinking, as well as personal qualities such as dedication. The value of the study is in including the perspective of autistic people on what effectively helps them at work. Its limit is equally clear: self-reports do not demonstrate general superiority and cannot be generalized to the entire population.

Bury et al. (2020) reached a more cautious conclusion by systematically reviewing the idea of "autism advantage". The available literature was small and of insufficient quality to confirm or deny a broad advantage at work. The article is particularly important to avoid institutional marketing based on positive stereotypes. Saying that autistic people are always detail-oriented, honest, logical or resistant to social pressure may seem like a compliment, but it transforms complex individuals into an expected profile. Anyone who does not correspond to the stereotype may suffer a new form of exclusion.

Doyle's (2020) review proposes a biopsychosocial model of neurodiversity at work. Performance results from the match between individual profile and environment. This is relevant to legal positions because many difficulties attributed to the individual can be produced by organizational design: sensory overload, ambiguous communication, unpredictable

meetings, assessment by indirect social cues, or lack of recovery periods. Adjustments can improve performance without changing the substance of the task.

Social communication deserves specific treatment. Milton (2012) formulated the "double empathy problem", according to which difficulties in understanding between autistic and non-autistic people can be reciprocal, produced by differences in experience and communicational style, instead of residing in just one person. Later studies have partially supported this view. Crompton et al. (2020a) observed, in information transmission chains, comparable performance between groups composed only of autistic people and only non-autistic people, with worse transfer in mixed chains. In another study, neurotype compatibility was associated with rapport assessments, without being autistic alone determining worse interaction (Crompton et al., 2020b).

Science, however, evolves by replication and revision. A later multicenter Registered Report, with a larger sample, did not replicate the expected difference in information transfer between mixed and homogeneous chains, although it found differences in rapport and diagnostic disclosure effects in certain aspects (Crompton et al., 2025). The result does not destroy the idea of communicational reciprocity, but it shows why serious legal arguments should not rely on a single experiment. The evidence is dynamic and sometimes contradictory.

There is also consistent data on social judgments. Sasson et al. (2017) showed that non-autistic observers formed less favorable first impressions of autistic people from brief samples of social behavior and expressed lower interaction intentions. In a later study, Sasson and Morrison (2019) found an improvement in certain first impressions when the diagnosis was correctly disclosed and when observers had greater knowledge about autism. A systematic review by Han et al. (2022) gathered evidence of stigma, stereotyping, discrimination, hiding, and camouflage among autistic adults.

This set has direct implications for the selection of legal elites. The impression of "presence", "naturalness", "warmth", "social flexibility" or "institutional profile" can be influenced by cultural patterns of interaction. When these criteria are not explicitly linked to the essential functions of the role, there is a risk that autistic differences will be interpreted as character flaws, arrogance, disinterest or political incapacity. The problem is aggravated because top positions depend on reputations built in professional networks and on highly interpersonal assessments.

None of this allows us to conclude that an autistic person is immune to bias. Autistic people also have biases, values, preferences, life stories and limitations. The relevant institutional hypothesis is more modest: an institution that admits only one social way of

demonstrating competence may exclude real capabilities; an institution that accommodates different cognitive styles can expand the pool of people able to contribute. Science supports the removal of stereotypes much more strongly than it supports the creation of a universal positive stereotype.

7 Cognitive diversity, deliberation and collective intelligence

The Federal Supreme Court collectively decides most of the issues with the greatest constitutional impact. This makes the literature on groups relevant, although it should not be applied mechanically. The starting point is that the quality of a collective decision depends not only on individual capabilities, but also on the diversity of information, mental models, ways of framing problems and conditions of interaction between members.

Hong and Page (2004), in a formal problem-solving model, demonstrated conditions under which groups composed of diverse solvers can outperform groups formed only by individuals with the highest isolated performance. The result became known because it goes against the intuition that it is enough to select the "best" according to a single metric. Diversity of heuristics can prevent everyone from getting stuck with the same solutions. It is crucial, however, to note that this is a mathematical model, not an experiment with court justices. Its value is theoretical.

Organizational literature offers a less celebratory and more conditional view. Van Knippenberg, De Dreu and Homan (2004) proposed the categorization-elaboration model: diversity can expand information and perspectives relevant to the task, but it can also activate social categorizations, conflicts and biases that prevent the in-depth processing of these differences. In other words, diversity does not automatically produce better performance. The effect depends on leadership, culture, task design and the ability to transform differences into informational elaboration.

Mohammed and Ringseis (2001) studied cognitive diversity and consensus in groups, showing the relevance of processes such as asking for the reasons for others' preferences, recognizing the legitimacy of other points of view and incorporating different perspectives. The finding is in line with judicial deliberation: differences only become an appeal if the collegiate has practices that allow them to appear and be discussed. A court in which votes are entirely isolated, interactions are hostile or disagreements are personalized can waste diversity that formally exists.

Woolley et al. (2010) found evidence of a collective intelligence factor in groups, associated not only with the average intelligence of the members, but with characteristics of social interaction, such as a more balanced distribution of speech. The study does not deal with neurodiversity or courts. His interest is in showing that collective performance is not reduced to the sum of individual CVs. Interaction architecture matters.

In a legal context, Sommers (2006) examined racially diverse and homogeneous mock juries. Diverse groups discussed a greater variety of relevant information and, on some measures, white participants in diverse groups showed greater attention to case facts and fewer errors. The result does not mean that any diversity always produces better decisions, nor that race and neurotype are interchangeable. However, it shows a plausible mechanism: the presence of people perceived as different can alter preparation, information exchange and depth of deliberation.

For neurodiversity, inference must remain at the hypothesis level. Autistic people may, in some cases, ask different questions, notice inconsistencies, resist implicit assumptions or organize information differently. In other cases, they may share exactly the same substantive premises as non-autistic colleagues. There is no basis for predicting voting. The possible value is in increasing the variety of cognitive paths available to the collegiate, as long as the institution does not punish the communication style simply because it is atypical.

This requires distinguishing demographic diversity from cognitive diversity. They may be related, but they are not synonymous. Two people with different identities can think very similarly about a problem; two socially similar people can have different cognitive strategies. Autism makes this issue visible because it is simultaneously a condition legally recognized as a disability and a form of neurodivergence associated, in part of the literature, with differences in processing. Identity, however, remains an imperfect indicator of cognitive content.

A constitutional court is also not a business team. There is a duty to provide reasons, precedents, procedures, publicity and normative ties that limit the freedom to resolve problems. These restrictions do not eliminate the importance of perspectives. Constitutional texts are applied to complex facts, new technologies, institutional conflicts and heterogeneous social experiences. The choice of what to consider relevant, what consequences to anticipate and what barriers to recognize can be influenced by the judges' lived repertoire, even though the final decision must be justified in public legal language.

Therefore, the group literature offers an argument from possibility, not direct proof. It makes it scientifically plausible to assert that excessive homogeneity can have informational costs and that diversity, under appropriate conditions, can expand deliberative resources. It does

not authorize the conclusion that including a member of a certain identity will produce measurable improvements in all types of decisions. This difference between plausibility and demonstration is central to preventing an inclusion argument from being presented as an established causal fact.

8 Judicial diversity, representation and legitimacy: what the studies show

Political science and judicial studies have been investigating for decades whether judges' characteristics are related to decision-making behavior, influence in collegiate bodies and perceived legitimacy. Most of the literature focuses on gender and race. These studies cannot be used as a substitute for research on autism, but they help to demonstrate that cut composition is not a scientifically irrelevant topic.

Boyd, Epstein and Martin (2010), analyzing federal appeals courts in the United States, found effects associated with the sex of judges in cases of sexual discrimination and also panel effects: the presence of a female judge was associated with changes in the behavior of male colleagues in this specific area. The study is important precisely because of its specificity. The authors did not find a uniform effect of gender across all fields of law. Identity may be relevant in certain contexts without globally controlling judicial behavior.

Kastellec (2013) investigated racial diversity in North American appeals courts and found evidence of the influence of the presence of black judges on panels in cases involving affirmative action. Again, the mechanism is not “representative votes for the group” on all issues; this is a contextual effect in a category of disputes with content directly related to the historical experience of race. These results suggest that the composition of panels can affect deliberation and results, but do not allow us to predict the possible effect of an autistic judge.

Another field is institutional legitimacy. Scherer and Curry (2010), in an experiment on racial representation in North American courts, found an increase in perceived legitimacy among black participants when the institution was presented as more racially representative, accompanied by a negative reaction among some white participants. The result is normatively uncomfortable but scientifically valuable: the symbolic effects of diversity may vary across groups and are not universally positive.

More recent research reinforces the need for nuance. Krehbiel (2026) examined whether descriptive representation increases acceptance of judicial decisions and found conditional effects, dependent on prior trust, agreement with the result and analyzed group. The relevant conclusion for this article is not that diversity “generates legitimacy.” It is that its relationship

with legitimacy is empirically contingent. Institutions cannot assume that the simple visibility of an identity will resolve mistrust.

This literature allows us to extract four methodological lessons. First, social experiences may have relevance to the way certain issues are perceived and debated. Second, collegial bodies produce interactive effects: a member can influence others, not just add a vote. Third, effects tend to be contextual rather than universal. Fourth, descriptive representation and substantive representation are not the same thing; the presence of a person from a certain group does not guarantee decisions favorable to the positions preferred by other members of that group.

In the case of autism, caution must be even greater because there is a lack of equivalent studies on autistic constitutional court justices. There is no basis for asserting that an autistic justice would be more protective of the rights of people with disabilities, more literalist, more originalist, more formalistic or less susceptible to political pressure. Such statements would be essentialist. An autistic person can develop any legal philosophy and can diverge deeply from disability rights movements.

The argument for judicial diversity, then, should rely less on outcome expectations and more on epistemic openness. Fricker (2007) describes epistemic injustice as ways in which certain people are harmed in their ability to participate as knowers and interpreters of reality. In institutions that decide the rights of groups historically described by others, including people with diverse experiences can reduce, although not eliminate, blind spots. Young (2000) also emphasizes that democratic inclusion requires that different social experiences can enter the public communication process without being previously translated into a single dominant standard.

In a court, this inclusion must be compatible with the legal nature of the function. Lived experience does not replace proof, dogmatics or constitutional interpretation. It can, however, affect which questions are asked. A judge who sensorially knows the cost of inaccessible environments can more quickly perceive a barrier that another judge would need to learn from external evidence. The colleague without this experience remains fully capable of understanding the problem; the difference is in the initial repertoire, not in actual monopoly.

Legitimacy also has a dimension of belonging. When people with disabilities only appear before the courts as parties, patients, interdicts or recipients of protection, the symbolic structure of the institution communicates an asymmetry: some people judge, others are judged or protected. The presence of professionals with disabilities at all levels of the justice system

breaks this division. The LBI, by expressly mentioning judges with disabilities, already signals that legal authority and disability are compatible categories.

This does not make representation an absolute requirement for the validity of decisions. A court without a certain group does not automatically lose legal legitimacy; a court with this group does not automatically become fair. Representativeness is one dimension among many: independence, integrity, competence, transparency, justification, predictability and respect for rights are also essential. The analytical value lies in recognizing that institutional composition can matter, without converting it into the only quality criterion.

9 Why the inclusion of autistic people in constitutional courts can matter

In light of the previous chapters, it is possible to organize the arguments in favor of the effective inclusion of autistic people in the universe of candidates for constitutional courts without resorting to determinism. The first argument is equality. If society recognizes autistic people as full citizens and the law guarantees the exercise of public functions with equal opportunities, the possibility of reaching top institutions cannot be just formal. Barriers that exclude substantive requirements before the assessment contradict the legal promise of participation.

The second argument is institutional coherence. The STF interprets standards on disability, accessibility, inclusive education, work, health, civil capacity, competitions, social security and public policies that affect neurodivergent people. This does not create the right to an autistic judge in every case. But an institution that applies inclusion rights gains consistency when its own recruitment and work culture includes people with disabilities in positions of authority.

The third argument is epistemic. Diverse experiences can introduce less salient questions, facts, and consequences to homogeneous groups. An autistic person may have experienced sensory, diagnostic, professional or attitudinal barriers; another may not have experienced any of them in a relevant way. The contribution does not arise from an essence, but from the possibility of a different repertoire. In collegiates facing new and ambiguous problems, variety of frames can be an asset.

The fourth argument is organizational. The need to accommodate neurodiversity can improve processes for everyone. More explicit communication, predictable schedules, reduction of unnecessary noise, documents sent in advance, the possibility of remote participation in justified situations and accessible technology can benefit people with and

without a diagnosis. This phenomenon is known in universal design: solutions created based on specific needs often increase overall usability.

The fifth argument is symbolic, as long as it is handled carefully. Seeing an autistic person occupying a highly responsible public role can challenge stereotypes of disability. Stigma studies show that autistic people are often evaluated less favorably based on brief patterns of social behavior (Sasson et al., 2017; Han et al., 2022). The visible existence of autistic professionals in prestigious careers can expand the social repertoire of what is imagined as possible. This effect, however, should not impose on the appointed person an obligation to provide diagnostic exposure or activism.

The sixth argument is the institutional development of disability law. The Convention replaces a model of guardianship with a model of rights, participation and autonomy. Taking this paradigm seriously means admitting people with disabilities not only on advisory boards, but in the daily production of state decisions. The art. 29 of the Convention and art. 76 of the LBI make this dimension of power legally visible.

These arguments do not add up to an equation that proves the need to reserve a place. They demonstrate something more sobering: there is no scientific or legal justification for assuming that neurodivergence is irrelevant as a dimension of plurality, nor for treating it as incompatible with constitutional authority. At the same time, there is no basis for choosing someone based on diagnosis alone. The balanced institutional position is to consider neurodiversity as a legitimate part of a broad conception of diversity, within the set of candidates who fully meet constitutional requirements.

There is also a pipeline reason. The composition of the STF is the end point of long legal trajectories. If autistic people encounter barriers in school, university, competitions, law, Public Prosecutor's Office, judiciary, teaching and management, their absence in top-level spaces can be produced long before the moment of nomination. A serious inclusion policy does not begin when a vacancy arises in the Supreme Court. It starts with accessible training, non-discriminatory recruitment, professional retention, adaptations, combating harassment and leadership opportunities.

Therefore, reducing the debate to "there must be an autistic justice now" impoverishes the problem. The deeper institutional question is whether the Brazilian legal system allows an autistic jurist to build a career of excellence without having to indefinitely hide his condition, endure unnecessarily hostile environments or be interpreted as less capable by social signs that do not measure legal knowledge. A diverse court is the result of an inclusive professional ecosystem, not just an isolated appointment.

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10 Objections, risks and responses

The defense of greater openness to neurodiversity in top institutions faces objections that deserve a direct response. The first holds that judges must be neutral and therefore personal identities are irrelevant. The correct premise is that decisions must be legally justified and that a justice does not represent his group electorally. The problematic leap is to conclude that biographies never affect perception, deliberation, or issue selection. The empirical literature on judicial panels shows that composition can have effects in some contexts (Boyd; Epstein; Martin, 2010; Kastellec, 2013). Recognizing this does not eliminate the ideal of impartiality; makes it more realistic.

The second objection states that considering diversity violates merit. The answer depends on what you mean by considering. If diagnosis replaces notable legal knowledge, the criticism proceeds. If diversity is an institutional factor among candidates who already meet the requirements, there is no necessary incompatibility. The Constitution does not provide a mathematical ranking of merit. Furthermore, removing selection barriers is not undue preference; it is a condition for real merit to appear.

The third objection is operational: the work of a justice would be incompatible with support needs. This statement cannot be made in the abstract. Autism is heterogeneous. Different people need different support, and some may not require relevant adaptation. The law works with concrete assessment of essential functions and reasonable accommodation. A specific incapacity for a certain function can exist in any person, with or without a disability, but it needs to be demonstrated individually, not assumed by the diagnostic label.

The fourth objection is that autistic people would be rigid, literal or incapable of negotiation. This is a clinical generalization transformed into professional judgment. Characteristics such as a preference for clarity, a need for predictability, or intense interests vary in degree and expression. Furthermore, institutional trading can be carried out by different styles. The literature on the problem of double empathy reminds us that communicational difficulties are interactive; incompatibility between styles is not unilateral proof of incompetence (Milton, 2012; Crompton et al., 2020b).

The fifth objection, in the opposite direction, is that autistic people are naturally more logical, honest and immune to pressure. This argument must also be rejected. Research on autistic strengths is heterogeneous and does not allow predicting an individual's character or decision. The honesty, independence and technical quality of a justice need to be evaluated by trajectory, conduct and intellectual production, not inferred from the diagnosis. Positive

stereotypes can produce impossible expectations and dehumanize just as much as negative stereotypes.

The sixth objection concerns privacy. To produce diversity, would it be necessary to require diagnostic disclosure? No. Health data is sensitive and autistic identity can be private. The person must control, within legal limits, its disclosure. Inclusion policies can make processes accessible without requiring public exposure. The statistical count of representation, when carried out, needs to observe data protection, voluntariness and legitimate purpose.

The seventh objection is tokenism. A symbolic appointment can be used to affirm that an institution has "resolved" its relationship with disability, without modifying structural barriers. The answer is to combine representation with institutional politics. A neurodivergent member does not replace accessibility for employees, lawyers, parties, visitors and other judges. Nor should you carry the disability agenda alone.

The eighth objection is the politicization of identity. As the appointment to the STF already has a political-institutional dimension, introducing the topic of neurodiversity could produce instrumentalization. The risk exists. Protection against it lies in transparent criteria: clearly stating that disability is not a shortcut to the position, that requirements of art. 101 remain integral and that no identity allows predicting the outcome of the trial. The discussion must be about equality of access and institutional plurality, not about manufacturing expected votes.

The ninth objection questions the lack of direct studies. It is the scientifically strongest objection. To date, there is no robust body of research on autistic judges in supreme courts that allows measuring the effects of their presence. The answer is not to hide the gap. It is to incorporate it into the conclusion. The right to non-discrimination does not depend on demonstrating that autistic people would improve the Court. The institutional performance argument must be presented as plausible, supported by indirect evidence and subject to future investigation.

This distinction protects the normative core of the article. Even if tomorrow a study concluded that neurocognitive diversity does not change the average quality of decisions, the right of a qualified autistic person to compete on equal terms would continue to exist. Fundamental rights do not depend on proving that the discriminated group makes the majority more productive. Evidence of institutional benefit may reinforce inclusion, but it is not its exclusive moral foundation.

11 Institutional paths compatible with the Constitution

If the goal is to make it possible for autistic people to reach top judicial positions without creating identity presumptions of merit, the most defensible measures are structural. The first is to expand the pipeline. Law schools, judicial schools, Public Prosecutor's Offices, public and private lawyers, public defender offices and judicial bodies need to treat neurodiversity as a topic of professional accessibility, not just as content of processes. Without permanence and progression in the previous stages of the career, the discussion about the top will be episodic.

The second measure is to review selection and assessment processes to separate core competencies from ancillary social performance. Interviews and hearings are inherent to many public leadership roles, but questions can be formulated in a clear and predictable way, avoiding transforming the ability to decode social ambiguity into a hidden test of intelligence. In the specific case of the STF, the senatorial hearing has a constitutional and political nature that cannot be replaced; Still, communicational and sensory accessibility is compatible with rigorous scrutiny.

The third measure is to ensure reasonable adaptations in the performance of the role. For an autistic person, adjustments may involve a sensory environment, agenda organization, communication format, use of technology, breaks or remote work in specific situations, as long as they are compatible with essential duties and applicable rules. The legal point is not to confuse change of means with reduction of responsibility. A vote still needs to be substantiated; a session continues to require participation; the cabinet continues to demand management. Adaptation changes the way the function is made viable, not its purpose.

The fourth measure is to qualify teams for neuroinclusion. The effectiveness of an adaptation depends on the human environment. Servers and colleagues need to understand that eye contact, prosody, literalness, the need for clear instructions or less frequency of informal interactions are not, in themselves, signs of disrespect. Training, however, must avoid transforming an inclusion manual into a new catalog of stereotypes. The rule is to get to know the person and ask what concrete barriers they exist.

The fifth measure is to protect confidentiality. Institutions must create secure channels to request adaptations without unnecessary exposure of medical information. In high-visibility roles, the pressure for transparency can be intense, but institutional transparency does not equate to unrestricted availability of health data. The public debate about diversity does not justify an invasion of privacy.

The sixth measure is to collect institutional data in an ethical and aggregated way. The absence of data makes patterns of exclusion invisible, but poorly designed collection can produce a risk of identification and stigma. Voluntary surveys, anonymization, data governance, and defined purpose can help understand the presence of disabled and neurodivergent people in legal careers without exposing individuals.

The seventh measure is to incorporate people with disabilities in the formulation of accessibility policies. The principle "nothing about us without us", associated with the history of the Convention, reflects a practical requirement: policies designed only by those who do not face barriers tend to underestimate everyday problems. The UN Committee's General Comment No. 7 values direct participation through representative organizations (United Nations, 2018b). In the Judiciary, this logic can be applied to accessibility commissions and units.

The eighth measure is to preserve pluralism within neurodivergence itself. Autism is not the only form of neurodivergence, and autistic people are not homogeneous. A policy that seeks an "autistic profile" to fulfill institutional expectations may be discriminatory. The goal should be to remove barriers for individuals, not create an official neurodiversity aesthetic.

The ninth measure is to maintain the centrality of art. 101. In any discussion about the future composition of the STF, constitutional requirements must be treated as a substantive filter. Diversity can be considered an institutional value among qualified people, but it should not function as a presumption of notable legal knowledge. This protects the autistic person from a subtle form of delegitimization: the idea that they were chosen "just because they are autistic."

The tenth measure is to encourage Brazilian empirical research. There is a huge gap regarding neurodiversity in legal careers, working conditions for autistic judges, barriers in competitions, diagnostic disclosure, adaptations and professional progression. Without data, the debate becomes dependent on international analogies and isolated reports. Research with the participation of autistic people can generate more useful knowledge for institutional design.

These paths have a constitutional advantage: they do not require changing the meaning of the position or predetermining the outcome of the appointment. They create conditions so that, when there is an autistic jurist with a trajectory compatible with art. 101, the diagnosis does not operate as an invisible barrier. The difference between substantive inclusion and symbolism lies precisely in this: the first creates lasting possibility; the second depends on an isolated event.

Ano VII, v.1 2026 | submissão: 15/09/2026 | aceito: 18/09/2026 | publicação: 21/09/2026

11.1 Brazilian research agenda on neurodiversity and legal careers

The insufficiency of direct evidence on neurodiversity at judicial levels should not be treated simply as an argumentative obstacle. It constitutes, in itself, a research agenda. In Brazil, it would be possible to produce empirical knowledge without transforming diagnosis into a requirement for public identification. Studies with voluntary participation and strict data protection could examine barriers to entry, retention and progression in law schools, competitions, law, Public Prosecutor's Office, defender's offices and judiciary. They could also investigate which adaptations are effectively used, which of them reduce barriers without altering essential functions, and which institutional practices produce unintended adverse effects. The literature on autistic work shows that environment, task design, stigma and selection processes interact with individual characteristics; therefore, national data would be more useful than simply importing conclusions obtained from foreign companies or legal systems (Doyle, 2020; Cope; Remington, 2022; Checketts, 2026).

A second front should separate three frequently confused objects: presence, experience and performance. Knowing how many neurodivergent people there are in a given career does not alone inform what barriers they face; knowing barriers does not allow us to assume how they decide; and observing a certain decision-making style does not authorize causally attributing it to the diagnosis. This separation is especially important in judicial research, because jurisdictional behavior is produced by multiple variables: training, professional trajectory, institutional design, composition of the panel, nature of the case, precedents, procedural rules and legal convictions. A serious scientific program would need to work with comparative designs, sufficiently large samples and previously delimited hypotheses, avoiding both pathologization and the fabrication of an autistic cognitive archetype.

There is also an issue of governance of knowledge itself. The contemporary paradigm of neurodiversity draws attention to the participation of the people studied in defining questions and interpreting results, without eliminating criteria of rigor, replicability or external criticism (Pellicano; den Houting, 2022; Dwyer, 2022). In legal careers, this participation could help distinguish real barriers from administrative assumptions. An apparently neutral procedure may require social skills peripheral to the function; conversely, a measure presented as inclusive may not respond to the concrete needs of its recipients. Participatory research does not mean delegating scientific conclusions to interest groups. It means incorporating experiential knowledge as a source of problem formulation, subjecting hypotheses and results to the same methodological controls applicable to other evidence.

Finally, the construction of this empirical basis would make it possible to shift the debate from individual examples to institutions. The question would no longer be whether a given autistic person demonstrates that autism is an advantage or a disadvantage and would become what conditions allow different professionals to fulfill, on equal opportunities, the same essential responsibilities. This shift is consistent with the Convention on the Rights of Persons with Disabilities and the LBI: the focus stops being on proving an individual's exceptional instrumental value and starts focusing on barriers, participation and reasonable adaptation. For the STF and the entire justice system, this agenda would be scientifically more informative and legally more prudent than any attempt to infer, based on diagnosis, how someone would vote or what kind of justice they would be.

12 Three meanings of the expression “need for an autistic justice”

The formulation that motivated this study can now be revisited with greater precision. Saying that there is a "need for an autistic justice in the STF" can express at least three normatively distinct propositions. Mixing them impairs the analysis.

In the first sense, "need" means the need for real equality of access. This proposition has a strong legal basis. Autistic people are people with disabilities for all legal purposes; the Convention and the LBI ensure public participation, equal opportunities, reasonable accommodation and the exercise of public functions; Access to justice legislation expressly includes judges with disabilities (Brazil, 2009; 2012; 2015). In this sense, it is legally necessary that the system does not construct the STF as a space implicitly reserved for a neurotype.

In the second sense, "need" means desirability or institutional relevance of neurocognitive diversity. Here the answer is probabilistic and contextual. There is literature that associates diversity of perspectives with benefits of information and deliberation in certain conditions, in addition to studies that show effects of diversity of composition in some judicial panels (Hong; Page, 2004; Van Knippenberg; De Dreu; Homan, 2004; Sommers, 2006; Kastellec, 2013). There is also research on autistic characteristics and experiences that makes the contribution of distinct cognitive styles plausible. However, the inferential chain is indirect. There is insufficient data to quantify an "autistic effect" on STF.

In the third sense, "need" means an obligation to permanently reserve one of the eleven seats for an autistic person. This conclusion does not follow from the current text of art. 101 and cannot be presented as a result of science. A reservation policy of this type would require its own constitutional and institutional debate, including on criteria, self-declaration, data

protection, duration, heterogeneity of disability and relationship with other dimensions of diversity. It is a choice of institutional design, not an automatic consequence of the evidence reviewed.

This tripartite avoids a false alternative between “identity does not matter” and “identity must decide the nomination”. The legally robust position lies in the middle: identity does not replace qualification, but identity-related barriers cannot block qualified people. The composition of institutions can be discussed as a plurality issue without predicting votes or reducing individuals to groups.

There is also a temporal dimension. A society may first recognize the right of access and, only after decades of removing barriers, see greater diversity in senior positions. The absence of people publicly identified with a certain disability may reflect previous filters, including lack of diagnosis in past generations. Therefore, it would be methodologically inappropriate to use current photographs of the legal elite as proof of the lack of qualified professionals.

The expression "need" then gains more defensible content if it is understood as a need for a Supreme Court institutionally capable of including an autistic person, and not as an obligation to appoint someone based exclusively on diagnosis. A truly accessible Court is one in which the possibility of an autistic justice no longer seems exceptional or contradictory. The normative objective is to normalize the compatibility between disability, legal excellence and constitutional authority.

13 Final considerations

The question about the presence of an autistic person in the Federal Supreme Court touches on three debates that Brazilian law still tends to deal with separately: equality of people with disabilities, deliberative quality of institutions and social composition of legal elites. When these debates are brought together, the response needs to be more thoughtful than a slogan.

Positive law provides a firm point. Autistic people are considered people with disabilities for all legal purposes. The Convention on the Rights of Persons with Disabilities, incorporated with a hierarchy equivalent to that of a constitutional amendment, ensures participation in public life and the opportunity to perform public functions under equal conditions. The Brazilian Inclusion Law reinforces this commitment, defines reasonable adaptation, protects legal capacity and expressly mentions magistrates among the professionals who must have ensured accessibility resources. The art. 101 of the Constitution, in turn, does

not establish the absence of disability as a requirement for the STF. Legally, therefore, neurodivergence is not an abstract impediment to investiture.

Science adds a second layer, but it demands modesty. There is evidence of cognitive heterogeneity in autism, reports and studies on relevant capabilities in different work environments, research on stigma and disadvantages produced by majority social standards, and literature on possible benefits and costs of diversity in groups. There are also studies that show contextual effects of the composition of judicial panels and descriptive representation. None of these lines, alone or together, proves that an autistic justice would make a better decision or that his presence would produce a certain constitutional result.

The strongest argument, therefore, is not one of superiority. It is one of non-exclusion and epistemic openness. An institution that only recognizes competence when it is accompanied by a specific standard of sociability runs the risk of confusing convention with capacity. An institution that offers reasonable adaptations and evaluates people based on truly essential requirements expands its talent pool without reducing technical requirements.

Nor should an autistic person be required to represent all autistic people politically. STF justices are not delegates of identity groups. Judicial independence and the duty to provide reasons prevent this reading. The value of diversity is in allowing different experiences to enter the deliberative space, not in predetermining conclusions. An autistic justice could disagree with organizations of autistic people, just as any judge could disagree with groups with which he shares social characteristics.

The thesis of mandatory reservation of a seat is different and does not find, in the current system, a specific constitutional basis. It can be the subject of public and academic debate, but should not be confused with an existing command or scientific conclusion. This honesty strengthens, rather than weakens, the inclusion agenda.

Perhaps the most appropriate formulation, in the end, is this: an inclusive constitutional democracy does not need to know in advance who will be the first or next autistic jurist to reach its highest Court. It needs to build institutions in which this path is legally possible, professionally sustainable and socially understandable. When the presence of an autistic person in the Supreme Court can be assessed by the quality of their trajectory and legal thinking, without the diagnosis acting as a veto or trophy, equality will have advanced from an abstract promise to a concrete institutional possibility.

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