



VOL 14

**ONTOLOGICAL COEXISTENCE
AND STRUCTURAL VIOLENCE
IN LAW**

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**Ontological Coexistence and Structural
Violence in Law**

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Ontological Coexistence and Structural Violence in Law

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Abstract

This volume brings together three contributions that address a shared theoretical and legal question: under what conditions do forms of structural violence toward neurodivergent people arise, and why do these forms of violence frequently remain invisible within modern institutional systems. The point of departure is the observation that contemporary social, legal, and administrative orders implicitly rely on assumptions about a uniform, neurotypical form of human existence. Perception, communication, work capacity, self-regulation, and social interaction are treated as general standards. Forms of existence that structurally diverge from these assumptions tend to appear within this framework either as illness, as individual deficit, or as insufficient adaptation.

The contributions develop an ontological and legal-theoretical perspective for analyzing this problem. At the center lies the thesis that many conflicts between neurodivergent persons and institutional systems do not primarily arise from individual difficulties, but from a structural incompatibility between different forms of human existence and the normative architecture of modern societies. This incompatibility produces predictable forms of harm which, within legal and administrative procedures, are often individualized, pathologized, or interpreted as communicative disturbance.

The volume unfolds this diagnosis in three interconnected steps. The first contribution introduces the concept of *representational violence* as an ontological critique of modern knowledge and administrative systems. It argues that, within many institutional contexts, reality is recognized only insofar as it can be translated into symbolic, administrative, or diagnostic formats. Forms of experience, perception, or existence that resist such translation do not merely remain unnoticed; they are structurally excluded from the sphere of what can appear as real.

The second contribution develops, on this basis, the concept of a *right to ontological coexistence*. Neurodivergent forms of human existence are understood not as deviations from a general norm, but as autonomous variants of human world- and meaning-relation. Equality, therefore, cannot be conceived primarily as integration into a single social order. Instead, it must be understood as the legally protected coexistence of different forms of existence without coercion toward normalization, pathologization, or economic functionalization.

The third contribution applies this perspective to the analysis of modern state institutions. Drawing on examples from social law, administrative procedures, and criminal-law attribution, it demonstrates how structural incompatibilities between neurodivergent forms of existence and work- and performance-centered systems generate foreseeable harms. Where existential

dependency, known incompatibility, and predictable harm converge, state action can no longer be understood as neutral governance but must be recognized as a form of structural violence.

Taken together, the volume develops a theoretical framework for analyzing modern societies under conditions of real ontological diversity. By connecting ontological critique, human rights reasoning, and legal system analysis, it aims to make visible forms of institutional violence that remain largely unrecognized in contemporary legal and social orders and to contribute to a reconsideration of equality, responsibility, and protective duties in plural societies.

Keywords: ontological coexistence, neurodivergence, autism, autistic ontology, neurodivergent rights, structural violence, representational violence, structural incompatibility, neurotypical normativity, law and neurodivergence, human rights and neurodiversity, ontology of neurodivergence, epistemic injustice, symbolic violence, ontology and law, legal theory of neurodiversity, disability rights theory, neurodiversity paradigm, masking and structural coercion, institutional harm to neurodivergent people, welfare state and neurodivergence, social law and autism, administrative systems and neurodivergence, ontological diversity, plural forms of human existence, legal recognition of neurodivergence, structural discrimination, neurodivergence and work systems, activation policies and autism, legal responsibility for structural harm, ontological rights, coexistence versus integration, neurodivergence and institutional violence, autistic epistemology, ontology and human rights, philosophy of neurodiversity, critical disability studies, law social systems and neurodivergence

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Section VI Introduction: Neurodivergent Rights, Law and Structural Violence

Modern societies increasingly recognize neurodivergence as a topic of medical, psychological, and social concern. Yet the legal and institutional implications of neurodivergent forms of existence remain only partially understood. Public debates often focus on questions of inclusion, diagnosis, therapy, or social participation. Far less attention has been given to the deeper structural question: how modern legal, administrative, and welfare institutions are themselves organized around implicit assumptions of neurotypical forms of perception, communication, and work.

Section VI of *Studies in World-Formation* addresses this problem from a structural and interdisciplinary perspective. The volumes collected here examine the intersection of neurodivergence, law, administrative power, and political economy. Rather than treating conflicts between neurodivergent persons and institutions as isolated cases of misunderstanding or maladjustment, the section investigates them as possible effects of structural incompatibilities between different modes of human existence and the normative architecture of modern societies.

The contributions proceed from a shared observation: many contemporary institutions implicitly presuppose a standardized model of the human subject. Legal procedures, welfare systems, and administrative decision-making rely on expectations regarding communication styles, emotional self-regulation, cooperation patterns, and linear work trajectories. These expectations are rarely articulated explicitly, yet they function as tacit norms that shape how credibility, responsibility, and entitlement are interpreted within institutional contexts.

For individuals whose cognitive, perceptual, or communicative styles diverge from these expectations, this situation produces recurring conflicts. Behaviors that represent legitimate expressions of neurodivergent modes of existence are frequently reinterpreted as deficits, non-cooperation, or insufficient willingness to comply. As a result, institutional interactions can generate escalating dynamics in which structural incompatibilities are systematically individualized and pathologized.

Section VI explores these dynamics across several analytical levels. A first line of inquiry examines the ontological assumptions embedded in modern knowledge and administrative systems. It asks how institutional mechanisms of representation, classification, and documentation determine which forms of reality can appear as legitimate within legal and bureaucratic frameworks.

A second line of inquiry addresses the relationship between neurodivergence and welfare-state institutions. Work-centered social systems, sanction regimes, and dependency-based structures of social security are analyzed as environments in which structural mismatches between institutional expectations and neurodivergent modes of existence can generate predictable forms of harm.

A third perspective concerns the political economy of knowledge and epistemic labour. Many forms of long-term analysis, theoretical innovation, and cultural production emerge outside stable institutional structures, particularly in the work of neurodivergent researchers and artists. Yet these forms of epistemic labour often remain economically unrecognized, even when their results circulate within academic, cultural, or political discourses.

Taken together, the volumes of this section argue that these phenomena should not be understood merely as individual or biographical problems. They reveal deeper structural tensions within modern societies: tensions between institutional orders designed for standardized subjects and the actual ontological diversity of human forms of existence.

Within the broader series *Studies in World-Formation*, Section VI therefore occupies a distinctive position. While earlier sections examine ontological, epistemological, and economic dimensions of world-formation, this section turns to the legal and institutional consequences of those questions. It asks how societies organized around implicit assumptions of human uniformity respond when confronted with real ontological plurality.

The central issue is therefore not only social inclusion, but the structure of modern institutions themselves. If law, welfare systems, and administrative procedures systematically presuppose a single model of human functioning, conflicts with neurodivergent forms of existence are not accidental. They are structural effects of the institutional order.

Understanding these effects is a necessary step toward developing legal and institutional frameworks capable of accommodating genuine diversity of human forms of life.

Introduction

The increasing visibility of neurodivergent forms of human existence confronts modern societies with a challenge that extends far beyond questions of inclusion, social participation, or medical care. In many areas of law, administration, science, and work organization, implicit assumptions become visible about how a human being perceives, communicates, works, regulates themselves, and responds to social demands. These assumptions often appear self-evident or neutral. In reality, however, they are historically and culturally specific. They largely reflect neurotypical modes of experience and functioning while nevertheless being treated as general standards of human existence.

For people whose modes of perception, regulation, or interaction diverge from these implicit standards, this situation creates a structural tension. Conflicts with institutional systems frequently appear as individual problems: as insufficient adaptability, as communicative misunderstanding, as psychological illness, or as lack of motivation or willingness to perform. Such interpretations, however, often obscure the fact that many of the observable difficulties do not arise from individual characteristics but from a fundamental incompatibility between different forms of human existence and the normative orders of modern societies.

This volume examines this problem from ontological, political, and legal perspectives. Its starting point is the assumption that neurodivergent forms of human existence are not merely variations within a single functional model of the human being, but autonomous modes of world-relation, perception, and meaning-making. If this assumption holds, institutional systems that implicitly presuppose a single form of human existence inevitably encounter limits. Conflicts then appear not as accidental malfunctions within otherwise functional procedures, but as systematic effects of an order that does not account for real ontological diversity.

The three contributions assembled in this volume approach this problem from different angles. The first text develops the concept of *representational violence* as a fundamental critique of modern knowledge and administrative systems. It argues that institutional reality is often recognized only insofar as it can be translated into standardized forms of representation, documentation, or diagnosis. What cannot be translated into these formats does not merely remain undescribed; it is structurally excluded from the domain of what can appear as real.

The second contribution derives from this diagnosis a normative consequence: the concept of a *right to ontological coexistence*. This concept challenges the widespread assumption that equality primarily consists in the integration of different individuals into a single social order. Instead, it argues that under conditions of real ontological diversity, equality must be understood as the legally protected coexistence of different forms of human existence without coercion toward normalization, pathologization, or functional adaptation.

The third contribution applies these considerations to the analysis of modern state institutions. Drawing on examples from legal and administrative contexts, it shows that many conflicts between neurodivergent persons and state systems cannot be understood as isolated cases. Rather, they point to a structural incompatibility between certain forms of human existence and the normative assumptions embedded in modern systems of work, administration, and law. Under conditions of existential dependency, this incompatibility can produce foreseeable and reproducible harms that must be understood in legal terms as forms of structural violence.

This volume therefore does not present itself as a contribution to a single disciplinary debate. Instead, it seeks to establish a connection between ontological analysis, political theory, and legal evaluation. Through this connection, it aims to show that many conflicts currently interpreted as individual problems in fact arise from deeper structural assumptions embedded in modern societies. The question of how different forms of human existence can coexist within shared social and legal orders is therefore not marginal, but one of the central challenges of plural societies.

Representational Violence — A Manifesto

How normative fields erase non-representational ontologies

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ABSTRACT

This manifesto (Artistic Research) develops the concept of representational violence — the structural elimination of non-representational ontologies through the demands of legibility. It argues that violence begins not where bodies are harmed or excluded, but at the earlier point where reality is reduced into symbolic form and permitted to exist only insofar as it can be represented. Representation is not a neutral mirror of the world; it is a world-producing filter that selects, compresses, and erases.

I write from an autistic ontology, not as clinical object but as epistemic stance. Perception here retains resolution, resonance, multiplicity, simultaneity — it does not collapse into category. Autism in this manifesto is not topic, disorder, or biography: it is the instrument through which representational limits become visible.

Representational violence operates structurally: in bureaucratic classification, diagnostic procedure, legal determination, scientific modelling, and epistemic norm enforcement. What cannot be translated into symbol does not simply disappear — it is removed by design. Systems erase not through malice, but through function. They do not need hostility to eliminate ontologies; they only need to operate successfully.

Drawing on long-form institutional documentation recorded in the book *Speed's Work* (ISBN-10 : 3819277358), the manifesto demonstrates how social infrastructure generates representational doubles of people — files that stand in for bodies, diagnoses that replace perception, formats that override lived reality. In this exchange, the human does not fail to appear — the substitute succeeds.

From this foundation, I claim that diversity cannot exist under representational sovereignty. Recognition is not acceptance, but reduction; inclusion is not plurality, but controlled assimilation. If existence requires legibility, then difference survives only by shrinking.

The political demand is therefore simple and non-negotiable:

Not more voices inside the same frame — more frames.

Not understanding — space for realities that cannot be reduced without loss.

Resistance here is not action — resistance is ontology.

--- SECTION 1 ---

This is not a research paper.

It does not argue, it intervenes.

It is written from inside perception rather than about it;

from a world that cannot be reduced to symbol

without collapsing into something smaller than itself.

I write this not to persuade, but to expose a mechanism of erasure.

Representation does not merely describe reality —

it produces reality by eliminating the forms it cannot hold.

What cannot be compressed is not misunderstood —

it is removed.

Introduction — Representation as the first violence:

Representation is rarely recognised as violence because it operates invisibly.

It does not appear as a blow, a prohibition, or a sanction, but as something self-evident:

as language, as administration, as science, as the assumed logic of reality.

But representation does not depict reality.

Representation reduces.

Representation selects.

Representation compresses.

Representation decides what is allowed to remain of the world.

I write this paper because I understand

that violence does not begin where a person is injured,

disenfranchised, or silenced.

Violence begins much earlier —

where a form of world is not permitted to occur
because it cannot be represented.

Representation is not a neutral tool —
it is a criterion for what is allowed to exist.

Autistic ontology forces this violence into visibility,
because I (neurodivergent) do not perceive world as a reducible data-matrix,
but as field, as resonance, as relational actuality.
I see patterns before they are linguistic.
I retain information at high resolution
where normative systems demand reduction.

I am not incomprehensible —
I am only not representable without loss.

Thus violence does not begin in social behaviour,
but in the structure of what a system calls “real.”

--- SECTION 1.2 ---

Why I speak about autism

I could formulate this theory without mentioning autism,
but then it would be bodiless, abstract, ungrounded.
I do not speak about autism to highlight exceptionality,
but because my perceptual mode reveals exactly
where reality is destroyed through representation.

Autism here is not a medical category.
No pathology.

No deficit to be explained.

Autism is the ontology from which I write.

I retain information instead of reducing it.

I do not abstract in order to be understood —

I lose being when I abstract.

I perceive structure where normative fields see only category.

And thus my existence does not mark weakness,
but the limit of what representational systems can process
without killing.

Autism is not the subject.

Autism is the measurement instrument.

1.3 Position in Theory — Where This Work Sits (and Where It Breaks)

This work extends epistemic injustice and symbolic violence into the ontological domain.
Where Fricker describes inequity in who may be recognised as a knower,
I describe the elimination of worlds that cannot be made representable at all.
Where Bourdieu shows how language enforces hierarchy,
I show how representation itself becomes a mechanism of reality-production by exclusion.

This is not a discourse critique.

It does not analyse how speech oppresses or who may speak.

It shows how reality disappears when it must first be translated into symbol.

Epistemic injustice concerns who may be believed.

Symbolic violence concerns how classification dominates.

Representational violence concerns what may exist.

Not which subject is valued,
but which ontology is permitted.

This manifesto therefore occupies a position beside — but not within —
those theoretical lineages.

It shares their object (oppression)
but moves the boundary deeper, to the level where loss precedes language.
I do not critique what representation does to the already represented.
I describe what representation does to the unrepresentable.

This is a theory of ontological erasure through representational criteria.
Not the violence of misinterpretation,
but the violence of non-appearance.

1.4 Why this concept could not exist before

Representational violence becomes visible only after the ontological shift I call
Seinsverschiebung — a displacement of being from representation to resonance,
from symbol to field. Without this shift, reality is assumed to exist only
in the form that can be translated, named, stored. Earlier theories of injustice
show who may speak, who may be believed, who may be recognised —
but they do not describe what happens to worlds that do not convert.

Critical theory mapped discourse.
Disability studies mapped exclusion.
Semiotics mapped sign-systems.
None of them mapped the space before symbol.

Only when being is understood as something that does not collapse into representation
does the violence of representation itself emerge. I name this realm explicitly —
not identity, not cognition, not rhetoric, but ontology.

This insight did not begin here.

In earlier work I described it as the right to crisis —
the right to fail the demand for compression without forfeiting being.

What appeared then as psychological rupture reveals itself now as ontological fact:
a system that requires stability, legibility, and reduction turns difference
into damage by definition.

The right to exist must include the right to remain untranslatable.

It is only from here that erasure can be seen as more than marginalisation:
as the removal of realities that cannot be flattened without death.

This manifesto stands on that ground.

It does not extend existing theory —
it reveals the terrain on which theory has always stood
but could not see.

Representational violence is thinkable because Seinsverschiebung opens the world
that representation must destroy to function.

--- SECTION 2 ---

Concept: Representational Violence

Representational violence is not psychological.

Not social.

Not moral.

It is ontological.

It operates where reality is produced:

in models, in forms, in diagnoses, in statistics, in language.

What cannot be translated into symbol

is not stored, not legitimised, not administrated.

Representational violence means:

reality exists only when it is representable.

And what is not representable

is not simply overlooked —

it is excluded from existence.

Not misinterpreted —

pushed out of world.

Representation is not a medium of communication,

but an ordering method that transforms being

into manageable material.

Representation is always reductive — not by malfunction, but by design.

A representation is smaller than what it represents. All symbol systems operate through loss: signal extracted from field, category extracted from variation. To name is to remove difference until one shape fits many bodies.

Non-representational perception holds the inverse structure:

it does not reduce the field to symbol, but experiences pattern as event.

Where representation collapses multiplicity into concept, autistic ontology retains granularity — the detail that normativity amputates.

--- SECTION 3 ---

Normative Fields — the machinery of smoothing

Society is not dialogue —
society is an information filter.

Systems stabilise themselves
by reducing, unifying, sorting.
Not out of malice —
out of architecture.

Social order requires compression.
But compression is loss.

Autistic ontology (my world-access) — Normative field (system logic)

- preservation of complexity — flattening of complexity
- resonance, pattern, process — symbols, categories, derivation
- perception as real-time — perception as dataset
- multiplicity & ambiguity — unity & clarity
- being — representation

I am not excluded because people do not understand me.
I am excluded because my form of world
cannot be reduced to representation without destruction.

Normative fields require compatibility.
I embody structure.

Compatibility exists only through self-diminution.

Thus representational violence is not an exception —
it is the operating system of modern world-production.

--- SECTION 4 ---

Autistic ontology as counter-evidence

I do not refute representation with argument,
I refute it by existing.

As long as I perceive as I perceive,
there exists a form of world
that does not dissolve into symbols.

I feel patterns not through language,
but before language.
Knowledge does not emerge through explanation,
but through contact.

Representation, for me, is a process of loss.
Masking is self-compression.
Burnout is the energetic and ontological price
of reducing myself in order to remain compatible.

Burnout is not overload —
it is the end of an ontology inside the body.

I do not break because I am weak,
I break because representation demands
that I be smaller than I am.

I adapt by reducing myself.

I survive by losing coherence.

The system functions when my being disappears.

This is the political truth no one names.

--- SECTION 5 ---

Institutional erasure — field evidence from "Speed's Work"

My book Speed's Work is not autobiography.

It is an archive of ontological erasure,

a long-duration record of how institutions

replace reality with representation.

Jobcenters, diagnostic systems, courts, authorities —

they did not overlook me,

they replaced me.

Not because they failed to understand,

but because my form of world

could not be entered into representational infrastructure.

The file existed instead of me.

The diagnosis spoke instead of perception.

Administration did not reflect reality —

it substituted it.

Representation produces a double —

and replaces the body with the document.

In Speed's Work I documented one case that still functions as proof:
A Jobcenter once requested documentation of my medical condition.
I sent perception — they required representation.
Instead of lived sensory overload, the file accepted only a checkbox.
Instead of relational cognition, only diagnosis code remained.
The system did not deny my reality;
it replaced it with a faster, flatter one.
The official record now contains "reduced stress tolerance."
Nowhere is the experience of world-collapse through compression recorded.
Bureaucracy did not fail — it succeeded perfectly,
and reality disappeared in the process.

What is not in the form does not exist.
What is not measurable is not true.
What is not representable may not appear.

This is not negligence.
It is precise and structural violence.

Representational logic does not need intent —
only function.

I witnessed how systems erase without hatred:
not by refusing me,
but by processing me correctly.

What could not be compressed
was removed from reality.

--- SECTION 6 ---

Why diversity cannot exist under representational conditions

Diversity exists only theoretically
as long as all forms of life must be representable
in order to count as life.

“Inclusion” means not plurality,
but assimilation to representational formats.
“Participation” does not mean being,
but successful self-compression into legible form.

I may be permitted to exist —
but only if I first make myself compatible.

Diversity under representational authority
is not plurality — it is formatting.

I do not want a place inside the frame.
I want world that does not require a frame.

Not variety within norm,
but world beyond the reach of representation.

Diversity is not a social value —
it is an ontological structure that representation destroys.

Plurality is possible only
where worlds do not have to collapse into legibility.

--- SECTION 7 ---

Masking and burnout — the destruction of ontology in the body

Masking is not a strategy.

Masking is collapse.

Masking is the forced compression of lived perception into symbol
until structure disappears.

Burnout is not overstimulation,
but the destruction of perceptual integrity.

I do not lose energy —

I lose world.

I lose the field in which meaning arises.

I lose the form of being through which contact exists.

Burnout is not “too little resilience,”
but “too much being inside a world too small to hold it.”

Because I hold world instead of modelling it,
adapting does not exhaust me physically —
it consumes ontology.

Masking is self-rounding to fit a frame.

Burnout is what happens
when the remaining space becomes too small
for the reality I must compress myself into.

Burnout is not fatigue —
it is ontological death-by-representation.

--- SECTION 8 ---

Post-representational politics

I do not want improved representation.

I do not want inclusion policies, awareness campaigns, accessibility reforms.

These intervene too late —

they operate after compression has already occurred.

I want systems that do not require world to be converted

before it may appear.

Politics becomes free only

when reality does not need to translate itself

in order to exist.

Not more voices inside the same frame —

“more frames.”

Not integration,

but adjacency.

Not representation,

but coexistence of incompatible ontologies.

Plurality is not variation of one format.

Plurality is a condition in which formats multiply

without collapsing into each other.

I do not want to be understood.

I want a world in which understanding is not the price of existence.

Real diversity begins
not with tolerance,
but with “ontological generosity.”

Not by broadening the table,
but by dissolving the table
so that worlds no longer need to share shape.

A post-representational society would not standardise experience.
It would allow parallel ontologies to operate without translation.

Not integration — adjacency.
Not recognition — coexistence.
Not one frame widened — many frames sovereign.

In such a system, communication is not forced through sameness.
Contact does not require conversion.
Coordination emerges through resonance, not equivalence.

--- SECTION 9 ---

Political demand — more reality than administration can carry

What I demand is not acceptance,
but ontology.

Not a seat at the table,
but a room without table, without format, without translation.

What I demand is not consideration,
but the end of representational monopoly

over what counts as real.

Plurality begins

when incompatibility is no longer a death sentence.

I do not demand to be recognised —

I demand space for realities

that representation cannot carry.

The right to exist cannot depend on being representable.

No being should have to reduce itself in order to be real.

I do not seek to be understood.

I seek the end of representation as the price of existence.

Let there be worlds that do not reduce into one another.

Let there be perception that does not collapse to symbol.

Let there be bodies that do not have to lie to survive.

This is not an academic position.

This is an ontological fact.

As long as only the representable is allowed to live,

resistance is not discourse —

resistance is the continuation of reality.

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The Right to Ontological Coexistence Neurodivergent Forms of Existence Beyond Illness, Function, and Integration A Foundational Text for the Further Development of International Human Rights Standards

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Abstract

The increasing visibility of neurodivergent forms of existence—particularly autistic and ADHD-shaped ways of living—confronts existing legal, social, and epistemic systems with a fundamental structural problem. These systems rest implicitly on the assumption of a uniform human mode of existence, whose perception, self-regulation, communication, and productivity are treated as general standards. Deviations from these standards are legally addressed predominantly either as illness or as functional deviation to be corrected through adaptation, activation, or therapy.

This paper argues that, under conditions of ontological diversity, this order is not merely inadequate but structurally violent. The dichotomy “ill or capable of work” operates as a coercive architecture that either pathologizes neurodivergent people or forces them to adapt to neurotypical norms. An autonomous form of existence that is neither pathologized nor simultaneously rendered economically exploitable is largely not provided for within current law. The resulting phenomena—enforced masking, chronic exhaustion, health destabilization, institutional escalation, and social marginalization—are not recognized as systemic effects but are individualized and medicalized.

Starting from an ontological determination of neurodivergent existence as autonomous, stable, and non-reducible modes of human world- and meaning-relation, the paper develops the concept of the right to ontological coexistence. This right denotes the claim of different human forms of existence to exist in legal equal worth without subordination, normalization, pathologization, or coercive valorization. Equal worth is explicitly not understood as uniformity, but as protection against being forced into integration within a structurally incompatible order.

The paper demonstrates that existing concepts of inclusion and participation reach their limits where participation in fact demands normalization, and that a purely medical framing of neurodivergent forms of existence individualizes structural responsibility. Medicine is responsible for suffering, not for existence. Where ontological variants of human being are treated as clinical deviations, iatrogenic harm emerges.

In legal terms, the paper derives central consequences from the right to ontological coexistence: the inadmissibility of abstract standards of reasonableness, the legal qualification of subsistence-conditioned adaptation requirements as coercion, institutional responsibility for masking-related harms, preventive protective duties independent of visible breakdown, and a two-tiered state obligation toward systemic transformation or—where this does not (yet) occur in fact—toward subsistence-securing compensation without pathologization, activation compulsion, or psychiatric dominance.

The paper understands itself as a foundational text for the necessary further development of international human rights standards, in connection with existing instruments such as the UN Convention on the Rights of Persons with Disabilities, yet going beyond their current application. It is addressed to courts, human rights bodies, legislators, and civil society actors, and aims to establish a new legal standard of review under conditions of real ontological diversity.

Axioms of Ontological Coexistence of Neurodivergent Forms of Existence

These axioms do not claim empirical proof, but function as normative boundary conditions without which existing human rights guarantees lose coherence under conditions of ontological plurality.

Axiom 1 – Ontological Autonomy

Neurodivergent forms of existence are not deviations from a general human norm, but autonomous, stable, and non-reducible modes of human existence.

Explanation:

Autism, ADHD, and related neurodivergent manifestations are neither illnesses nor deficits, but ontological variants of human world-, self-, and meaning-relation.

They cannot be traced back to a “healthy baseline state” and are therefore not curable, normalizable, or treatable in an existential sense.

Consequence:

Any legal, medical, or social practice that implicitly treats neurodivergence as a deviation from a universal norm operates on a false ontological premise.

Axiom 2 – Integrity Conditions

Every ontologically autonomous form of existence possesses specific integrity conditions under which it can exist coherently, healthily, and with agency.

Explanation:

Integrity does not denote adaptability, but the preservation of the internal structure of a form of

existence (e.g., sensory, temporal, motivational, relational).

For neurodivergent people, these conditions are not optional, but constitutive.

Consequence:

What is considered “reasonable” or “beneficial” for neurotypical forms of existence may be objectively harmful for neurodivergent forms of existence, without this constituting an individual weakness.

Axiom 3 – Incompatibility Instead of Deficit

Structural overload of neurodivergent people is not an expression of individual deficits, but the result of systemic incompatibility between a form of existence and a normative order.

Explanation:

When social, economic, or institutional systems are based exclusively on neurotypical assumptions, neurodivergent persons do not encounter a “spectrum of difficulties,” but a structural mismatch.

This incompatibility is foreseeable, reproducible, and cannot be resolved through individual behavior.

Consequence:

The continued individualization of such overload constitutes a systematic misattribution and conceals institutional responsibility.

Axiom 4 – Violence Through Enforced Adaptation

The enforcement of neurotypical adaptation under conditions of existential dependency constitutes a form of structural violence.

Explanation:

Violence does not begin only with physical coercion, but where people are compelled

- to deny their form of existence,
 - to violate their integrity conditions,
 - or to inflict lasting harm upon themselves,
- in order to gain access to means of subsistence, rights, or recognition.

Consequence:

The dichotomy “ill or capable of work” functions as a coercive architecture that either pathologizes or functionalizes neurodivergent existence—and thereby systematically disenfranchises it.

Axiom 5 – Masking as Enforced Labor

Masking is not a private adaptation strategy, but an enforced form of ontological translation labor under asymmetrical power relations.

Explanation:

Masking emerges where a more complex form of existence is compelled to make itself legible within a simplified normative order.

This labor is

- not voluntary,
- not without consequences,
- and structurally harmful to health when permanently enforced.

Consequence:

Systems that factually presuppose masking produce the harms that they later classify as individual exhaustion, illness, or burnout.

Axiom 6 – Recognition Must Not Be Bound to Failure

A legal system that grants recognition, protection, or support only upon visible breakdown structurally produces precisely the harm that it subsequently administers.

Explanation:

When stability, competence, or functional performance of neurodivergent people are interpreted as deception or “compensation,” dysfunction becomes the implicit criterion of truth.

Consequence:

This constitutes an iatrogenic structure: the system produces illness in order to confirm its own categories.

Axiom 7 – Right to Ontological Coexistence

Every ontologically autonomous human form of existence has the right to exist in legal equal worth without subordination, normalization, or pathologization.

Explanation:

Equal worth does not mean uniformity.

It means the right

- not to be forced into integration within an incompatible order,
- and not to be dispossessed because one’s form of existence is not exploitable.

Consequence:

The state is obliged either

- (a) to design its systems in a plural manner, or
- (b) where this does not (yet) occur in fact, to provide subsistence-securing compensation without degradation.

Axiom 8 – Compensation Is Not a Substitute for Justice

Financial or social compensation for neurodivergent people does not constitute a solution to structural injustice, but merely its provisional acknowledgment.

Explanation:

Compensation may mitigate suffering, but it does not abolish the structure of violence as long as the underlying order remains unchanged.

Consequence:

Any compensation is to be understood as a secondary obligation—not as a justification for the continuation of a harmful system.

Axiom 9 – Responsibility for the Future

With the growing visibility of neurodivergent forms of existence, the responsibility of state systems increases to ensure that structural violence is not reproduced through rationing, pathologization, or new mechanisms of exclusion.

Explanation:

The increase in neurodivergent visibility is not an exceptional condition, but a historical transition.

The response to it determines whether future societies will be organized in a plural or a repressive manner.

Consequence:

A return to intensified diagnostics, illness gradations, or psychiatric governance does not represent progress, but a regression under the guise of efficiency.

Legal Consequences Derived from the Axioms of Ontological Coexistence

I. Legal Qualification of the Problem

Consequence 1 – Neurodivergence as a Legally Relevant Existence Parameter

It follows necessarily from Axioms 1–3 that:

Neurodivergence is not a medical status, but a legally relevant structural parameter that must be taken into account in the evaluation of state action.

Implications:

- Law must not treat neurodivergence merely as a health-related aspect
- but must understand it as a condition of existence
- comparable to freedom of religion, freedom of conscience, or bodily integrity

Anything else constitutes a categorical error.

II. The Collapse of Reasonableness

Consequence 2 – Abstract Standards of Reasonableness Are Unlawful

It follows from Axioms 2 and 3 that:

A uniform standard of reasonableness violates the principle of equality as soon as forms of existence with incompatible integrity conditions are involved.

Specifically:

- “Reasonable for all beneficiaries” is not a neutral category
- but a neurotypical normative imposition
- with foreseeable harmful effects

Reasonableness must be assessed in an existence-form-specific manner—anything else constitutes structural discrimination.

III. Coercion Becomes Visible

Consequence 3 – Conditional Subsistence Is Coercion

It follows from Axiom 4 that:

Where access to means of subsistence is coupled to neurotypical adaptation, legally relevant coercion is present—even in the absence of physical force.

Legally decisive:

- existential dependency + absence of a real exit option
- ⇒ the “voluntariness” of adaptation is fictitious

Accordingly, the following fall under structural coercion:

- activation compulsion
- duties to cooperate
- sanctions for “non-adaptation”

This is not a moral accusation, but a finding grounded in legal doctrine.

IV. Masking Becomes Attributable

Consequence 4 – Masking Establishes Institutional Responsibility

It follows from Axiom 5 that:

Where masking is factually presupposed, the system is a co-cause of the harms that result from it.

Decisive points:

- masking is not a private coping strategy
- but an enforced performance that benefits the system
- and harms the affected person

Health damage, burnout, and breakdowns are therefore not individual, but institutionally attributable.

V. The Logic of Recognition Collapses

Consequence 5 – Recognition Tied to Failure Violates Protective Duties

It follows from Axiom 6 that:

Systems that grant protection only upon visible dysfunction act in breach of duty by ignoring preventively recognizable harm.

In legal terms:

- protective duties apply before harm occurs
- not only upon diagnostic escalation
- not only upon inability to work
- not only at the point of clinical collapse

The system must not wait until neurodivergent people are “demonstrably broken.”

VI. Equality Is Redefined

Consequence 6 – Equality Means Coexistence, Not Integration

It follows from Axiom 7 that:

Equality in law does not require participation in the same order, but protection against coercion to abandon one’s own form of existence.

This point is central—and deliberately breaks with inclusion dogmas.

Implications:

- integration is not a legal entitlement
- inclusion is not an endpoint
- coexistence is the standard

The law must not demand that neurodivergent people be “made compatible.”

VII. State Responsibility Becomes Two-Tiered

Consequence 7 – Primary and Secondary Obligations

It follows from Axioms 7 and 8 that state responsibility is two-tiered:

Primary Obligation: Systemic Transformation

The state is obliged

- to design its systems
- in such a way that multiple modes of existence can be sustained
- without normalization or curative compulsion

This obligation applies to:

- work

- education
- social law
- public administration
- knowledge production

Secondary Obligation: Compensation on Equal Footing

Where the primary obligation is factually not (yet) fulfilled, there exists a claim to subsistence-securing compensation without pathologization, activation compulsion, or psychiatric dominance.

Crucially:

This compensation is not a solution, but compensation for ongoing structural injustice.

VIII. Future-Oriented Law Instead of Rationing

Consequence 8 – Rationing Through Pathologization Is Impermissible

It follows from Axiom 9 that:

The state must not respond to the increasing visibility of neurodivergent forms of existence by tightening access conditions through illness gradations.

Because:

- this would not constitute resource governance
- but concealed exclusion
- through medical selection

Any such strategy violates equality, dignity, and protective duties.

The fact that a form of existence can involve suffering does not render that existence pathological.

IX. International Compatibility (Explicit)

These consequences are fully compatible with existing human rights frameworks, in particular the UN Convention on the Rights of Persons with Disabilities, yet they consistently go beyond its current application:

- away from participation in
- toward coexistence alongside

This does not constitute a break with human rights, but their necessary further development under conditions of ontological plurality.

Preamble

On the Necessity of Ontological Coexistence of Neurodivergent Forms of Existence

The current legal, social, and epistemic systems of modern societies are based on implicit assumptions about a uniform human form of existence. These assumptions structure work, education, law, medicine, and social security along a neurotypical model of perception, self-regulation, communication, and productivity. Deviations from this model are interpreted either as illness, deficit, or as a temporary functional disturbance—or they remain invisible.

With the increasing visibility of neurodivergent forms of existence—particularly autistic and ADHD-shaped ways of living—the limitations of this model become openly apparent. What was previously treated as a marginal phenomenon reveals itself as a structural reality of a plural humanity. This development is neither a medical exceptional state nor a temporary social trend, but an expression of a fundamental ontological diversity of human existence.

The existing systems have thus far not responded to this reality with structural openness, but predominantly with medicalization, functionalization, or rationing. Neurodivergent people are either classified as ill and psychiatrically administered, or declared capable of work and compelled to adapt to neurotypical norms. Between these two poles, current law offers little space for an autonomous form of existence that is neither pathologized nor rendered economically exploitable.

This dichotomy—ill or functional—is not a neutral ordering instrument. It operates as a systemic coercive structure that forces neurodivergent people either to deny their form of existence or to sacrifice their integrity in order to gain access to existential resources, legal recognition, and social security. The resulting health-related, social, and epistemic harms are not unintended side effects, but foreseeable consequences of a system that fails to recognize ontological difference.

Concepts of inclusion and participation have historically contributed to reducing overt exclusion. However, they reach their limits where participation is bound to an order that is structurally incompatible with certain forms of existence. Where inclusion in fact demands normalization, it itself becomes a form of violence. The demand for adaptation then does not replace exclusion, but reproduces it in a more subtle form.

Likewise, a purely medical framing of neurodivergent forms of existence falls short. Medicine is responsible for suffering, not for existence. Where ontological variants of human being are treated as clinical deviations, responsibility shifts from social structures to individual bodies and psyches. This does not lead to healing, but to continued pathologization, enforced masking, and systematically produced exhaustion.

This Preamble proceeds from the assumption that neurodivergent forms of existence do not constitute deficits, but autonomous modes of human world- and meaning-relation. They possess specific integrity conditions under which they can exist coherently, healthily, and productively—in their own sense. Where these conditions are disregarded, harms arise that are not individually attributable, but institutionally caused.

Against this background, a further development of existing concepts of human rights, equality, and protective duties is required. Under conditions of ontological diversity, equality can no longer be understood merely as participation in a uniform order. It requires the right to ontological coexistence: the right to exist in legal equal worth without coercion toward normalization, pathologization, or exploitation.

This document understands itself as a contribution to a necessary redefinition of legal standards in plural societies. It identifies a form of structural violence that has thus far remained largely invisible because it is concealed behind concepts such as reasonableness, activation, therapy, and inclusion. Its aim is not to establish special rights, but to make visible a gap in existing law: the lack of recognition of autonomous human forms of existence beyond illness and function.

Without such recognition, the growing visibility of neurodivergent people will not lead to greater justice, but to intensified selection, renewed psychiatrization, and institutionally produced suffering. With it, however, the possibility emerges to design law, work, and social security in ways that do justice to the real diversity of human existence.

B. Why the Existing System Necessarily Produces Harm

Structural Violence Under Conditions of Ontological Incompatibility

1. From Misconduct to Structural Misdesign

In current legal and administrative practice, the burdens and harms experienced by neurodivergent people are predominantly interpreted as individual problems: as insufficient resilience, lack of cooperation, mental illness, or inadequate adaptation. This interpretation presupposes that the underlying systems are fundamentally functional and neutral, and that any harm that occurs can be attributed to deviations of individual persons.

This assumption is untenable.

The recurring patterns of exhaustion, burnout, psychosomatic illness, social withdrawal, escalation in interactions with authorities, and long-term destabilization are not randomly distributed, but structurally concentrated. They occur where neurodivergent forms of existence are continuously forced into orders whose implicit assumptions are incompatible with their integrity conditions.

The harm therefore does not arise from misconduct, but from structural misdesign.

2. The Ill/Capable-of-Work Dichotomy as a Coercive Architecture

Central to this structural misdesign is the binary order through which neurodivergent people are legally interpreted:

- Either they are considered ill
→ then they are subjected to medical assessment, therapeutic and rehabilitation logics, restricted autonomy, and often lifelong attribution of deficit.

- Or they are considered capable of work
→ then they are subjected to activation, cooperation, and adaptation obligations that are based on neurotypical assumptions of resilience, self-regulation, and motivation.

Between these two categories, no legally protected space exists.

An autonomous form of existence that is neither pathologized nor simultaneously rendered economically exploitable is not provided for within the system.

This dichotomy operates as a coercive architecture because it confronts neurodivergent people with an existential choice that is not a real choice: adaptation at the cost of self-harm, or pathologization at the cost of disempowerment.

3. Subsistence as a Lever of Violence

The structural violence of the system does not lie in individual measures, but in the coupling of subsistence to conditions that are objectively harmful to neurodivergent forms of existence.

Where access to income, housing, social security, or legal recognition is tied to requirements that ignore known incompatibilities, coercion through subsistence emerges: coercion through existential dependency.

Under these conditions, adaptation is not voluntary.
It is enforced.

The legal fiction of voluntariness obscures the fact that neurodivergent people often have no realistic exit option. They cannot withdraw from adaptation without endangering their material existence. Self-harm thus becomes a condition of social participation.

4. Masking as Systemically Produced Harm

Within this coercive framework, masking does not arise as an individual strategy, but as a systemically induced performance. Neurodivergent people learn to distort their perception, communication, and self-regulation in order to remain legible within a neurotypical order.

This translation labor is:

- permanent,
- energy-intensive,
- non-switchable,
- and structurally harmful to health.

The well-known consequences—exhaustion, loss of identity, psychosomatic illness, breakdowns—are not individual side effects, but necessary results of a system that presupposes masking while simultaneously rendering it invisible.

Particularly severe is the fact that the same systems later interpret the consequences of this enforced adaptation as evidence of individual illness or insufficient resilience. The system produces the harm and subsequently uses it to legitimize its own categories.

5. Recognition Through Failure as an Iatrogenic Structure

Another central source of harm lies in the logic of granting recognition and protection only upon visible dysfunction. In many legal and medical contexts, neurodivergent existence is considered “real” only once it no longer functions: when work collapses, when crises escalate, when diagnoses become unambiguous.

This logic is iatrogenic.

It binds recognition to breakdown and thereby creates an implicit pressure toward escalation. Stability, competence, and functional performance are interpreted as deception or “compensation,” not as a legitimate form of existence. The system recognizes neurodivergent reality only at the point where it has been destroyed.

6. Foreseeability and Avoidability of Harm

Decisive for the legal assessment is the fact that these harms are foreseeable. The structural incompatibility of neurodivergent forms of existence with neurotypical normative systems has been documented, researched, and known for years. The health-related and social consequences are neither surprising nor unavoidable.

This eliminates any justification based on ignorance or unintended side effects.

Where states, despite available knowledge, continue to enforce systems that systematically violate neurodivergent integrity conditions, legally relevant responsibility arises—not because suffering is subjectively experienced, but because harm is objectively produced.

7. The Limits of Legitimate Order

No legal system may demand that people abandon their form of existence in order to exist at all. Where order is sustainable only at the price of self-harm, it loses its legitimacy.

The continued enforcement of neurotypical norms against neurodivergent forms of existence is therefore not merely a matter of insufficient accommodation, but a transgression of the limits of state ordering power. It violates the duty to prevent foreseeable harm and replaces equality with enforced conformity.

8. Transition

The mechanisms described here are not marginal phenomena. With the growing visibility of neurodivergent forms of existence, they will intensify if the underlying normative framework remains unchanged. Without legal recognition of ontological coexistence, this development will not lead to greater justice, but to intensified selection, renewed pathologization, and increasing harm.

From this finding follows, necessarily, the need for clear normative principles by which state action can be assessed in the future.

C. Principles of Ontological Coexistence

Principle 1 – Existence-Form Principle

State action must recognize the ontological autonomy of different human forms of existence and must not presume a universal norm of human functioning.

Principle 2 – Integrity Principle

Measures are impermissible if they violate the integrity conditions of a form of existence, even where they are considered reasonable for other forms of existence.

Principle 3 – Incompatibility Principle

Structural overload resulting from systemic incompatibility must not be individualized, pathologized, or sanctioned.

Principle 4 – Coercion-Avoidance Principle

The coupling of existential resources to enforced adaptation constitutes legally relevant coercion and is impermissible.

Principle 5 – Masking Responsibility Principle

Where systems factually presuppose masking, they bear responsibility for the resulting health-related and social harms.

Principle 6 – Prevention Principle

Protective duties apply prior to the occurrence of visible harm; recognition must not be bound to failure or breakdown.

Principle 7 – Coexistence Principle

Equality requires the right to ontological coexistence without normalization, pathologization, or coercive valorization.

Principle 8 – Transformation and Compensation Principle

States are obliged to design systems in a plural manner; where this does not occur, there exists a claim to subsistence-securing compensation without degradation.

Executive Summary

The Right to Ontological Coexistence

On the Necessary Further Development of International Human Rights Standards in Dealing with Neurodivergent Forms of Existence

1. Problem Statement

Current legal, social, and economic systems rest implicitly on the assumption of a uniform human form of existence. Perception, self-regulation, communication, and productivity are normed according to neurotypical standards and treated as universally valid. Deviations from these standards are legally addressed predominantly either as illness or as functional deviation to be corrected through adaptation, activation, or therapy.

With the increasing visibility of neurodivergent forms of existence—particularly autistic and ADHD-shaped ways of living—the structural limitations of this model become openly apparent. Neurodivergent people can be adequately described neither as ill nor as functionally deficient. Nevertheless, existing law offers little space for an autonomous form of existence that is neither pathologized nor rendered economically exploitable.

2. The Structural Legal Deficit

At the core lies a legally operative dichotomy: ill or capable of work.

This order is not neutral. It forces neurodivergent people either into medical categories with restricted autonomy or into adaptation and cooperation obligations based on neurotypical assumptions that are objectively harmful to neurodivergent forms of existence.

Between these poles, no protected legal space exists for ontologically autonomous forms of existence. The consequences are systematically produced harms: enforced masking, chronic exhaustion, health destabilization, institutional escalation, and long-term social marginalization. These effects are foreseeable, reproducible, and avoidable. They do not constitute individual maladaptation, but necessary outcomes of a normatively incompatible system.

3. Violence Through Institutional Design

Where subsistence—access to income, housing, social security, or legal recognition—is coupled to neurotypical adaptation, coercion through existential dependency arises. Under such conditions, adaptation is not voluntary, but enforced.

Particularly severe is the widespread practice of granting recognition and protection only upon visible breakdown. This logic is iatrogenic: the system produces the harm that it subsequently administers. A legal system that binds protection to failure violates its preventive protective duties.

4. Limits of Existing Inclusion and Medical Models

Concepts of inclusion and participation have historically reduced overt exclusion, but they fall short where participation in fact demands normalization. In such cases, inclusion reproduces structural coercion under altered terms.

A purely medical framing of neurodivergent forms of existence is likewise insufficient. Medicine is responsible for suffering, not for existence. Where ontological variants of human being are treated as clinical deviations, structural responsibility is individualized and harm is systematically produced.

5. The Necessary New Legal Building Block: Ontological Coexistence

This document therefore introduces the right to ontological coexistence.

Ontological coexistence denotes the right of autonomous human forms of existence to exist in legal equal worth without subordination, normalization, pathologization, or coercive valorization.

Equal worth does not mean uniformity. It means the right not to be forced into integration within an incompatible order, and not to be disenfranchised because one's form of existence is not exploitable.

This right does not constitute special treatment, but a necessary further development of existing human rights principles under conditions of real ontological diversity.

6. Legal Consequences

The following consequences necessarily derive from the right to ontological coexistence:

1. Existence-Form-Specific Evaluation of State Action

Abstract standards of reasonableness are impermissible where they affect forms of existence with incompatible integrity conditions.

2. Impermissibility of Enforced Adaptation

The coupling of existential resources to compliance with neurotypical norms constitutes legally relevant coercion.

3. Institutional Responsibility for Masking-Related Consequences

Where systems factually presuppose masking, they bear responsibility for the resulting health-related and social harms.

4. Preventive Protective Duties

Protection must not be bound to failure or diagnostic escalation.

5. Two-Tiered State Obligation

States are obliged

- (a) to design their systems in a plural manner, or
- (b) where this does not (yet) occur in fact, to provide subsistence-securing compensation without pathologization, activation compulsion, or psychiatric dominance.

Compensation does not constitute a substitute for justice, but a provisional acknowledgment of ongoing structural injustice.

7. International Relevance

The growing visibility of neurodivergent forms of existence is not an exceptional condition, but a historical transition. States are faced with a choice: to respond to this development with structural openness, or with rationing, pathologization, and renewed exclusion.

This document understands itself as a contribution to the necessary further development of international human rights standards, in connection with existing instruments such as the UN Convention on the Rights of Persons with Disabilities, yet going beyond their current application.

Without recognition of ontological coexistence, the future of neurodivergent people will be shaped by increasing suffering. With such recognition, however, the possibility emerges to design law, work, and social security in ways that do justice to the real diversity of human existence.

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Structural Incompatibility as State Violence

On the Systematic Misrecognition of Neurodivergent Forms of Existence in Law

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Abstract

This meta-paper consolidates and systematizes a series of legal and interdisciplinary works concerned with the relationship between neurodivergence, welfare state structures, the justice system, and state coercive power. Its point of departure is the observation that core legal and administrative structures—particularly in social law, administrative law, and criminal law—implicitly operate on neurotypical assumptions of existence and consequently pathologize, functionalize, or individualize neurodivergent forms of existence.

The text develops the thesis that wherever subsistence-securing benefits, legal recognition, or criminal assessment are coupled to neurotypical standards of reasonableness, adaptation, and performance, a structural incompatibility emerges that has predictably harmful effects on neurodivergent persons. This harm is neither accidental nor a by-product of faulty case-by-case decision-making, but a necessary consequence of the underlying normative architecture of state systems.

On the basis of the consolidated individual papers, a unified analytical and evaluative framework is elaborated: where (1) structural incompatibility between a form of existence and the normative order is present, (2) the resulting harms are foreseeable and known, and (3) existential dependency leaves no realistic option of withdrawal, state action can no longer be qualified as legitimate social or regulatory policy, but must be understood as a form of structural violence. This violence does not manifest primarily as discrete events, but architecturally—through attribution logics, fictions of reasonableness, the individualization of systemic harm, and institutional escalation mechanisms.

The meta-paper demonstrates that classical legal instruments such as proportionality analysis, individualized case correction, or medical assessment systematically fail under these conditions, because they themselves form part of the structure of violence. At the same time, it is shown that an autistic epistemic position—particularly the perception of structural invariances across time, institutions, and fields of law—does not constitute a subjective bias, but rather an analytical resource for identifying institutional violence.

The contribution positions itself as a foundational legal text at the intersection of social law, criminal law, disability law, and human rights. It aims to establish a new legal evaluative standard under conditions of real ontological diversity and to render visible state responsibility

where it has hitherto been obscured by individualization, pathologization, and formal assumptions of neutrality.

The following meta-paper is based on the following papers:

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1. Introduction

Why a Meta-Paper Is Necessary

The individual works presented here emerged from different occasions, proceedings, and discursive contexts: social-law disputes concerning the *Bedarfgemeinschaft* (forced subsistence community) and subsistence security, criminal-law considerations regarding the responsibility for state coercive measures, human-rights analyses of the predictable harm inflicted on neurodivergent persons, as well as foundational texts on the ontological position of neurodivergent forms of existence in law. Formally, these texts can be assigned to different fields of law and genres. Substantively, however, they follow a shared problem structure that has so far not been explicitly articulated within legal discourse.

This problem structure can be named with precision:

Modern state systems operate on implicit assumptions about how a human being exists, functions, is regulated, and can adapt to demands. These assumptions are not neutral; they are neurotypical, performance-oriented, and normative. They structure standards of reasonableness, duties of cooperation, burdens of proof, concepts of illness, and attributions of responsibility—across social law, administrative law, criminal law, and judicial practice.

For neurodivergent persons—particularly autistic people—this does not result merely in disadvantage, but in a structural incompatibility between form of existence and normative order. This incompatibility is not contingent, not resolvable at the individual level, and not remediable through “better communication,” therapy, or case-by-case correction. It operates persistently, escalates, and produces harm in a predictable manner.

The individual texts of this corpus demonstrate this dynamic in specific applications. What has been missing until now is their systematic consolidation: a text that does not once again argue *whether* these harms occur, but *why* they must occur so long as the underlying architecture remains unchanged.

This meta-paper closes precisely this gap. It does not present itself as a summary, but as a second-order structural analysis: the individual works are read as data points of an overarching problem—one that has so far remained invisible in law because it cannot be adequately captured either in the category of “erroneous decision” or in that of the “individual case.”

2. Systematic Thesis of the Meta-Paper

This meta-paper develops and substantiates the following central thesis:

Where state systems couple subsistence security, legal recognition, or protection to neurotypical standards of reasonableness and adaptation, a structural incompatibility emerges for neurodivergent persons whose harmful effects are foreseeable, reproducible, and systemically necessary. Under these conditions, state action can no longer be qualified as legitimate social or regulatory policy, but must be understood as a form of structural violence.

This thesis is developed not normatively, but reconstructively. The measure applied is not moral indignation, but legal attribution.

3. The New Evaluative Standard

From the consolidation of the individual works, a unified evaluative standard emerges that has not yet been explicitly formulated in existing law, but is already implicitly operative:

Three-Part Evaluative Standard of Structural Violence

State action is to be qualified as structurally violent where the following conditions are cumulatively met:

(1) Structural Incompatibility

The normative requirements of a system (reasonableness, cooperation, capacity for performance, adaptation) are objectively incompatible with the affected form of existence unless its conditions of integrity are violated.

(2) Foreseeability of Harm

The resulting harms (health-related, social, existential, epistemic) are known, documented, or logically derivable from the structure itself. Ignorance is no longer plausible.

(3) Existential Dependency

The affected person has no realistic option of withdrawal, since subsistence security, legal protection, or social participation are bound to compliance with the incompatible requirements.

Where all three conditions are fulfilled, what is present is not legitimate governance, but institutionalized coercion with harmful effects—independent of intention, tone, or the formal legal conformity of individual measures.

4. Why Classical Legal Instruments Fail in This Context

A central finding of this meta-paper is the insight that established legal instruments systematically fail under these conditions:

- Proportionality analysis fails because it proceeds from abstract, neurotypical assumptions of reasonableness.
- Individual case correction individualizes structural harm and thereby stabilizes the architecture of violence.
- Medical assessment shifts responsibility from the system onto the bodies of those affected.
- Duties of cooperation and participation function as coercion toward self-harm under conditions of existential pressure.

These instruments are not neutral; they are part of the very structure of violence they purport to regulate.

5. Epistemic Positioning

A further central contribution of this meta-paper lies in the explicit articulation of its epistemic dimension:

The structure reconstructed here becomes visible not *despite* an autistic epistemic position, but *because of* it. The capacity to perceive structural invariances across time, institutions, and procedures does not constitute a subjective bias, but rather an analytical strength—particularly in contexts where institutional violence operates not in discrete events, but atmospherically, procedurally, and recursively.

This makes visible an implicit power asymmetry within law itself: neurotypical norms of communication and evaluation function not merely as standards, but as filters determining what is recognized as real, relevant, or credible.

Chapter 1

Structural Incompatibility

Concept, Scope, Legal Relevance

1.1 Conceptual Clarification: What Is Meant Here by “Structural Incompatibility”

The concept of structural incompatibility does not denote subjective overload, an individual deficit, or situational unreasonableness. It describes an objective relationship between two levels:

1. the ontological structure of a form of existence (e.g., autistic existence as an embodied, non-substitutable mode of world-relation and regulation), and
2. the normative architecture of state systems, particularly those that tie subsistence security, legal recognition, or social participation to specific conditions.

Structural incompatibility is present wherever a system imposes requirements that can be met only at the cost of violating central conditions of integrity of a given form of existence.

Conditions of integrity do not refer to preferences or needs for accommodation, but to the minimal prerequisites for coherent, healthy, and agentive existence.

In the case of neurodivergent forms of existence, this concerns in particular:

- sensory regulation,
- temporal self-regulation,
- energy balance,
- the coupling of action and meaning,
- the limitation of social simulation and permanent self-translation.

These conditions are not negotiable in a gradual sense. They are constitutive. Where state systems systematically undermine or negate them, what arises is not a mere burden, but an existential violation at the structural level.

1.2 Delimitation: Incompatibility Is Not a Lack of Adaptation

A central analytical error in administration and law consists in interpreting structural incompatibility as a lack of adaptability. This misinterpretation rests on a tacit ontological assumption: that there exists a general, neutral form of human existence against which reasonableness, capacity for performance, and capacity for cooperation can be measured.

This assumption is false.

Neurodivergent forms of existence—particularly autistic ones—are not variants with a lower degree of adaptability, but differently organized modes of human existence. Their divergence does not lie at the level of individual abilities, but at the level of the basic structure of perception, regulation, and meaning-relation.

Adaptation under structurally incompatible conditions therefore does not constitute integration, but simulation. It requires masking, self-alienation, and the sustained violation of one's own conditions of integrity. That such adaptation may succeed in the short term is not a counterargument to incompatibility, but part of its mode of operation: stability is purchased at the cost of progressive self-harm.

Legally decisive is the following:

Where adaptation is possible only as self-injury, it cannot be regarded as a legitimate expectation, duty of cooperation, or standard of reasonableness.

1.3 The Role of Existential Dependency

Structural incompatibility does not unfold its violent effects in a vacuum. It becomes legally relevant where it is coupled with existential dependency.

A person is existentially dependent where:

- access to subsistence-securing benefits,
- legal status,
- housing security,
- medical care, or
- effective legal protection

is tied to the fulfillment of systemic requirements that are structurally incompatible with that person's own form of existence.

In such constellations, no real freedom of choice exists. The formal possibility of “refusing” requirements is legally irrelevant where refusal entails existential deprivation. Coercion here does not operate punctually, but permanently and atmospherically.

For autistic persons in particular, this produces a situation in which neither adaptation nor refusal leads to stable existence:

- adaptation results in progressive health-related and existential destabilization,
- refusal leads to sanction, withdrawal, or escalation.

From the perspectives of systems theory, trauma theory, and law, this structure is to be qualified as a double bind. It is irresolvable and therefore legally highly problematic.

1.4 Foreseeability as a Legal Key Factor

The legal relevance of structural incompatibility derives not least from its foreseeability. The harms described here are neither surprising nor singular. They are:

- documented over many years,
- reproducible across different fields of law,
- internationally comparable,
- logically derivable from the system architecture itself.

Where such foreseeability is present, the state cannot invoke ignorance, good intentions, or individual deviations. Foreseeability transforms burden into attribution.

Legally decisive is not whether every affected person reacts identically, but whether the system necessarily produces harm once certain structural conditions are in place. That is the case here.

1.5 Legal Consequence: Incompatibility as a Form of Violence

From the combination of

- structural incompatibility,
- existential dependency, and
- foreseeable harm

a clear legal consequence follows: state action crosses the threshold of legitimate governance and must be qualified as structural violence.

This violence does not consist in intentional wrongdoing by individual actors. Nor is it tied to the violation of specific legal provisions. It is present wherever an order systematically forces people

- to deny their form of existence,

- to violate their conditions of integrity, or
- to inflict harm upon themselves

in order to gain access to means of subsistence or to legal rights.

Structural incompatibility is therefore not a marginal phenomenon, but a central problem of assessment for modern rule-of-law systems under conditions of ontological diversity.

Chapter 2

Mechanisms of Invisibility

Individualization, Pathologization, and the Neutrality Fiction of Law

2.1 The Fundamental Problem: Why Structural Violence Does Not Appear in Law

Structural incompatibility is not a hidden phenomenon. It is experiential, documentable, and recurrent. That it nevertheless regularly appears in law not as violence, but as an individual case problem, a communication disorder, or a subjective burden, is not accidental. It is the result of stable legal and institutional mechanisms of invisibilization.

These mechanisms do not operate as conscious suppression, but as epistemic routines. They determine what counts as legally relevant, how problems are framed, and at which level responsibility is located. Precisely for this reason, they are effective.

In what follows, four central mechanisms are reconstructed through which structural violence is systematically depoliticized, de-juridified, and individualized.

2.2 Individualization: The Shift from the System to the Person

The central mechanism is the individualization of structural effects. Harms that result from the normative architecture of a system are legally interpreted as characteristics, deficits, or reactions of individual persons.

Typical forms of this individualization include:

- the attribution of insufficient cooperation,
- inadequate resilience,
- lack of willingness to adapt,
- communicative deficits,
- or “personal problem situations.”

In this process, a structural question—*Is this system compatible with this form of existence?*—is systematically replaced by a person-centered question—*Why does this person not cope with the system?*

This shift has significant legal consequences. It relocates:

- the burden of proof onto the affected person,
- responsibility from the system to the individual, and
- remediation from structural change to individual correction.

As a result, even foreseeable, systemically produced harms appear as “regrettable individual cases,” while the underlying architecture remains untouched.

2.3 Pathologization: Medicine as a Strategy of Legal Exculpation

A second central mechanism is pathologization. Where structural incompatibility can no longer be fully individualized, it is reframed in medical terms.

In this context, medical diagnostics often fulfill an exculpatory function within law:

- they explain harm as the expression of an illness,
- localize causation in the body or psyche, and
- shift responsibility from law and the state to therapy and treatment.

For neurodivergent persons, this dynamic is particularly problematic. Autistic existence is not recognized as an autonomous, stable form of existence, but as a deficient deviation whose suffering is to be addressed primarily through medical means.

The legal consequence is profound:

- harm is no longer understood as the result of state coercive architecture,
- but as the consequence of individual vulnerability.
- State responsibility is replaced by medical jurisdiction.

From a legal perspective, this constitutes an iatrogenic structure: the system produces harm through incompatibility and subsequently explains this harm as a medical problem, thereby obscuring its own role.

2.4 The Neutrality Fiction: When Norms Appear “General”

A third, particularly powerful mechanism is the neutrality fiction. State requirements—such as reasonableness, cooperation, capacity for performance, or standards of communication—are presented as general, objective, and equally applicable to all.

This presentation conceals the fact that these are neurotypically coded norms. They presuppose:

- linear resilience,
- permanent social availability,
- conflict-capable communication,
- adaptation to externally imposed rhythms, and

- a separation of existence, work, and meaning.

That these assumptions are not universal, but instead privilege specific forms of existence, largely remains unarticulated in law. Deviation therefore does not appear as an indication of structural one-sidedness, but as an individual peculiarity.

The neutrality fiction thus operates in a double manner:

- it immunizes norms against critique, and
- it delegitimizes those who fail under them.

Courts in particular frequently rely on this fiction by applying abstract standards without reflecting on their ontological presuppositions.

2.5 Procedural Law as an Amplifier of Structural Blindness

The mechanisms described above are further intensified by procedural structures. In particular:

- the fragmentation of complex life situations into isolated points of dispute,
- the focus on the formal state of the case file,
- the assessment of credibility along neurotypical communication norms, and
- the devaluation of persistent, detailed, or systemic argumentation as “excessive.”

For neurodivergent persons, this produces a paradoxical result: the more precisely they articulate structural interrelations, the more likely they are to be perceived as difficult, querulous, or inappropriate. The procedure itself thus becomes a filter that excludes precisely those forms of knowledge capable of rendering structural violence visible.

2.6 Result: Law Produces Its Own Blindness

The mechanisms described do not operate additively, but synergistically. Individualization, pathologization, the neutrality fiction, and procedural reduction interlock and stabilize an order in which structural violence systematically remains invisible.

Decisive is the following:

this blindness is not a failure of individual judges or authorities, but a structural feature of law under conditions of neurotypical normative dominance.

Precisely for this reason, it is legally relevant. Where a system recognizes its own harmful effects only on the condition that those affected visibly fail, fall ill, or escalate, it produces exactly the harm that it subsequently administers.

Chapter 3

From Structural Violence to State Responsibility

Attribution, Thresholds, and Legal Consequences

3.1 The Decisive Transition: When Critique Becomes Responsibility

Not every structural burden gives rise to legal responsibility. Not every misfit between individual and system is attributable to the state. Decisive, therefore, is the threshold at which political or ethical critique becomes a legally relevant breach of duty.

This chapter marks precisely this transition.

The central thesis is as follows:

Where state systems persist in enforcing existentially effective coercive mechanisms despite known structural incompatibility, state responsibility arises—regardless of whether individual actors act correctly, benevolently, or in formal compliance with the law.

The standard thus shifts:

- away from individual fault,
- toward institutional attribution.

3.2 Knowledge, Foreseeability, and the Implausibility of Ignorance

Legal responsibility does not require complete knowledge, but recognizable foreseeability. In the context of neurodivergent existence, this foreseeability has long been established.

It derives from:

- decades of research on autism, stress, masking, and burnout,
- documented escalation trajectories within social and justice systems,
- international comparative cases (e.g., the UK Work Capability Assessment),
- recurring patterns of health-related and existential harm.

Decisive is the following:

These insights are not marginal; they are publicly accessible, institutionally known, and in part explicitly documented. At this point at the latest, ignorance becomes legally implausible.

Law provides clear categories for this:

- negligent breach of duty,
- failure to implement required protective measures,
- disregard of foreseeable risks.

Where the state nevertheless maintains structures that couple existential dependency with incompatible requirements, responsibility is incurred.

3.3 Protective Duties Instead of Neutrality: The Constitutional Dimension

The claim of state neutrality does not hold here. Modern constitutional states operate not only with defensive rights, but with positive duties of protection.

Of particular relevance are:

- the duty to safeguard human dignity,
- the protection of physical and psychological integrity,
- protection against indirect discrimination,
- and the right to effective legal protection.

These duties are form-of-existence dependent. What may be reasonable for neurotypical persons can be objectively harmful for neurodivergent persons. Equal treatment by uniform standards here becomes unequal treatment through ignorance.

Legally decisive, therefore, is not formal equality, but material protective effect. Where the state maintains systems that foreseeably harm precisely those persons who require particular consideration, it violates these protective duties.

3.4 Existential Coercion and the Dissolution of the Voluntariness Fiction

A central defensive reflex of state systems consists in presenting measures as voluntary, reasonable, or rejectable. This representation collapses, however, wherever existential dependency is present.

From a legal perspective, it must be stated:

Voluntariness ends where refusal entails

- sanctions,
- withdrawal of existential benefits,
- escalation, or
- permanent precarization.

In such constellations, what is present is not an offer, but coercion—even in the absence of physical force. The coercion consists in coupling existence to conditions that are structurally unfulfillable.

For neurodivergent persons, this coercion is particularly severe, since:

- adaptation leads to self-harm,
- refusal generates existential risks, and
- no third option exists.

Legally, this constitutes a forced choice without a viable alternative—a classic case of attribution of structural violence.

3.5 Criminal-Law Connectivity

This meta-paper does not argue for a blanket criminalization of state action. It does, however, clearly delineate the criminal-law relevance of certain constellations.

In particular, where:

- existential coercion is exercised,
- structural incompatibility is known,
- health-related harm foreseeably occurs, and
- no realistic option of withdrawal exists,

offences such as:

- coercion,
- bodily harm by omission, or
- negligent bodily harm

may become legally relevant.

Decisive here is not the proof of individual intent to cause harm, but knowledge of the structural effect and the conscious persistence in maintaining it.

This chapter therefore deliberately refrains from drawing case-specific lines; instead, it defines a threshold beyond which criminal-law assessment can no longer be excluded without itself becoming problematic from the perspective of the rule of law.

3.6 Institutional Responsibility Beyond Individual Fault

A central outcome of this chapter is the clear distinction between:

- individual fault of particular actors, and
- institutional responsibility of state systems.

In this context, references to correct administrative conduct, formal compliance with the law, or the personal overload of individual caseworkers miss the point. Responsibility lies not with the person at the desk, but with the architecture that leaves no non-harmful course of action available.

Legally, the following follows from this:

- responsibility is to be assessed systemically,
- not biographically;
- attribution is structural,
- not moral.

Chapter 4

Neurodivergence as a Stress Test for Modern Legal Orders Work, Activation, and the Limits of Legal Universality

4.1 Why Looking Beyond the National Context Is Necessary

The preceding analysis could be misinterpreted as a critique of specific features of the German welfare or justice system. Such a reading falls short. The mechanisms described—structural incompatibility, invisibilization, existential coercion, and foreseeable harm—are not national deviations, but expressions of a transnational normative order.

Modern welfare states share central underlying assumptions:

- work is regarded as the primary source of value, legitimacy, and social belonging;
- subsistence security is coupled to activation, cooperation, and willingness to perform;
- deviation from these norms is framed as a deficit, a risk, or an integration problem.

This order is historically contingent, yet deeply sedimented in law. It shapes social law, administrative procedures, medical assessment, and judicial assumptions of plausibility far beyond national boundaries.

In this context, neurodivergent forms of existence function as an epistemic irritant: they render visible that the asserted universality of this order rests on a specific, neurotypical assumption of existence.

4.2 Work as an Ontological Standard — Not a Neutral Activity

Central to understanding this stress test is the concept of work itself. In modern legal orders, work functions not merely as an economic activity, but as an ontological standard:

- it structures recognition,
- legitimizes subsistence security, and
- serves as proof of social belonging.

Work is implicitly conceived as:

- linear,
- externally structured,
- socially embedded,
- durably available, and
- externally motivatable.

These assumptions are not value-neutral. They express a particular human–world relation. Neurodivergent forms of existence—especially autistic ones—do not contradict this model through refusal to work, but through incommensurability. Their forms of work, cognition, and contribution are often:

- non-linear,
- not durably retrievable,
- not socially performative, and
- not detachable from meaning.

Legal orders that conceptualize work exclusively in neurotypical terms encounter a limit here: they can render neurodivergent productivity only either invisible or pathologized.

4.3 Activation as a Form of Violence Under Conditions of Ontological Diversity

This limit becomes particularly visible in the paradigm of “activation.” Activation policies are regularly presented in legal and political discourse as supportive, motivating, or rehabilitative. Under conditions of ontological diversity, however, this meaning is inverted.

For neurodivergent persons, activation functions:

- not as enablement,
- but as coercion into the simulation of neurotypical existence.

The decisive point is this:

Activation presupposes that the activated person is in principle compatible with the demanded forms of work, communication, and self-regulation. Where this compatibility is absent, activation becomes an existence-threatening demand for adaptation.

Internationally documented cases—such as the UK Work Capability Assessment—demonstrate that this dynamic does not escalate accidentally, but systematically. The legal response to this is telling: rather than questioning the architecture of activation itself, procedures are modified, assessments refined, or exception instruments introduced. The underlying logic remains untouched.

4.4 Neurodivergence and the Limits of Legal Universalism

The central problem of modern legal orders does not lie in a lack of protective rights, but in the universalism of their standards. Rights, duties, and standards of reasonableness are formulated as general, without reflecting their ontological presuppositions.

Neurodivergence makes visible:

- that equal treatment through uniform standards can be structurally violent,
- that neutrality is a form of partisanship, and

- that universal standards render real forms of existence invisible.

Neurodivergence thus becomes a touchstone of legal legitimacy:

An order that functions coherently only under the presupposition of neurotypical existence is not a universally valid order, but a particular one with a universal claim.

4.5 International Human Rights: Connection and Limit at Once

International human rights instruments—particularly in the fields of disability and non-discrimination—offer important points of connection, yet they too encounter structural limits. While protection against discrimination is acknowledged, the ontological question largely remains unanswered: which forms of existence are implicitly presupposed as the norm?

As long as neurodivergence is treated primarily as an individual impairment rather than as an autonomous form of existence, human rights remain in the mode of compensation:

- reasonable accommodation,
- special consideration,
- individualized adjustment.

What is missing is the recognition of structural incompatibility as a system problem. It is precisely here that the meta-paper intervenes: it shifts the focus from adaptation of the person to the transformability or responsibility of the order.

4.6 Result: Neurodivergence as an Epistemic and Legal Boundary Case

Neurodivergent existence is not a marginal issue for modern legal orders. It is their boundary case. In it, the question is decided whether law:

- is genuinely capable of accommodating plurality, or
- operates only under the fiction of universal normality.

The structural violence reconstructed here is therefore not a malfunction, but a symptom. It demonstrates that work-centered, activation-based systems reach the limits of their legitimacy under conditions of real ontological diversity.

Chapter 5

The Right to Ontological Coexistence

A Minimal Legal Framework Beyond Adaptation Coercion

5.1 Why a Counter-Model Is Necessary — and Why It Must Be Minimal

The preceding chapters have shown that structural violence against neurodivergent persons is not a marginal phenomenon, but a systemic outcome of work-centered, activation-based legal

orders. This does not, however, necessarily entail a demand for a comprehensive restructuring of the constitutional state. Such a demand would be politically vulnerable and legally unnecessary.

What is necessary is less — not more.

The problem does not lie in a lack of rules, but in a false ontological basic assumption: the tacit presupposition of a unitary human form of existence. As long as this presupposition persists, even well-intentioned reforms will reproduce structural incompatibility.

The counter-model developed here is therefore deliberately minimalist. It does not articulate a claim to uniformity of ways of life, but to the legal coexistence of different forms of existence.

5.2 Ontological Coexistence: Conceptual Determination

The right to ontological coexistence designates the claim of different human forms of existence to exist in legal equivalence without subordination, normalization, or pathologization.

Equivalence here is explicitly not to be understood as equal treatment in the sense of identical requirements, but as protection against structurally incompatible demands.

Ontological coexistence means:

- The state must not couple subsistence security to requirements that can be fulfilled only by violating one's own form of existence.
- Deviation from neurotypical norms must not be construed as a deficit, but must be understood as an existential difference.
- Legal recognition must not be tied to visible failure or medical decompensation.

This right is not a special right for neurodivergent persons. It is a correction of universal standards that have thus far acknowledged real diversity only rhetorically.

5.3 Delimitation from Inclusion and Reasonable Accommodation

Decisive here is a clear delimitation from existing concepts of inclusion and reasonable accommodation. These continue to operate within the same ontological basic assumption: that there exists a dominant norm to which one must either be adapted or from which deviations are to be compensated.

Ontological coexistence intervenes at an earlier level:

- it does not ask how someone can be integrated,
- but whether the underlying order is compatible with that form of existence.

Where reasonable accommodation bridges difference, ontological coexistence recognizes difference as irreducible. It shifts the focus from individual adaptation to structural responsibility.

5.4 Concrete Minimum Legal Requirements

No detailed programs follow from the right to ontological coexistence, but rather clear negative obligations of the state. In particular:

1. Inadmissibility of Abstract Standards of Reasonableness

Reasonableness must be determined in a form-of-existence-dependent manner. Abstract, neurotypical standards are inadmissible where they have structurally harmful effects.

2. Prohibition of Existential Coupling in Cases of Incompatibility

Subsistence-securing benefits must not be tied to requirements that are objectively unfulfillable for certain forms of existence.

3. Recognition of Masking as Structural Labor

Masking is not a private coping strategy, but coerced translational labor under asymmetric conditions. Systems must not tacitly presuppose it.

4. Protective Duties Independent of Visible Failure

Protection must not arise only once illness, collapse, or escalation has occurred. Prevention is legally required.

5. Two-Tier State Obligation

Either:

- structural adaptation of systems,
or—so long as such adaptation does not occur—
- subsistence-securing compensation without pathologization, activation coercion, or disciplinary measures.

These minimum requirements are legally compatible with existing frameworks and do not require a redefinition of the welfare state as a whole.

5.5 Why This Approach Is Necessary Under the Rule of Law

A constitutional state that fails to recognize ontological coexistence produces a structural paradox:

it formally declares certain forms of existence to be equal, while in practice forcing them into self-denial in order to be able to exercise their rights.

In doing so, it undermines:

- the guarantee of human dignity,
- the state's protective duties, and
- the promise of legal equality.

Ontological coexistence is therefore not an additional or special right, but a clarification of what the rule of law can mean at all under conditions of real diversity.

Chapter 6

Conclusion: Law Under Conditions of Real Diversity Consequences for Courts, the State, and the Epistemic Order

6.1 What This Meta-Paper Has Shown — and What Is No Longer Tenable

This meta-paper has not produced new narratives of affectedness, nor has it aggregated individual cases. It has rendered visible a structure that was already empirically and analytically substantiated in the individual works: the systematic misrecognition of neurodivergent forms of existence in law through universalist, neurotypically coded standards.

In particular, the following assumptions are no longer tenable:

- that reasonableness can be determined abstractly,
- that equality through uniform standards is just,
- that medical pathologization neutralizes state responsibility,
- that escalation constitutes an individual communication problem,
- that adaptation under existential coercion can be regarded as voluntary.

These assumptions are not marginal errors, but supporting pillars of current legal practice. Precisely for this reason, they generate foreseeable harm.

6.2 Consequences for Judicial Practice

For courts, this entails an immediate responsibility—not in the sense of moral blame, but of epistemic diligence.

Judicial neutrality ends where it:

- reproduces implicit assumptions about forms of existence,
- individualizes structural effects, and
- systematically devalues neurodivergent forms of knowledge.

Concretely, this means:

- persistence, density of detail, and systemic argumentation must not be disqualified as querulous or inappropriate;
- deviation from neurotypical communication norms does not constitute a credibility deficit;
- case-by-case review does not replace structural review where incompatibility is systematic.

Courts that fail to reflect on these differences do not decide neutrally, but normatively blind.

6.3 Consequences for State Responsibility

For the state as a whole, a clear boundary of legitimate action emerges. Where it is known that certain forms of existence are necessarily harmed under given conditions, the justificatory force of continued enforcement ends.

In such cases, the state cannot retreat:

- neither to formal legality,
- nor to a lack of alternatives,
- nor to individual duties of cooperation.

Responsibility does not arise only with intent, but with the persistent maintenance of harmful structures. Ontological coexistence is not an ideal here, but a minimal condition of rule-of-law legitimacy.

6.4 Consequences for the Treatment of Neurodivergent Critique

A central result of this meta-paper concerns not only law-making and law application, but the evaluation of critique itself.

Neurodivergent critique is often characterized by:

- a long-term structural perspective,
- repetition,
- formal over-precision,
- low adaptation to institutional economies of expectation.

Precisely these characteristics render it capable of identifying structural violence. Its systematic delegitimization is therefore not accidental, but functional: it protects existing orders from epistemic disturbance.

A legal system that reflexively pathologizes or escalates such critique disqualifies itself as capable of learning.

6.5 The Actual Boundary Question

At the end, what stands is not a specialized question about autism or neurodivergence, but a fundamental question of modern rule-of-law systems:

Can a legal system that functions coherently only under the presupposition of neurotypical existence still claim to be general?

This meta-paper answers this question implicitly: no.

Not because neurodivergent existence is “especially in need of protection,” but because it renders visible what otherwise remains obscured: that universality here rests on exclusion.

6.6 Final Remark

The right to ontological coexistence is not a new special right. It is the minimal form of what equality can mean under real conditions.

Where it is denied, what arises is not only individual suffering, but a structural loss of legitimacy of law itself.

Nothing more needs to be said.

Everything else is implementation — or repression.

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<https://zenodo.org/communities/operatoric-research-corpus>

(The present text constitutes an interface translation into neurotypical academic discourse. This translation functions as an accessibility measure necessitated by dominant linguistic and epistemic conventions. It does not represent the native epistemic form of the research, but a communicative adaptation required for participation in standardized scholarly exchange.)

A more in-depth paper on the methodology can be found here:

Speed, T. (2025). Recursive Knowledge Instead of Additive Knowledge Accumulation - On the Epistemic Structure of Embodied, Neurodivergent Research (Version 1). Zenodo.

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