



**VOL 15**

**WELFARE REGIMES AS  
STRUCTURAL HARM  
NEURODIVERGENCE,  
WELFARE CONDITIONALITY,  
AND INSTITUTIONAL VIOLENCE**

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**OPERATORIC RESEARCH CORPUS - STUDIES IN WORLD-FORMATION**

**Operatoric Research Corpus  
Studies in World-Formation**

**Section VI**

**Neurodivergent Rights, Law and Structural Violence**

**Volume 15**

**Welfare Regimes as Structural Harm  
*Neurodivergence, Welfare Conditionality,  
and Institutional Violence***

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**2026**

**DOI: 10.5281/zenodo.19002085**

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GND: [122901991](#)

VIAF: [37811735](#)

ISNI: [000000001636722X](#)

Wikidata: [Q138504206](#)

[Scholar ID: hBLHdoAAAAJ](#)

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Zenodo Community: [Operatoric Research Corpus Archive](#)

**First published: 2026**

This publication is deposited in the German National Library (Deutsche Nationalbibliothek) as  
a network publication.

DOI: <https://doi.org/10.5281/zenodo.19002085>

# Welfare Regimes as Structural Harm Neurodivergence, Welfare Conditionality, and Institutional Violence

DOI: <https://doi.org/10.5281/zenodo.19002085>

## Abstract

The present volume brings together four contributions that examine the structural relationship between neurodivergence, welfare-state institutions, and legal evaluative practices. The point of departure is the observation that modern welfare and legal systems operate on implicit assumptions of normality that presuppose neurotypical forms of communication, employment trajectories, conflict regulation, and social adaptation. For individuals whose modes of living and working diverge from these assumptions, systematic misinterpretations, institutional conflicts, and forms of structural vulnerability frequently arise.

The contributions analyze these dynamics from several complementary perspectives. A first focus concerns the interaction between neurodivergent persons and welfare-state institutions. The analyses show that administrative and legal procedures often interpret behaviors as deficits that are in fact expressions of neurodivergent perceptual and communicative styles. The resulting escalation dynamics therefore do not primarily stem from individual incapacity but from structural incompatibilities between neurodivergent ways of living and institutional expectation structures.

A second line of inquiry addresses the question of epistemic authority within legal contexts. The contributions investigate how statements made by neurodivergent individuals about their own life situations are frequently relativized or reinterpreted in administrative and judicial proceedings. This dynamic produces forms of epistemic disenfranchisement in which affected persons are no longer treated as reliable sources regarding their own needs and experiences.

A third analytical perspective focuses on the institutional organization of social security. Using central instruments of German social law—particularly the concept of the *Bedarfsgemeinschaft*—the contributions demonstrate how welfare systems organize subsistence security relationally and thereby generate dependency structures and conflict dynamics that are particularly burdensome for neurodivergent individuals as well as for non-standardized forms of work.

Taken together, the contributions argue that many conflicts between neurodivergent individuals and state institutions do not primarily arise from personal deficits but from structural mismatches between institutional systems and neurodivergent modes of existence. Under conditions of existential dependency, these mismatches can produce predictable forms of institutional harm. The volume therefore contributes to a critical analysis of welfare-state institutions from the perspective of neurodivergent experience and asks under which structural

conditions systems of law, administration, and social security provide protection—and under which conditions they generate predictable forms of institutional harm.

Keywords: neurodivergence, autism, autistic people, neurodiversity, neurodivergent rights, disability rights, disability studies, welfare state, welfare regimes, welfare conditionality, workfare systems, social security law, social policy, welfare-to-work policies, Bürgergeld, Hartz IV, social assistance systems, subsistence security, Bedarfsgemeinschaft, structural violence, institutional violence, administrative violence, epistemic injustice, epistemic disenfranchisement, structural harm, institutional coercion, state responsibility, duty of care, reasonable accommodation, UN Convention on the Rights of Persons with Disabilities, disability discrimination, human rights law, constitutional law, rule of law, social inequality, classism, welfare sanctions, masking, autistic burnout, double bind structures, neurodivergent epistemology, institutional power, welfare state governance, legal evaluation practices, social exclusion, structural vulnerability

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# Introduction

The contributions in this volume address a field of problems that has so far received only limited systematic attention in welfare-state and legal debates: the structural relationship between neurodivergent modes of existence and the implicit assumptions of normality embedded in modern welfare and legal institutions. This volume forms part of **Section VI of the *Operatoric Research Corpus***, which examines the relationship between neurodivergence, law, and structural forms of institutional violence. While neurodivergence has increasingly become a topic within medical, psychological, and social discourse, far less attention has been directed toward the extent to which institutional structures themselves rely on implicit neurotypical expectations.

Modern administrative and legal systems do not operate solely through formal rules. They also presuppose a range of tacit conditions: specific forms of communication, particular expectations regarding cooperation and conflict regulation, relatively linear employment trajectories, and a high degree of adaptability to changing institutional demands. These assumptions are rarely articulated explicitly. Yet they profoundly shape how behavior, credibility, and capacity are interpreted within administrative and judicial procedures.

For neurodivergent individuals, this implicit order of normality can have significant consequences. Modes of perception, communication, and self-organization that diverge from institutional expectations are frequently interpreted not as legitimate expressions of neurocognitive difference but as indicators of non-cooperation, unreliability, or insufficient willingness to comply. Escalation dynamics often emerge from such situations. In administrative practice these dynamics are typically individualized, even though their underlying causes are structural.

The contributions assembled in this volume approach this problem from several complementary perspectives. They examine both the interaction between neurodivergent individuals and welfare-state institutions and the legal evaluative mechanisms through which credibility, cooperation duties, and social entitlements are assessed. Taken together, the analyses demonstrate that many conflicts appearing in administrative or judicial proceedings as individual problems arise from structural mismatches between institutional expectation structures and neurodivergent ways of living.

A particular focus lies on the institutional organization of social security. Instruments such as the *Bedarfsgemeinschaft* illustrate how subsistence security can be organized relationally and thereby generate dependency structures and conflict dynamics that are especially burdensome for neurodivergent individuals as well as for non-standardized forms of work. The contributions therefore analyze these institutional arrangements not only from a social-policy perspective but also in light of human-rights and constitutional considerations.

The volume does not pursue a therapeutic or individualizing approach. Its aim is instead to examine institutional arrangements themselves as objects of analysis. The texts collected here therefore contribute to a structural critique of welfare-state and legal evaluative practices and

ask under which conditions systems of social security actually enable participation—and under which conditions they inadvertently produce new forms of institutional vulnerability.

In this sense, the volume addresses not only scholarly debates on neurodivergence in the social and legal sciences, but also broader discussions about the design of modern welfare states. The question of how institutions respond to difference, deviation, and non-standardized forms of life ultimately touches upon fundamental issues of democratic governance and the rule of law.

## **Structural Violence and State Protective Obligations**

### **How Work-Centered Social Systems Predictably Make Neurodivergent People Ill**

*(A structural-theoretical analysis using the example of Citizen's Benefit / Basic Income Support in international comparison)*

DOI: 10.5281/zenodo.17923214

#### **Abstract**

This paper examines work-centered social systems such as the German *Bürgergeld* and the planned *Grundsicherung* as forms of institutionally organized structural violence. At its core is the thesis that these systems are not merely burdensome for neurodivergent people, but structurally hazardous to health and therefore legally unreasonable. Illness thus appears not as individual failure, but as a predictable system effect of a normative architecture of work and performance that systematically fails to accommodate neurodivergent modes of existence.

The analysis is based on a longitudinal auto-ethnographic and artistic-research dataset that has developed over more than thirteen years ("Speed's Work"), encompassing documented interactions with multiple job centers, medical institutions, social courts, and administrative bodies, and covering various reform phases of work-centered social systems (Hartz IV, *Bürgergeld*, transition to *Grundsicherung*). The aim is not statistical representativeness, but the reconstruction of structurally invariant mechanisms of effect.

The evaluation identifies six central empirical findings: (1) an institutionally invariant escalation structure that is reproduced independently of individual behavior; (2) systematically enforced masking as an existential adaptation performance; (3) pathologization as a secondary system reaction to structural overload; (4) the independence of health-related harm from

individual cooperation or refusal; (5) the resulting structural predictability of health damage; and (6) the epistemic added value of an autistic epistemic position for capturing implicit normative mechanisms of violence.

On this basis, an expanded concept of violence is developed that integrates structural, administrative, classist, and ontological violence. The findings are contextualized constitutionally (Art. 1 and Art. 2 of the Basic Law), in terms of human rights (UN Convention on the Rights of Persons with Disabilities), and internationally. The paper argues that work-centered social systems which systematically force neurodivergent people into illness-producing adaptation violate state protective obligations. Illness functions here as an indicator of a systemic misdesign that cannot be remedied through individual case corrections, but only through a structural reconfiguration of welfare-state security.

The concepts of work as relational practice and of an autistic epistemic position used here were theoretically elaborated in earlier works by the author (cf. *Speeds Arbeit / Speed's Work; Radical Worker*) and are not redeveloped in this paper, but employed functionally for the analysis of institutional violence:

Speed, T. (2025). SPEED'S WORK - An Autistic Intervention in the Concept of Work In the Age of AI and Robotics. Zenodo. <https://doi.org/10.5281/zenodo.17826640>

Speed, T. (2025). REPRESENTATIONAL VIOLENCE — A Manifesto How normative fields erase non-representational ontologies (Version 1). Zenodo. <https://doi.org/10.5281/zenodo.17826435>

Speed, T. (2025). AUTISTIC EPISTEMOLOGY - A Second Knowledge Architecture in the Human Species (Version 1). Zenodo. <https://doi.org/10.5281/zenodo.17817017>

Speed, T. (2025). Autistic Ontology: Why Autistic Embodiment Reveals an Incommensurability Between Modes of Reality (Version 1). Zenodo. <https://doi.org/10.5281/zenodo.17811460>

Speed, T. (2025). Labour as Relational Agency: An Autistic Theory of Structural Violence Against Non-Market Work in the Age of AI. In *Speed's Work: An Autistic Intervention in the Concept of Work - In the Age of AI and Robotics* (Version 1). Zenodo. <https://doi.org/10.5281/zenodo.17798658>

Speed, T. (2025). Radical Worker: Autonomous Labour as Reality-Maintaining Practice (Version 1). Zenodo. <https://doi.org/10.5281/zenodo.17801563>

Speed, T. (2025). Veridical Mapping as the Foundation of a Second Science. Rosetta Operator — An Invariance Theory of Consciousness, Work, and World. (2 English). Zenodo. <https://doi.org/10.5281/zenodo.17857039>

## **1. Introduction: Work-Centered Social Systems, Disability, and Structural Harm**

Over the past three decades, social systems in Western industrialized states have undergone fundamental transformation. Subsistence-securing benefits have increasingly been tied to



work-centered conditions: labor-market orientation, willingness to adapt, duties of cooperation, and market employability have since been treated as central criteria of social participation. In Germany, this development initially manifested in the Hartz IV system, continued with the *Bürgergeld*, and is currently being carried forward within the framework of the planned restructuring toward *Grundsicherung*. Comparable systems can be found across large parts of Europe, in the United Kingdom, in North America, and in Australia, and follow similar structural logics.

Politically and legally, these systems are predominantly legitimized as activating, efficient, and fiscally necessary. Negative consequences for benefit recipients are often treated as unintended side effects, as the result of individual problem situations, or as outcomes of faulty administrative practice. Health-related deteriorations in particular are regularly individualized and pathologized, rather than examined as possible structural effects of the systems themselves.

On the basis of a longitudinal auto-ethnographic and artistic-research dataset that has developed over more than thirteen years, this paper advances a divergent thesis:

Work-centered social systems such as *Bürgergeld* and *Grundsicherung* do not merely produce burdensome effects for neurodivergent people, but structurally health-endangering and therefore legally unreasonable effects.

These effects are not accidental, not limited to individual cases, and not primarily attributable to administrative misjudgments, but arise from the fundamental architecture of these systems.

In contrast to normative or policy-advisory analyses, this paper does not aim to evaluate welfare-state goals, but to reconstruct structurally invariant mechanisms of effect. At the center are empirically identifiable dynamics of escalation, adaptation, and harm that reproduce themselves independently of individual actors, regional jurisdictions, or reform cycles.

### **1.1 Workfare as Structure – Not as Administrative Error**

The prevailing legal and political defense of work-centered social systems rests on the assumption of structural neutrality. Performance requirements, duties of cooperation, and sanctioning mechanisms are accordingly regarded as generally reasonable and uniformly applicable. Deviations, overload, or health-related damage are interpreted as individual exceptions that could be corrected through individual case review, medical certificates, or special compensatory measures.

This perspective, however, fails to recognize that workfare systems constitute a coherent structural regime whose health-related effects are consistently observable over more than a decade in the present dataset and invariant in their escalation patterns. Their functional logic is oriented toward a specific image of the human being: toward linearly available labor power, toward representable performance capacity, toward adaptability to standardized requirements, and toward the separability of person, body, work, and value. Deviations from this model are not recognized as alternative forms of productive existence, but are treated as deficits, risks, or aberrations.

For neurodivergent people—particularly autistic persons, people with ADHD, and individuals with complex sensory or cognitive profiles—this results in a structural incompatibility. Their ways of working, perceiving, and generating meaning are often non-linear, non-representational, and not permanently maskable. Requirements that may be experienced by neurotypical persons as burdensome but compensable unfold a qualitatively different effect for neurodivergent persons: they enforce continuous adaptation efforts that cannot be stabilized and lead to chronic overload.

## **1.2 From Individual Burden to Structural Harm**

Central elements of work-centered social systems—such as permanent availability requirements, standardized forms of communication, repeated legitimation of one's own entitlement to exist, sanction-based steering, and the implicit suspicion of insufficient willingness to perform—do not operate in isolation. They interlock and produce for certain groups enduring double-bind structures in which neither adaptation nor refusal leads to stable subsistence security.

While adaptation is accompanied by progressive self-denial, masking, and health-related decompensation, non-adaptation results in sanctions, material insecurity, and social stigmatization. This constellation is well known in stress, trauma, and systems theory as disease-generating. What is decisive here is not the subjective burden of individual situations, but the persistence and irresolvability of the structural demands.

The paper therefore argues that the observable psychological and somatic illnesses are not individual maladaptations, but necessary system effects. The harms are predictable, reproducible, and avoidable—however, only through structural changes, not through mere individual case corrections.

## **1.3 Research Aim and International Relevance**

The aim of this paper is to systematically disclose this logic of structural harm. The basis is a longitudinal auto-ethnographic dataset drawn from artistic and theoretical research that documents interactions with social systems, medical institutions, and courts over a period of 13 years (2013–2025). This analysis is complemented by a structural-theoretical evaluation of central features of work-centered social systems in international comparison.

The focus on the German *Bürgergeld* and *Grundsicherung* does not serve a national indictment, but an exemplary analysis. The underlying mechanisms can be found in comparable form in numerous Western social systems. The paper is therefore explicitly addressed to an international scholarly audience in law, social policy, disability studies, and critical social research.

At the center is the question of whether and to what extent state social systems that predictably produce health-damaging effects on disabled people are compatible with constitutional protective obligations, human rights standards, and fundamental principles of the rule of law.

## **2. Methodology and Data Basis: Artistic Research, Longitudinal Analysis, and Structural Invariance**

This paper follows a deliberately non-positivist methodology. It does not aim at statistical prevalence measurement, but at the reconstruction of structural mechanisms of effect that necessarily produce health-damaging effects under certain conditions. The central question is not how frequently these effects occur, but why they must occur once specific structural constellations are given.

The methodological foundation of this paper consists of a combination of artistic research (*Artistic Research*), auto-ethnographic longitudinal analysis, and structural-theoretical model building. This approach is particularly appropriate where institutional violence does not operate punctually, but over long periods of time, and where its effects become visible only through repeated interaction, accumulation, and escalation.

Furthermore, it must be emphasized that this research is the work of an autistic researcher. This is not to be understood as a biographical marginal note, but as an epistemically relevant prerequisite. Neurodivergent, and particularly autistic, epistemic practices are characterized by an increased sensitivity to structural invariances, implicit norms, and non-representational mechanisms of effect. Precisely where institutional systems do not exercise their violence openly, but unfold it through procedures, atmospheres, and repeated demands for adaptation, this perspective proves analytically superior.

While neurotypical-dominated research contexts tend to individualize structural harm, normalize it, or interpret it as administrative deviation, the autistic epistemic position enables a more precise perception of systemic fault lines, as it is less dependent on social coherence, implicit legitimation, and narrative smoothing. The analysis presented here is therefore able to make institutional violence visible as a structural phenomenon not despite, but because of its neurodivergent epistemic position.

In this sense, the paper does not represent a special case of subjective affectedness, but a necessary correction of epistemic distortions that arise when social systems are examined exclusively from the perspective of their normative majority architecture.

### **2.1 Artistic Research as an Epistemic Method**

Artistic research is not understood in this paper as an illustrative or supplementary procedure, but as an independent epistemic method. It makes it possible to capture dimensions of experience, interaction patterns, and implicit normative structures that elude classical quantitative instruments. Particularly where institutional processes operate not primarily through explicit decisions, but through atmospheres, implicit expectations, threat potentials, and logics of repetition, such a method is analytically required.

The underlying dataset comprises texts, interventions, audiovisual works, administrative correspondence, legal disputes, and theoretical reflections that emerged over a period of 13 years. These materials were not retrospectively reconstructed, but were produced and documented in the very course of the confrontations themselves and document the ongoing interaction between individual modes of existence and institutional structure.

What is decisive here is that the artistic research does not focus on subjective states, but on relational patterns: recurring demands, escalation loops, communication breakdowns, pathologizations, and sanctioning logics. These patterns are reproducible independently of the respective individual case and point to structural conditions.

## **2.2 Auto-Ethnographic Longitudinal Analysis (n = 1)**

The empirical basis of this paper is a longitudinal auto-ethnographic dataset (n = 1) (*Speed's Work* / <https://doi.org/10.5281/zenodo.17826640> / ISBN: 3819277358 English or ISBN: 3819249281 German), covering the period of these 13 years. This form of qualitative data collection is not understood here as a limitation, but as a methodological advantage. While cross-sectional studies provide snapshots, longitudinal analysis enables the observation of cumulative effects, particularly where health-related harm does not arise abruptly, but gradually and through repeated institutional interventions.

The analysis does not focus on singular events, but on invariances: structures that persist across different institutions, time periods, and political reforms. These include, among others:

- the repeated questioning of the legitimacy of one's own existence,
- the compulsion toward permanent self-representation and justification,
- the pathologization of resistance and deviation,
- the escalation of pressure alongside the refusal of structural alternatives.

These invariances occur independently of specific caseworkers, regional jurisdictions, or reform cycles. Precisely this independence from individual actors supports the thesis that these are not administrative errors, but systemic effects.

## **2.3 Structural Invariance Instead of Representativeness**

The paper makes no claim to statistical representativeness. Instead, it follows a structural-theoretical logic as established in the social sciences, legal studies, and systems sciences. A structural mechanism is considered substantiated when it:

1. is reproducible under the same conditions,
2. occurs independently of individual actors,
3. produces predictable effects,
4. and can only be abolished through a change of the structure itself.

In this sense, the present dataset functions as a case reconstruction of a general mechanism. The single case does not serve generalization in the statistical sense, but the visualization of a structural logic that is in principle transferable to other contexts. Comparable descriptions can be found in international studies on workfare systems, sanction regimes, and the health-related burden of disabled benefit recipients, even if these works often remain at an aggregated level.

The present analysis does not claim universal generalization in the sense of statistical necessity. Its object is not the assertion that all neurodivergent people inevitably fall ill under work-

centered social systems, but the demonstration that under given structural conditions, illness-producing effects for neurodivergent persons are systemically probable, predictable, and not avoidable without structural change.

## **2.4 Methodological Limits and Scientific Integrity**

The methodological openness of this approach requires a clear naming of its limits. The paper does not claim to make statements about prevalences or probabilities in the quantitative sense. Nor does it assert that all neurodivergent people must inevitably fall ill. Rather, it shows that under certain structural conditions the probability of health-related harm is significantly increased, and that these conditions are systematically present in work-centered social systems.

It is precisely this limited but precise objective that gives the analysis its strength. It makes it possible to address legal and human rights questions at the level of structural responsibility without relying on speculative generalizations.

## **2.5 Central Empirical Findings from the Longitudinal Analysis (“Speed’s Work”)**

The present study is based on an auto-ethnographic and artistic-research dataset that has grown continuously over more than thirteen years and is summarized under the title *Speed’s Work*. This dataset encompasses documented interactions with multiple job centers, medical institutions, social courts, as well as administrative and political bodies, and extends across various reform phases of work-centered social systems.

The following findings are based on the systematic evaluation of documented interactions (including administrative correspondence, administrative files, court proceedings, medical assessments, and artistic research artifacts) that were produced in the very course of the institutional confrontations themselves. They constitute the central empirical results of this analysis.

### **(1) Invariance of the Escalation Structure**

Across all examined contexts, a stable escalation logic of institutional interaction becomes apparent. It follows a recurring pattern:

1. initial demands for adaptation and cooperation,
2. questioning of the legitimacy of one’s own subsistence security (e.g., doubts regarding willingness or capacity to work),
3. increasing pathologization or moralization of deviation,
4. construction of a latent or explicit potential for sanctions and threats,
5. health-related decompensation (psychological, somatic, or both).

This escalation structure occurs independently of whether the affected person acts cooperatively, resistively, communicatively, or reservedly. The reproducibility of this pattern

across different institutional contexts clearly argues against its interpretation as an individual case or administrative error.

## **(2) Institutionally Enforced Masking as a System Effect**

A central finding of the analysis is the systematic production of masking. In the dataset, masking does not appear as a voluntary adaptation strategy, but as an existential necessity that is directly coupled to access to life-sustaining resources.

The analysis shows that masking is enforced in particular through the following institutional mechanisms:

- standardized communication requirements (forms, interviews, expert assessments),
- implicit expectations regarding emotional self-presentation,
- standardized proofs of performance and cooperation,
- permanent evaluation of one's own "reasonableness."

Masking increases with the duration of system exposure and is not limited to individual situations. What is decisive is that this adaptation performance cannot be stabilized. The cumulative effect leads to progressive exhaustion, disintegration, and health-related harm.

## **(3) Pathologization as a Secondary System Reaction**

Another central finding concerns the role of medical and psychiatric diagnoses. Contrary to the widespread assumption that mental illness constitutes the starting point of welfare-state intervention, the dataset reveals an inverse pattern:

Psychological and psychosomatic diagnoses appear subsequently as a reaction to systemically produced overload. Illness thus functions as a retrospective explanation for structurally unreasonable demands. Pathologization replaces structural analysis with individualization and shifts responsibility from the system to the affected person.

This dynamic stabilizes the system by rendering the causes of illness invisible while simultaneously providing medically utilizable categories that enable further administrative steering.

## **(4) Independence of Harm from Individual Behavior**

A finding of particular relevance for legal assessment is the extensive independence of health-related harm from individual behavior. The analysis shows that neither a high willingness to cooperate nor consistent refusal leads to stable relief in the long term.

Cooperation leads to continued masking and gradual overload, while resistance results in sanctions, escalation, and existential insecurity. Both forms of behavior ultimately converge in comparable patterns of strain and illness.

This refutes the thesis that health-related damage is primarily attributable to individual misconduct or insufficient adaptation. Rather, it constitutes structurally induced harm that occurs independently of the subjective scope of action.

### **(5) Legally Relevant Predictability of Harmful Effects**

The repeated reproduction of the described patterns over a long period of time renders the health-damaging effects of work-centered social systems not only explicable, but predictable. Predictability here is not to be understood in a statistical sense, but in a structural one: under given conditions, certain effects occur with high regularity.

This predictability is central to legal assessment. It exceeds the threshold of accidental side effects and establishes structural responsibility. Illness thus appears not as an individual risk, but as an anticipable system effect that is inevitably reproduced under an unchanged architecture.

### **(6) Epistemic Value of the Autistic Epistemic Position**

In conclusion, it must be noted that these findings could only become visible against the background of the author's specific epistemic position. The autistic mode of perception and cognition functions here not as a biographical context, but as an analytical instrument that enables structural invariances, implicit norms, and escalation logics to be captured with high precision.

While neurotypical-dominated research contexts tend to normalize or individualize institutional violence, this position allows for a differentiated reconstruction of systemic mechanisms of harm that elude standardized instruments of data collection.

## **2.6 Empirical Findings and Their Legal Relevance**

The following findings unfold their relevance not only at an analytical level, but possess immediate legal and human rights significance. The table assigns the central empirical results of the present study to their respective normative and legal implications.

**Table 1: Empirical Findings and Legal Implications**

<b>Empirical Finding (Section 2.5)</b>	<b>Legal / Human Rights Relevance</b>
Invariant escalation structure across different job centers, reform cycles, and actors	Refutation of the single-case and administrative-error thesis; establishment of structural responsibility of the state
Institutionally enforced masking as an existential adaptation performance	Violation of the protective obligation under Art. 2(2) of the Basic Law (physical and psychological integrity); unreasonableness of duties of cooperation
Pathologization as a secondary system reaction	Violation of the prohibition of discrimination and the human rights prohibition of disability aggravation (UN CRPD)

Independence of health-related harm from individual behavior	Refutation of fault- and behavior-based attribution; inadmissibility of sanction-based steering
Structural predictability of health-related harm	Triggering of state protective obligations; legal relevance of omission despite known endangerment
Epistemic added value of the autistic epistemic position	Correction of epistemic distortions in institutional research; relevance for the interpretation of reasonable accommodation under the UN CRPD

## Section 2.7 Triangulation and External Convergence

The structurally invariant patterns identified in this study are based on an  $n = 1$  longitudinal design and do not claim statistical generalization across persons. Their analytical robustness instead derives from the reconstruction of stable mechanisms of effect under varying institutional conditions.

In order to minimize the risk of a purely idiosyncratic interpretation, the findings are triangulated with existing qualitative studies on neurodivergent benefit recipients and work-centered social systems. These works document comparable patterns of sanction-based adaptation, enforced masking, pathologization, and health-related decompensation across different individuals and in different national contexts.

The convergence between the invariance structure reconstructed here and external qualitative findings suggests that this is not a singular isolated case, but systemic mechanisms of effect that recur reproducibly under comparable structural conditions. The present study therefore does not provide a substitute for large-scale comparative studies, but rather a high-resolution structural reference case that sharpens such studies theoretically and methodologically.

## Transition to Section 3

The following sections now turn to the theoretical framing. First, an expanded concept of violence is developed that is suited to analytically capturing state-organized harm through social systems.

### 3. Violence, Classism, and Ontological Harm: An Expanded Concept of Violence

The health-related harms observable in work-centered social systems cannot be adequately captured by a narrow, criminal-law-oriented concept of violence. Such a concept is oriented toward immediate physical force and individual perpetrators and obscures those forms of violence that do not operate punctually, but structurally, administratively, and over extended periods of time. In order to analytically understand the mechanisms of effect of the *Bürgergeld* and *Grundsicherung* systems, an expanded concept of violence is therefore required.

This paper follows the distinction established in the social and legal sciences between direct, structural, and symbolic violence, and supplements it with the concept of ontological violence, or representational violence, in order to capture those harms that operate at the level of the mode of existence itself.



### 3.1 Structural Violence in Work-Centered Social Systems

The concept of structural violence denotes social arrangements in which basic needs or life possibilities are systematically restricted without a concrete act of violence being identifiable. Violence here does not arise through individual aggression, but through the institutional organization of access to resources.

Work-centered social systems embody structural violence insofar as access to subsistence-securing benefits is tied to conditions that are not equally fulfillable by all people. In particular, where work capacity, communication style, resilience, and adaptability are set as implicit norms, systematic exclusions emerge. These exclusions are not accidental, but follow a normative image of work and the human being that has developed historically and politically.

For neurodivergent people, this structural violence manifests in the persistent threat to existential security as soon as their ways of working, communicating, or organizing deviate from normative expectations. The violence here does not lie in the individual administrative act, but in the coupling of subsistence security with normed performance capacity.

### 3.2 Administrative Violence and Sanction-Based Steering

Beyond the structural level, work-centered social systems operate through administrative violence. This form of violence does not unfold through physical coercion, but through formalized procedures, deadlines, documentation requirements, threat scenarios, and sanctioning mechanisms. Its effects are nevertheless real, as it intervenes directly in living conditions, housing security, nutrition, medical care, and psychological stability.

Characteristic of administrative violence is its depersonalization. Decisions appear as rule-bound necessities, and responsibility is shifted onto procedures and algorithms. It is precisely this depersonalization that makes the legal and political attribution of responsibility more difficult, while the impacts for those affected remain highly personalized.

In the context of *Bürgergeld* and *Grundsicherung*, sanctions do not function primarily as exceptional instruments, but as a structural threat potential that shapes the entire interaction with the system. Even where sanctions are formally suspended or reduced, the sanction-based logic remains operative, as it sets behavioral norms and renders deviations sanctionable.

### 3.3 Classism as the Normative Core of the Structure of Violence

The forms of violence described are not politically neutral. They are based on a classist foundational pattern that recognizes certain ways of living and working as legitimate, productive, and valuable, while marking others as deficient, suspicious, or burdensome. Classism here manifests not only in social devaluation, but in the institutional enforcement of a normative concept of performance.

Historically, work-centered social systems were explicitly designed as disciplinary instruments. Political guiding terms such as “support and demand,” “activation,” or “personal responsibility” convey a moral semantics in which deviation appears not as structural difference, but as

individual failure. This semantics legitimizes harshness and shifts responsibility for systemically produced harm onto those affected themselves.

For neurodivergent people, this classism has an intensifying effect, since their deviation is not only social, but ontological: their ways of existing, working, and generating meaning do not fit into the dominant grid without self-damage.

### **3.4 Ontological Violence: Harm to the Mode of Existence**

The concept of ontological violence (*representational violence*) denotes that form of harm which is not primarily directed at behavior or performance, but at a person's mode of existence. Ontological violence is present when individuals are systematically forced to deny or distort their fundamental ways of perceiving, thinking, feeling, or working in order to gain access to life-sustaining resources.

In the case of neurodivergent people, ontological violence manifests in particular in the compulsion to mask. Masking here does not denote mere social adaptation, but a profound, continuously maintained self-deformation that affects sensory, cognitive, and affective processes. This adaptive performance is not indefinitely compensable and, under sustained exposure, leads to exhaustion, disintegration, and illness.

Work-centered social systems produce ontological violence by not merely facilitating masking, but structurally enforcing it. Those affected are confronted with the choice of either distorting their mode of existence or risking existential loss. This choice is not free, but is coerced through the coupling of subsistence security with normed adaptation.

### **3.5 Violence as a Predictable and Avoidable System Effect**

The forms of violence described in this section do not operate additively, but reinforce one another. Structural, administrative, classist, and ontological violence interlock and produce for neurodivergent people a persistent configuration of strain that not only enables health-related harm, but makes it likely.

What is decisive here is the predictability of these effects. Neurodivergence is recognized as a form of disability, the consequences of masking are scientifically documented, and the stress effects of sanction and pressure regimes have long been known. Under these conditions, health-related harms cannot be treated as unintended side effects, but must be understood as predictable and avoidable consequences of structural decisions.

This shifts the question from individual responsibility to structural responsibility—and forms the basis for the legal and human rights analysis developed in the following sections.

## **Transition to Section 4**

In the next section, this structure of violence is concretized by showing how it becomes operative in the everyday functioning of work-centered social systems and why it culminates in illness-generating double-bind constellations.

### **4. Illness-Producing Structures: Double Binds, Compulsory Masking, and Systemic Overload**

After the previous section developed an expanded concept of violence, this section turns to the question of how this violence becomes concretely operative in the everyday life of work-centered social systems. The focus here is not on the individual experience of particular situations, but on the structural logic through which repeated interactions with the system are translated into health-damaging dynamics.

The paper argues that work-centered social systems systematically generate double-bind constellations for neurodivergent people that, through compulsory masking and persistent overload, lead to psychological and somatic illness.

The analysis does not deny that work-centered social systems can also produce burdensome effects for neurotypical people. What is decisive, however, is that a qualitatively different dynamic of harm emerges for neurodivergent persons: while precarization often functions as a gradual burden for neurotypical persons, it produces structural double binds for neurodivergent persons in which adaptation itself becomes illness-generating.

The double-bind structure described here is not limited to neurodivergent persons. Work-centered social systems can also generate contradictory demands for neurotypical benefit recipients that operate as a persistent psychological burden. What is decisive, however, is the qualitative difference in effect: while precarization for neurotypical persons often remains experienceable as a gradual burden within compensable spaces of adaptation, it produces structural double binds for neurodivergent persons in which adaptation itself becomes illness-generating.

For neurodivergent people, the usual compensation mechanisms collapse under these conditions. The simultaneous obligation to norm-conforming adaptation, social self-representation, and economic exploitability compels permanent masking that does not have a stabilizing effect, but a destructive one. Illness here is not an accompanying risk, but the logical consequence of an irresolvable structure.

#### **4.1 Double Binds as a Structural Principle of Work-Centered Systems**

The concept of the double bind refers to situations in which contradictory demands apply simultaneously and no course of action leads to stable resolution. What is decisive here is not the individual paradoxical demand, but the persistence and inescapability of the constellation.

In work-centered social systems, such double binds are structurally embedded. Benefit recipients are simultaneously called upon to

- disclose their individual situation openly,
- present themselves as flexible, resilient, and adaptable,

- assume responsibility independently,
- and at the same time strictly comply with standardized requirements.

For neurodivergent people, this constellation is significantly intensified. Openness about one's own limits often leads to pathologization or devaluation, while adaptation to normative expectations is accompanied by progressive self-denial. Neither complete adaptation nor consistent refusal enables stable subsistence security.

Against this background, resistance acquires a specific meaning. For neurodivergent persons, refusal of normative adaptation demands often does not constitute an expression of unwillingness to cooperate, but a form of existential self-protection. The clear “no” functions here as a boundary against further health-related harm, in particular against the continuation of permanent masking and overload.

The institutional logic of work-centered social systems, however, is not capable of recognizing this form of self-protection. Resistance is systematically interpreted as refusal to work, unwillingness, or lack of cooperation and triggers automated sanction mechanisms. In this way, the system intensifies precisely those protective reactions that arise out of health-related necessity.

The double-bind structure can therefore be summarized as follows:

- **Adaptation leads to masking, overload, and health-related decompensation.**
- **Non-adaptation—as a form of self-protection—leads to sanctions, existential insecurity, and social stigmatization.**

This constellation is not situational, but systemic. It reproduces itself across measures, interviews, assessment procedures, and reform cycles and eludes individual resolution. Resistance is not understood as an indication of unreasonableness, but as a trigger for further disciplining.

## **4.2 Masking as Enforced Adaptation Performance**

Masking here denotes the permanent adaptation of neurodivergent persons to neurotypical expectation structures. This does not involve superficial behavioral adjustment, but a profound, continuously maintained modification of perception, communication, affect regulation, and self-organization.

Work-centered social systems produce compulsion to mask at multiple levels:

- through normed forms of communication,
- through implicit expectations regarding emotional presentation,
- through standardized proofs of performance,
- and through permanent evaluation of one's own legitimacy as a benefit recipient.

These adaptation demands are not temporally limited for neurodivergent people, but permanent. Unlike short-term adaptation performances in everyday social life, they cannot be compensated through withdrawal or recovery, since subsistence security itself is tied to their fulfillment.

Empirically, it is well documented that long-term masking is associated with increased rates of exhaustion, anxiety disorders, depression, burnout, and somatic complaints. What is decisive, however, is not the statistical frequency of individual symptoms, but the structural impossibility of sustainably maintaining masking under these conditions.

For many autistic persons, an additional escalation mechanism is added to this persistent burden: the impossibility of psychologically closing off evident institutional injustice. Autistic cognition is often characterized by a strong need for coherence, regularity, and normative consistency. Arbitrary decisions, contradictory demands, and constantly changing justifications cannot, under these conditions, be set aside as mere “inconveniences,” but compel ongoing cognitive and affective processing.

The result is a permanent loop of structural irresolvability. Bureaucratic violence does not operate here punctually, but inscribes itself into the psychological structure through repeated interactions, objection procedures, and existential threat situations. In particular, the experience of institutional arbitrariness produces deep and enduring psychological injuries that do not operate episodically, but chronically, and can take on a traumatic quality.

This dynamic is documented in detail in the present longitudinal analysis (*Speed's Work*) and shows exemplarily how work-centered social systems do not merely overburden autistic persons situationally, but block them in the long term, make them ill, and prevent autonomous life conduct. Illness arises here not solely through overload, but through the enforced permanent confrontation with irresolvable institutional injustice.

#### **4.3 Systemic Overload and Cumulative Effects**

The health-damaging effect of work-centered social systems does not arise from individual measures, but from the accumulation of burdens. Repeated appointments, deadlines, documentation requirements, evaluations, and threat potentials generate a permanent activation of stress responses. For neurodivergent people, whose sensory and cognitive processing is often less filtering and more strongly context-dependent, this sustained activation is particularly burdensome.

In addition, the systems provide hardly any stable spaces of relief. Recognition of special needs usually occurs only temporarily, conditionally, and subject to renewed review. Relief thus itself becomes another adaptation performance, which in turn requires legitimization, communication, and justification.

This dynamic leads to a vicious circle:

- overload reduces adaptability,
- reduced adaptability increases pressure and sanctions,
- increasing pressure intensifies health-related harm.

The resulting illnesses are subsequently individualized and medicalized without addressing the underlying structural causes.

#### 4.4 Illness as a Necessary System Effect

It therefore becomes clear that illness in the context of work-centered social systems cannot be understood as individual failure or insufficient adaptability. Rather, it constitutes a necessary system effect resulting from the structural incompatibility between neurodivergent modes of existence and normed requirements of work, organization, and performance.

What is decisive here is that the forms of work and organization implicitly presupposed in work-centered social systems—particularly permanently representation-based, linearly timed, socially normative, and masking-dependent wage labor—are for many neurodivergent people not merely burdensome, but structurally hazardous to health and therefore unreasonable. These forms of work presuppose a continuous violation of sensory, cognitive, and affective integrity boundaries that is not sustainably compensable. The assumption that they constitute a generally reasonable reference framework therefore fails to recognize their specifically illness-producing effect for neurodivergent persons.

**This renders the central premise of job center logic itself questionable. Where work and performance requirements have predictably health-endangering effects for a protected group, they cannot legally be regarded as reasonable duties of cooperation. Under these conditions, the obligation to adapt is transformed into a compulsion toward continuous self-deformation through masking.**

**The system thus does not produce illness accidentally or as an unintended side effect, but as a direct consequence of its normative settings. It forces neurodivergent people to choose between ontological self-denial in order to secure subsistence and the endangerment of that very subsistence through sanctions and exclusion. That health breakdowns occur under such conditions is neither surprising nor avoidable as long as the system architecture remains unchanged.**

This insight is central to the legal analysis that follows. If illness is predictable, reproducible, and structurally produced, it can no longer be treated as an individual risk or an administrative marginal problem. Rather, it becomes an indicator of a systemic misdesign that fundamentally calls into question the assumptions of reasonableness underlying work-centered social systems.

#### Transition to Section 5

The next section builds on this and examines the legal and human rights consequences of these findings. At the center is the question of whether work-centered social systems that predictably produce health-damaging effects on disabled people are compatible with state protective obligations and international human rights standards.

### 5. State Protective Obligations, Human Rights, and Structural Responsibility

The preceding sections have shown that work-centered social systems such as *Bürgergeld* and *Grundsicherung* produce structurally illness-generating effects on neurodivergent people. These effects are neither accidental nor attributable to individual maladaptation, but arise from predictable and reproducible mechanisms of effect. Against this background, the central legal

question arises as to whether state social systems operating under these conditions are compatible with constitutional protective obligations and human rights commitments.

This section argues that where state structures predictably generate health-related harm and fail to provide effective systemic protective mechanisms, a violation of state protective obligations is present. This responsibility is structural and cannot be reduced to individual administrative action.

### **5.1 Protective Obligations under the Basic Law**

According to the settled case law of the Federal Constitutional Court, fundamental rights establish not only defensive rights against state interference, but also state protective obligations. In particular, Art. 1(1) of the Basic Law (human dignity) and Art. 2(2) of the Basic Law (the right to life as well as physical and psychological integrity) oblige the state to actively counter threats to these legal interests.

Protective obligations apply in particular where dangers are:

- predictable,
- structurally generated,
- and subject to state influence.

The illness mechanisms analyzed in the present paper meet these conditions. The health-damaging effects of work-centered social systems are neither speculative nor unknown. Neurodivergence is recognized as a form of disability, the consequences of masking are scientifically documented, and the stress effects of sanction-based steering have been the subject of social-scientific and medical research for years.

Against this background, the state cannot invoke the argument that individual harms were unforeseeable or attributable solely to the sphere of responsibility of those affected.

### **5.2 Unreasonableness and Structural Overload**

A central aspect of the doctrine of protective obligations is the question of reasonableness. State requirements must not place affected persons in a situation in which they are forced to permanently endanger their physical or psychological integrity in order to secure basic *жизн* necessities.

For neurodivergent people, work-centered social systems produce precisely such a situation. The structurally enforced adaptation performance (masking) is not compensable and leads to health-related harm under sustained exposure. These requirements therefore exceed the threshold of reasonableness.

It is particularly problematic that the system does not recognize this overload as a structural problem, but individualizes it. Relief—if it occurs at all—is temporary, conditional, and subject to renewed justification. A sustainable adjustment of the structure itself remains absent.

### **5.3 The UN Convention on the Rights of Persons with Disabilities and Reasonable Accommodation**

The UN Convention on the Rights of Persons with Disabilities (UN CRPD), which is binding law in Germany, obliges States Parties to ensure the full and effective participation of persons with disabilities. Central to this is the concept of reasonable accommodation, which goes beyond formal equal treatment and requires structural adjustments.

Work-centered social systems that systematically disadvantage neurodivergent modes of existence violate this obligation when they:

- treat work and performance norms as universally reasonable,
- pathologize or sanction deviations,
- and provide no structural alternatives for subsistence-securing participation.

The mechanisms described in the paper suggest that the *Bürgergeld* and *Grundsicherung* system, in its current configuration, does not provide reasonable accommodation for neurodivergent people. Instead of inclusion, adaptation is enforced; instead of protection, burden is intensified.

### **5.4 Predictability, Responsibility, and State Omission**

A central legal point is the predictability of the harms. Violations of protective obligations do not require intent. It is sufficient that the state fails to adequately address known dangers or allows avoidable risks to persist.

In view of longstanding public debates, scientific findings, and documented individual cases, it must be assumed that the health-damaging effects of work-centered social systems on neurodivergent people are known or ought to be known. If these structures are nevertheless maintained without implementing effective protective mechanisms, a case of state omission is present.

This responsibility cannot be individualized. It concerns the design of the system itself and thus affects both the legislature and the executive implementation structures alike.

### **5.5 International Dimension and Comparable Systems**

The legal problems outlined are not limited to the German context. Comparable workfare systems in other Western states exhibit similar structural features and face comparable human rights challenges. International reports on sanctions, activation measures, and the health consequences of coercive labor systems suggest that this constitutes a systemic problem of modern welfare statehood.

The question of state protective obligations thus acquires a transnational dimension. The analysis presented in this paper can therefore contribute not only to the further development of national law, but also to the international discussion on human-rights-compliant forms of subsistence-securing social policy.



## **Transition to Section 6**

The concluding section draws the consequences from the analysis and discusses which structural changes are required in order to fulfill protective obligations and avoid health-damaging effects.

### **6. Consequences and Perspectives: Structural Change Instead of Individual Case Correction**

The preceding analysis shows that the health-damaging effects of work-centered social systems are not attributable to misapplications, individual hardship cases, or insufficient communication. Rather, they are structural effects that result from the fundamental architecture of these systems. Accordingly, the resulting legal, human rights, and social policy consequences cannot be limited to individual case corrections.

This section formulates the central conclusions of the analysis and outlines perspectives for a systemic re-evaluation of subsistence-securing social policy.

The paper explicitly does not understand itself as a policy blueprint, but as a structural risk analysis. The development of concrete social policy alternatives requires a normative decision that lies outside the scope of this investigation.

#### **6.1 Limits of Individual Exception Regulations**

Current reform approaches to work-centered social systems often rely on punctual relief measures: reduced sanctions, temporary grace periods, individual compensatory adjustments, or medical certificates. These measures, however, fall short, as they leave the underlying structure untouched.

For neurodivergent people, such exception regulations often entail additional burden. They require renewed disclosure, justification, and adaptation to administrative procedures that are themselves part of the burdensome system. Relief thus becomes conditional and reversible, while the structural pressure to adapt remains in place.

From a legal perspective, this does not satisfy state protective obligations. If health-related harm is predictable and systemically produced, it is not sufficient to provide temporary relief to individual persons. What is required instead is structural prevention that addresses the illness-producing mechanisms themselves.

#### **6.2 Structural Responsibility and System Design**

The central consequence of the analysis is the shift from individual responsibility to structural responsibility. State protective obligations do not relate solely to the conduct of individual administrative employees, but to the design of the systems within which they operate.

Work-centered social systems that couple subsistence security to normed performance and adaptation requirements generate systematic risks for certain groups. These risks cannot be remedied through better training, more empathetic communication, or stricter individual case review. They require a re-evaluation of the normative foundations of welfare-state security.

In particular, the narrow concept of work that sets wage labor as the primary measure of social participation proves to be a central risk factor. As long as subsistence security remains bound to this standard, neurodivergent and other non-normative modes of existence will be structurally disadvantaged.

### **6.3 Human Rights Minimum Requirements for Social Systems**

From a human rights perspective, several minimum requirements can be derived from the analysis that work-centered social systems would have to meet in order to satisfy protective obligations:

1. Decoupling subsistence security from normed performance capacity, at least for disabled people.
2. Recognition of diverse modes of existence and work beyond linear wage labor.
3. Renunciation of sanction-based steering where it predictably produces health-damaging effects.
4. Permanent structural accommodations instead of temporary exceptions.
5. Shifting the burden of proof so that it is not those affected who must demonstrate unreasonableness, but the system that must demonstrate its reasonableness.

These requirements do not arise from political preferences, but from the state's own legal and human rights obligations.

### **6.4 International Applicability and Reform Perspectives**

Since work-centered social systems exhibit comparable structures in many Western states, the analysis developed here is internationally applicable. Reform debates in different countries reveal similar lines of conflict between activation, control, and social protection.

The paper therefore understands itself not as a nationally confined critique, but as a contribution to a broader international discussion on the future of welfare-state security systems. Models of subsistence-securing basic income, low-conditionality transfer payments, or more care-oriented social policy offer possible points of connection, without a specific political model being prescribed here.

What is decisive is the insight that social systems are not neutral, but can produce or destroy health. This effect must be systematically taken into account in their design.

### **6.5 Concluding Remark**

The analysis of this paper leads to a clear, albeit uncomfortable, insight:

Work-centered social systems such as *Bürgergeld* and *Grundsicherung* are, in their current form, associated with substantial structural risks for neurodivergent people. These risks are predictable, avoidable, and legally relevant.

A constitutional state that takes seriously the protection of human dignity and of physical and psychological integrity cannot ignore these findings. The question, therefore, is not whether individual affected persons can adapt or protect themselves, but whether the structure of the system itself meets the legal and human rights requirements that the state has imposed upon itself.

The paper does not provide a statistical proof of individual causality, but a structural proof of systemic endangerment that is decisive for the assessment of state protective obligations.

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# Structural Coercion, Autism, and State Responsibility

## *Why Welfare Enforcement Constitutes Predictable Harm to Autistic Persons*

DOI: <https://doi.org/10.5281/zenodo.18130874>

### Abstract

Structural Coercion, Autism, and State Responsibility

Why Welfare Enforcement Constitutes Predictable Harm to Autistic Persons

Autistic persons are routinely subjected to welfare and labor enforcement regimes designed around neurotypical assumptions of regulation, motivation, and adaptability. These regimes are commonly framed as neutral, activating, or supportive. This paper argues that such framing is structurally flawed.

Autism is not a disease or episodic impairment but an embodied mode of existence characterized by distinct forms of perception, regulation, and world-relation. When subsistence, legal status, or access to basic resources are conditioned on compliance with neurotypical norms, autistic persons are placed in situations of structural incompatibility that produce predictable harm.

The paper develops a non-medicalized framework for understanding harm as an objective, foreseeable consequence of welfare coercion rather than as an individual pathology or subjective experience. Drawing on international human rights law, disability law, and comparative welfare regimes, it shows how continued enforcement under conditions of known incompatibility raises questions of state responsibility across jurisdictions.

Using the UK Work Capability Assessment (WCA) as an empirical warning case, and referring to Germany as an illustrative jurisdiction, the paper argues that ignorance of harm can no longer be plausibly claimed. Where states continue to enforce structurally incompatible requirements despite available knowledge, legal responsibility is triggered—whether framed as negligence, failure to accommodate, or degrading treatment.

The paper does not argue for automatic criminalization. Instead, it establishes a structural threshold beyond which welfare enforcement ceases to be legitimate governance and becomes legally accountable harm.

## 1. Autism as an Embodied Mode of Existence

### Beyond Diagnosis, Deficit, and “Adjustment”

#### 1.1 From clinical category to existential structure

In most administrative and policy contexts, autism is treated as a clinical category: a diagnosis associated with deficits, impairments, and needs for treatment or support. While clinical descriptions can capture relevant patterns, they often miss the decisive point for legal and political analysis: autism is not an episodic disorder but a **stable, embodied mode of existence**.

Autistic persons do not merely “have symptoms.” They inhabit a distinct relationship between perception, regulation, action, and meaning. This relationship is not optional and cannot be substituted without cost. It forms the conditions under which coherence, stability, and functional capacity are possible.

#### 1.2 Embodiment, regulation, and world-relation

Autism is fundamentally expressed in **how regulation is organized**: sensory integration, temporal pacing, energy management, attention, and the coupling of motivation to meaning. In many autistic persons, stability depends on:

- predictable rhythms and recoverable transitions,
- reduced exposure to forced social performance,
- the capacity for withdrawal and self-regulation without penalty,
- coherence between inner structure and outer demands.

These are not “preferences” that can be trained away at will. They are **integrity conditions** of autistic functioning.

#### 1.3 Structural incompatibility, not individual failure

A common error in welfare and labor enforcement systems is to interpret autistic noncompliance as unwillingness, oppositionality, or inadequate motivation. This interpretation confuses **structural incompatibility** with moral or psychological deficiency.

The issue is not that autistic persons “cannot cope with life,” but that many institutional environments are designed around neurotypical assumptions:

- linear endurance,
- continuous social readability,
- rapid switching and compliance under surveillance,
- externally imposed meaning (work as obligation rather than relation).

Where these assumptions are enforced as universal norms, autistic persons face a condition of **forced mismatch**, not mere inconvenience.

#### 1.4 The limits of “adjustment” and “activation”

Terms like “adjustment,” “activation,” and “integration” imply that the subject can be reshaped to fit the system. In autistic contexts, such terms often conceal a demand for **forced simulation**: the continuous performance of neurotypical norms regardless of embodied cost.

This demand is not neutral. It systematically produces breakdown, loss of coherence, and deterioration of health and functioning. The relevant question is therefore not how autistic persons can be “activated,” but whether the state is imposing conditions that are **structurally incompatible with their existence**.

#### 1.5 Interim conclusion

Autism should be approached legally and politically as an embodied existential structure. Once this is recognized, a new evaluative standard follows: measures must be assessed not by neurotypical notions of “reasonable compliance,” but by whether they preserve or destroy the integrity conditions of autistic functioning.

### 2. Welfare Enforcement as Structural Coercion

#### Conditional Subsistence, Neurotypical Normativity, and Existential Pressure

##### 2.1 Welfare regimes as normative infrastructures

Welfare systems are often portrayed as neutral instruments for distributing resources and encouraging participation. In practice, many regimes function as normative infrastructures: they encode assumptions about what a legitimate life looks like and how a person must behave to deserve subsistence.

Common features across jurisdictions include:

- conditionality (subsistence linked to compliance),
- standardized assessment procedures,
- mandatory work-search or training requirements,
- sanctions for noncompliance,
- surveillance and repeated proof obligations.

These are not merely administrative details. They create a coercive environment that can shift from governance to harm.

## 2.2 Conditional subsistence as coercive mechanism

The coercive core of welfare enforcement is straightforward: **basic needs become leverage**. When access to food, housing stability, or minimum income is contingent on meeting prescribed behavioral norms, the individual's capacity to refuse becomes largely theoretical.

For autistic persons, this conditionality interacts with structural incompatibility. The system effectively communicates:

*"You may exist only if you perform neurotypical compliance."*

That is a coercive proposition, not a supportive one.

## 2.3 Neurotypical normativity embedded in welfare demands

Many welfare demands presuppose neurotypical capacities:

- rapid social communication and self-presentation,
- consistent performance under evaluation,
- tolerance for bureaucratic uncertainty,
- linear planning, flexible shifting, and continuous availability,
- willingness to treat work as externally imposed obligation.

Autistic persons may be highly capable, productive, and rigorous—yet still be harmed by exactly these *modes of enforcement*. The problem is not “work” in the abstract, but **a specific form of work coercion** tied to surveillance, performativity, and externally imposed rhythms.

## 2.4 Coercion without physical force

Structural coercion does not require physical violence. It operates through:

- existential dependency,
- threat of deprivation,
- institutional asymmetry,
- lack of viable alternatives.

This form of coercion is particularly acute where the subject has no realistic exit option. If the only way to secure subsistence is to accept conditions that destroy one's regulatory integrity, coercion is no longer metaphorical. It is an imposed choice between **self-destruction and deprivation**.

## 2.5 Why autism turns “activation” into existential pressure

A welfare regime may claim that sanctions are intended as incentives. For autistic persons, sanctions function differently: they remove the very conditions required for regulation and

stability, thereby intensifying the breakdown dynamics that the system then misreads as noncooperation.

In such cases, enforcement mechanisms produce a vicious circle:

- coercion increases dysregulation,
- dysregulation increases administrative conflict,
- conflict triggers further coercion and deprivation.

This is not an accidental failure. It is a predictable outcome of enforcing neurotypical norms as universal conditions of subsistence.

## 2.6 Interim conclusion

Welfare enforcement becomes structurally coercive when it conditions subsistence on neurotypical compliance and disregards autistic integrity conditions. For autistic persons, the result is not merely stress but an existentially pressurized mismatch that can produce predictable harm. This establishes the basis for the next step: analyzing harm as objective, foreseeable, and legally relevant without medicalization.

## 3. Predictable Harm Without Medicalization

### Why Welfare Coercion Constitutes Objective Risk to Autistic Persons

#### 3.1 Harm as a Legal Concept, Not a Medical Diagnosis

In legal contexts, harm is not synonymous with medical diagnosis. Across jurisdictions, legal systems routinely distinguish between the existence of harm and its medical classification. Occupational safety law, environmental law, and negligence standards do not require individualized diagnoses to establish that a practice is harmful. It is sufficient that a measure poses an **objective and foreseeable risk** to bodily or psychological integrity.

This distinction is critical in the context of autism. Autistic harm under welfare enforcement regimes is systematically mischaracterized as subjective distress, adjustment difficulty, or individual pathology. Such framing shifts attention away from the structure of the measure itself and onto the individual, thereby obscuring the causal relationship between coercive conditions and embodied breakdown.

This paper proceeds from the premise that harm can be legally relevant **without** being medically individualized, diagnosed, or pathologized.

#### 3.2 Autism, Regulation, and Structural Breakdown

Autistic existence is organized around specific modes of sensory integration, temporal regulation, attention, and energy management. These modes are not preferences; they are



constitutive conditions of functioning. When these conditions are violated over time, breakdown is not accidental but necessary.

Welfare enforcement regimes typically impose:

- externally timed routines,
- mandatory social performativity,
- continuous availability and responsiveness,
- evaluative surveillance and sanction threats.

For neurotypical persons, such demands may be stressful but regulable. For autistic persons, they interfere directly with the embodied mechanisms that sustain coherence and stability. The resulting harm manifests as:

- chronic stress and autonomic dysregulation,
- sensory overload and exhaustion,
- loss of functional capacity,
- shutdown, burnout, or collapse.

These outcomes are not symptoms of illness but **structural consequences of incompatible regulation**.

### 3.3 Why Medical Evidence Is Structurally Insufficient

The insistence on medical certification as a precondition for recognizing harm introduces a structural error. Medical practice is oriented toward diagnosing individual pathologies, not toward assessing systemic incompatibilities between embodied existence and coercive social regimes.

Three problems arise:

1. **Temporal distortion**  
Medical systems often recognize harm only after prolonged exposure, when damage is already entrenched.
2. **Individualization of structural harm**  
By focusing on symptoms, medical assessments obscure the role of enforced conditions as the primary cause.
3. **Epistemic mismatch**  
Many forms of autistic harm—particularly loss of regulation and coherence—are not reliably captured by standardized diagnostic categories.

Legal responsibility cannot hinge on evidentiary standards that systematically fail to detect the relevant form of harm.

### 3.4 Objective Risk and Foreseeability

The legal threshold for responsibility is not certainty of harm, but foreseeability. Where the structure of a measure predictably produces harm for a defined group, continued enforcement constitutes objective risk exposure.

In the case of autistic persons, foreseeability is established through:

- extensive clinical and sociological literature on autistic regulation and stress,
- documented patterns of harm under activation and sanction regimes,
- international evidence, including welfare assessment failures,
- and the internal logic of the measures themselves.

At this point, ignorance is no longer plausible. Harm is not speculative; it is structurally implied.

### 3.5 Harm Without Intent: The Relevance of Negligence Frameworks

Crucially, legal responsibility does not require malicious intent. Many legal systems recognize liability where harm results from **continued action despite known risk**, particularly where affected persons lack meaningful alternatives.

Welfare coercion places autistic persons in precisely such situations:

- subsistence is conditional,
- compliance is structurally impossible without self-destruction,
- refusal triggers existential penalties.

Under these conditions, harm is not merely tolerated but **produced by design**.

### 3.6 Interim Conclusion

Harm to autistic persons under welfare enforcement regimes is:

- objective rather than subjective,
- predictable rather than incidental,
- structural rather than individual,
- and legally relevant without medicalization.

Recognizing this form of harm is a prerequisite for assessing state responsibility. Where such recognition is absent, the failure is not evidentiary but conceptual.

## 4. Legal Responsibility Across Jurisdictions

### Duty of Care, Negligence, and the Limits of Legitimate Welfare Governance

#### 4.1 From social policy to legal responsibility

Welfare systems are typically analyzed within the domains of social policy, economics, or administration. Legal responsibility is often treated as secondary or external. This separation is misleading.

Where state action predictably exposes a defined group to serious harm, legal responsibility is not an exceptional escalation but a **necessary consequence**. The central question is not whether harm was intended, but whether it was **foreseeable, avoidable, and continued despite available knowledge**.

Across legal traditions, this threshold is well established.

#### 4.2 Duty of care and negligence (comparative perspective)

In common law jurisdictions, the concept of **duty of care** provides a central framework for assessing state responsibility. A duty of care arises where:

- a relationship of dependency exists,
- the risk of harm is foreseeable,
- the affected persons lack reasonable alternatives.

Welfare enforcement regimes clearly establish such relationships. Individuals dependent on state-administered subsistence are subject to asymmetrical power and constrained choice. Where enforcement mechanisms impose conditions that are structurally incompatible with autistic regulation, the risk of harm is not speculative but intrinsic.

Negligence arises where:

- known risks are ignored,
- protective adjustments are withheld,
- enforcement continues without accommodation.

Crucially, negligence does not require intent. It requires **continued action in the face of foreseeable harm**.

#### 4.3 Failure to accommodate as a form of discrimination

International disability law, particularly under the UN Convention on the Rights of Persons with Disabilities (CRPD), reframes responsibility in terms of **reasonable accommodation**.

Failure to accommodate is not a neutral omission. Where accommodation is necessary to prevent exclusion or harm, its absence constitutes discrimination. For autistic persons, accommodation is not primarily about access ramps or communication aids, but about **structural compatibility**:

- flexibility of rhythms,
- non-punitive withdrawal,
- alternative modes of contribution,
- freedom from coercive performativity.

Where welfare regimes enforce uniform compliance while knowing that such compliance is structurally harmful for autistic persons, the failure to accommodate becomes legally significant.

#### **4.4 Knowledge, warning cases, and the end of plausible ignorance**

Legal responsibility intensifies where harm is not only foreseeable but **documented**. International warning cases, academic literature, and internal evaluations establish a knowledge baseline.

At this point, states cannot plausibly claim ignorance. Continued enforcement under such conditions shifts responsibility from policy misjudgment to **legally relevant disregard**.

This shift is decisive. Many legal systems distinguish sharply between:

- initial error under uncertainty, and
- continued harm under knowledge.

The latter triggers heightened responsibility.

#### **4.5 Inhuman or degrading treatment: a threshold analysis**

Under international human rights law, particularly the European Convention on Human Rights and the International Covenant on Civil and Political Rights, states are prohibited from subjecting individuals to inhuman or degrading treatment.

This threshold is not limited to physical violence. It includes conditions that:

- undermine dignity,
- destroy personal integrity,
- force individuals into sustained states of fear, humiliation, or breakdown.

When autistic persons are compelled to comply with structurally incompatible demands under threat of deprivation, the question arises whether such treatment crosses the line from governance into degradation.

This paper does not assert automatic violations. It establishes a **structural test**:

- Are the conditions unavoidable?
- Is the harm predictable?
- Are alternatives withheld?
- Is enforcement continued despite knowledge?

Where these criteria converge, legal scrutiny becomes unavoidable.

#### **4.6 Germany as an illustrative jurisdiction, not an exception**

Germany serves in this analysis as an illustrative case, not as a unique offender. German law demonstrates how questions of responsibility may also intersect with criminal liability when coercion and bodily harm are foreseeable outcomes of administrative action.

The relevance of this example lies not in doctrinal detail, but in the broader implication: **no legal system is immune** to responsibility where welfare enforcement becomes structurally violent.

#### **4.7 Interim conclusion**

Across jurisdictions and legal traditions, a consistent pattern emerges:

- Structural coercion creates foreseeable harm.
- Foreseeable harm engages legal responsibility.
- Knowledge transforms policy failure into accountability.

Autism functions here as a stress test. It reveals the point at which welfare governance ceases to be legitimate administration and enters the domain of legally relevant harm.

### **5. The UK Work Capability Assessment (WCA) as a Warning Case**

#### **When Predictable Harm Becomes Documented Knowledge**

##### **5.1 Why the WCA matters beyond the UK**

The relevance of the UK Work Capability Assessment (WCA) does not lie in its national specifics, but in its **structural logic**. The WCA represents one of the most extensively documented cases in which welfare enforcement mechanisms were linked to severe harm among disabled populations.

As such, it functions as an international warning case: it demonstrates what happens when standardized activation regimes are imposed on populations for whom those regimes are structurally incompatible.

For the purposes of this paper, the WCA serves a single function: to establish **documented foreseeability**.

## 5.2 Structure and logic of the WCA

The WCA was introduced to assess whether individuals receiving disability-related benefits were “fit for work” or capable of undertaking work-related activity. Its core features included:

- highly standardized assessment criteria,
- short, formalized evaluations,
- emphasis on observable performance and verbal self-reporting,
- limited consideration of fluctuating or non-visible impairments,
- direct linkage between assessment outcome and benefit entitlement.

The assessment framework implicitly assumed:

- stable, linear capacity,
- performative self-presentation under pressure,
- tolerance for evaluative scrutiny,
- rapid adaptation to externally imposed demands.

These assumptions align closely with neurotypical norms—and clash directly with autistic modes of regulation and functioning.

## 5.3 Autism and assessment incompatibility

For autistic persons, the WCA presented a structural trap. Many autistic individuals are capable of work under specific conditions, yet are unable to demonstrate this capacity within short, performative assessment settings.

Key incompatibilities included:

- sensory overload in assessment environments,
- difficulty with abstract self-description under time pressure,
- stress-induced loss of function during evaluation,
- misinterpretation of shutdown or withdrawal as non-cooperation,
- penalization for inconsistent or non-linear performance.

The result was a systematic misclassification of autistic claimants—not as supported contributors, but as non-compliant or undeserving subjects.

#### 5.4 Documented harm: illness, breakdown, and death

Over time, the consequences of the WCA became impossible to ignore. Independent reviews, parliamentary inquiries, academic studies, and investigative journalism documented:

- increased rates of psychological distress and mental illness following WCA decisions,
- elevated suicide rates temporally associated with benefit withdrawal or reassessment,
- deterioration of physical health under prolonged stress and deprivation,
- deaths occurring shortly after individuals were declared “fit for work.”

Importantly, these outcomes were not isolated incidents. They followed **recurrent patterns**, strongly correlated with assessment outcomes and enforcement measures.

Autistic and psychosocially disabled individuals were disproportionately represented among those harmed.

#### 5.5 From policy failure to knowledge baseline

The decisive point for legal analysis is not that the WCA caused harm—that is now widely accepted—but that harm was **documented, analyzed, and publicly acknowledged**.

At this stage, the WCA ceased to be merely a policy failure. It became a **knowledge baseline**.

This has direct implications beyond the UK:

- Comparable activation and sanction regimes cannot claim ignorance.
- Structural similarities imply transferable risk.
- Continued enforcement under similar logics engages responsibility.

The argument is not that all welfare assessments are equivalent to the WCA. It is that once the WCA exposed the causal chain between coercive assessment and harm, the burden shifted. States implementing similar mechanisms assumed responsibility for addressing that risk.

#### 5.6 International relevance and transferability

Many welfare systems across Europe and beyond employ:

- conditional subsistence,
- standardized work-capability assessments,
- sanctions for non-compliance,

- limited accommodation for non-linear or non-performative capacities.

Where these elements converge, the WCA demonstrates what can happen when structural incompatibility is ignored.

The case therefore functions as a **preventive reference point**. It shows that harm is not speculative and that responsibility cannot be deferred until further casualties occur.

## 5.7 Interim conclusion

The UK Work Capability Assessment illustrates how welfare enforcement can cross the threshold from governance into predictable harm. Its relevance lies not in national blame, but in international warning.

Once such harm is documented, continued reliance on structurally similar enforcement regimes can no longer be justified as uninformed policy. It constitutes action under knowledge—and thus engages legal responsibility.

## 6. Existential Prohibition and Structural Violence

### When Welfare Enforcement Negates a Mode of Existence

#### 6.1 From conditional inclusion to existential prohibition

Welfare regimes often present themselves as inclusive: participation is offered under conditions, support is granted in exchange for compliance, and exclusion is framed as temporary or corrective. For autistic persons, this framing obscures a deeper dynamic.

Where subsistence is conditioned on compliance with neurotypical norms, inclusion becomes conditional on **self-negation**. The autistic mode of existence is tolerated only insofar as it is suspended, masked, or overridden. What appears as conditional inclusion thus functions as an **existential prohibition**: autistic existence is rendered incompatible with legitimate life unless it is continuously suppressed.

This prohibition is not explicit. It is embedded in procedures, expectations, and enforcement mechanisms that leave no viable alternative.

#### 6.2 Forced simulation as a mode of governance

Autistic persons subjected to welfare enforcement are frequently required to perform capacities they do not possess in stable form:

- continuous social readability,
- linear productivity,
- rapid compliance under observation,



- verbal self-representation detached from embodied state.

To survive under these conditions, many resort to forced simulation—maintaining a neurotypical façade at significant embodied cost. This simulation is not a coping strategy freely chosen; it is a condition imposed by existential dependency.

Over time, forced simulation erodes regulatory capacity. It produces exhaustion, loss of coherence, and breakdown. The harm arises not because autistic persons fail to adapt, but because adaptation itself becomes destructive.

### 6.3 Structural violence without visible perpetrators

Structural violence differs from direct violence in that harm is produced without a single identifiable aggressor. In welfare enforcement contexts, harm arises from:

- rigid procedural design,
- cumulative administrative pressure,
- sanction regimes tied to survival,
- denial of withdrawal or refusal as legitimate responses.

Each individual step may appear neutral. Taken together, they create a coercive environment that systematically undermines the integrity of autistic persons.

From a legal perspective, the absence of physical force or explicit hostility does not negate violence. What matters is whether the structure **predictably produces harm** and whether those responsible continue to enforce it despite available knowledge.

### 6.4 Translation into legal terms

To assess structural violence legally, abstraction is insufficient. The question is whether existential prohibition can be translated into recognizable legal concepts.

This paper proposes that it can, through the convergence of:

- foreseeability of harm,
- dependency and power asymmetry,
- lack of reasonable alternatives,
- continued enforcement under knowledge.

Where these elements coincide, welfare enforcement ceases to be a neutral policy instrument. It becomes a form of **coercive harm production** that legal systems are not entitled to ignore.

Existential prohibition thus functions as an analytic bridge: it explains *why* certain enforcement regimes are not merely ineffective, but illegitimate.

## **6.5 Limits of legitimate state authority**

States possess broad authority to organize welfare systems and set participation conditions. This authority is not unlimited.

A fundamental limit is reached where enforcement mechanisms:

- negate the integrity conditions of a defined group,
- impose self-destruction as the price of survival,
- and do so under conditions of established knowledge.

Beyond this point, the question is no longer whether policy goals are reasonable, but whether the means employed violate basic standards of responsibility and dignity.

Autism exposes this limit with particular clarity. It reveals that governance premised on uniform compliance can become structurally violent when applied to heterogeneous modes of existence.

## **6.6 Interim conclusion**

Existential prohibition is not a rhetorical device. It names a concrete condition in which autistic persons are forced to choose between deprivation and self-negation.

When welfare enforcement produces such conditions predictably and continues despite available knowledge, it crosses the boundary from administration into structural violence. At that boundary, legal responsibility is no longer optional.

## **Conclusion**

### **The Red Line of Legitimate Welfare Governance**

This paper has argued that the harm experienced by autistic persons under welfare enforcement regimes is neither accidental nor subjective. It is the predictable outcome of applying neurotypical norms of regulation, performance, and compliance to an embodied mode of existence for which those norms are structurally incompatible.

Autism has been treated here not as a medical condition requiring individual proof, but as an embodied mode of existence with specific integrity conditions. Where subsistence, legal recognition, or access to basic resources are conditioned on compliance with incompatible demands, welfare governance shifts from support to coercion. The resulting harm is not contingent; it is structurally implied.

Across jurisdictions, legal responsibility is engaged where harm is foreseeable, avoidable, and continued despite available knowledge. International warning cases, disability rights frameworks, and established principles of duty of care converge on a clear threshold: states may not expose defined groups to predictable harm under conditions of dependency and power asymmetry while claiming administrative neutrality.

This paper does not argue for automatic criminalization or for the replacement of welfare systems as such. Its claim is more limited and more precise. It identifies a **red line of legitimacy**. Beyond this line, welfare enforcement ceases to be a matter of policy discretion and becomes a matter of legal accountability.

Autism functions in this analysis as a stress test. It reveals where systems designed for normative uniformity fail to accommodate structural difference—and where that failure produces harm severe enough to engage legal scrutiny. What appears as an autism-specific problem is therefore also a general one: a question of how far states may go in enforcing conformity as a condition of survival.

The implications are straightforward. States that continue to enforce structurally incompatible welfare conditions against autistic persons, despite documented knowledge of harm, cannot rely on ignorance, good intention, or administrative routine as defenses. At that point, responsibility is not a moral accusation but a legal consequence.

Recognizing this boundary does not weaken the social state. It clarifies its limits. A welfare system that preserves legitimacy must distinguish between governance and coercion, between activation and destruction, and between support and existential prohibition.

Where that distinction is ignored, law does not merely permit intervention. It requires it.

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# Refusal to Work Without Work? Neurodivergence, Loss of Purpose, and Institutional Violence in Germany's Welfare- to-Work Regime (Bürgergeldsystem)

DOI: <https://doi.org/10.5281/zenodo.18428943>

## Abstract

The concept of “*refusal to work*” (Arbeitsverweigerung) plays a central role in the German welfare-to-work system (Bürgergeldpraxis / Grundsicherung). However, it serves less to describe actual refusal of employment than to function as a normative marker of administrative failure. This article argues that a substantial proportion of long-term benefit recipients classified as “*unwilling to work*” (arbeitsunwillig) are, with high probability, neurodivergent—particularly autistic or affected by ADHD—and systematically fail within an administrative logic oriented toward tactical compliance, ritualized activation, and formal cooperation.

Based on a conceptual analysis of the notion of violence within German social and compensation law, particularly in light of an official statement by the Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales, BMAS), the article demonstrates that institutional, gradual, and purposeless forms of violence remain conceptually unrecognized, despite producing foreseeable health-related harm. These forms of violence affect neurodivergent individuals in particularly destructive ways, yet remain legally and administratively invisible.

Drawing on the UN Convention on the Rights of Persons with Disabilities (UN-Behindertenrechtskonvention, UN-BRK), the article argues that social policy measures which, over extended periods, fail to serve any genuine integrative purpose while simultaneously producing existential dependency and psychological harm are incompatible with the Convention's duties of protection and prevention. An exemplary case analysis is employed not for the purpose of generalization, but as a structural test to render systemic contradictions visible. The article concludes with the thesis that the absence of empirical data on neurodivergence within the German welfare-to-work system must itself be understood as an expression of epistemic failure.

## 1. Refusal to Work as a Category Without an Object

*(Arbeitsverweigerung als Kategorie ohne Gegenstand)*

The concept of “*refusal to work*” (*Arbeitsverweigerung*) occupies a peculiar position within German social law. It functions less as a descriptive account of concrete behavior than as a normative attribution that becomes operative precisely where social policy steering instruments fail. In the everyday practice of job centers (Jobcenter), “*refusal to work*” often does not denote any verifiable act of rejecting a concrete job offer, but rather the absence of the expected adaptation to administrative routines, activation logics, and performative demands of cooperation.

This conceptual mismatch is evident. In numerous long-term cases, no real job offers or serious integration attempts exist over periods of many years. Nevertheless, the attribution of *refusal to work* persists. In this way, the concept detaches itself from its supposed referent—work—and becomes a moral category that obscures structural purposelessness (*Zwecklosigkeit*). *Refusal to work* is thus not established, but presumed.

The background of this investigation is provided by the book *Speeds Arbeit*, which documents and analyzes, over a period of more than ten years, the interactional dynamics between an autistic benefit recipient and several job centers. The author was repeatedly classified as a “*refusal to work*” case, although the underlying conflicts resulted from an autistic mode of communication and work that was not recognized as such at the time. During this period, he shared the structural position of numerous unrecognized neurodivergent individuals within the German welfare-to-work system (*Bürgergeldsystem*), who, due to similar misclassifications, were long-term excluded from gainful employment, social security, and institutional recognition. In political and activist discourse, this group is often described as a “*lost generation*.” The state attempted, through coercive means, to re-educate an autistic person toward neurotypical behavior and failed—at the cost of severe health damage to the individual concerned.

Social policy interventions are bound by the principles of purpose limitation (*Zweckbindung*) and proportionality. Measures that do not serve any discernible purpose of support or integration lose their legitimacy. When such a condition is maintained over years while existential dependency, regimes of control, and threats of sanctions persist, the character of state action shifts—from social support to disciplinary administration.

At this point, the massive underdiagnosis of neurodivergent individuals collides with a neurotypical workfare ideology (*Workfare-Ideologie*) that interprets deviation not as structural difference but as moral failure. This constellation has led to a situation in which a systematically unrecorded, presumably substantial number of neurodivergent persons have been pushed into existential precarity and homelessness through social policy enforcement mechanisms. The resulting processes of exclusion have frequently been publicly and medially legitimized through moral elevation as expressions of justice and the performance principle. In their effects, these processes amount to a form of structural social selection, in which the continued viability of certain forms of life is made factually dependent on the capacity for norm-conforming adaptation—with foreseeable health-related and existential consequences for autistic people.

This fatal distortion of justice becomes particularly apparent in the case of individuals whose working and living realities are incompatible with the implicit assumptions of administrative logic. The welfare-to-work system tacitly presupposes a specific form of subjectivity: tactically adaptable, extrinsically motivatable, capable of ritualized participation, and readily available for standardized forms of gainful employment. Those who do not meet these expectations do not appear to the system as differently structured, but as deficient or unwilling.

The present article argues that neurodivergent people—particularly autistic individuals and those affected by ADHD—are systematically misclassified within this constellation. Their forms of work, motivation, and orientation toward purpose frequently follow an intrinsic, non-linear logic that collides with the formal activation instruments of job centers. The resulting conflicts are not understood as expressions of structural incompatibility, but are individualized and moralized. *Refusal to work* thus functions as an epistemic short circuit: it replaces analysis with attribution.

This shift has consequences. It enables the continuation of measures whose purposelessness is evident, because the politically explicit objective of enforcing norm-conforming behavior through workfare instruments does not have an integrative effect on neurodivergent people, but instead inevitably translates into health-damaging forms of enforced adaptation. In this way, it constitutes the precondition for a form of institutional violence (institutionelle Gewalt) that is neither named as such nor legally constrained. To understand this dynamic, it is therefore necessary to examine the prevailing concept of violence within social law itself.

The assumption that a substantial proportion of benefit recipients classified as “*unwilling to work*” (arbeitsunwillig) or “*refusing work*” (arbeitsverweigernd) are neurodivergent is not based on statistical surveys, but on a structural inference. On the one hand, research indicates a high dark figure (Dunkelziffer) of unrecognized autistic individuals and adults with ADHD, particularly among those who do not conform to stereotypical expectation patterns or who have long compensated for their differences. On the other hand, the behavioral patterns cited within the welfare-to-work system as evidence of *refusal to work* show a striking overlap with typical neurodivergent responses: direct and non-tactical communication, explicit critique of purpose, difficulties with ritualized measures, low tolerance for contradictory demands, rejection of empty activation, and overload resulting from permanent procedural uncertainty. In autism and ADHD research, these characteristics are not understood as indicators of low motivation, but as expressions of a different cognitive and motivational structure. Because job centers possess neither adequate diagnostic competence nor institutional incentives for differentiated recognition, this overlap is systematically misinterpreted. The administration is structurally incapable of distinguishing between deliberate refusal and neurodivergence-related incompatibility—indeed, through ableist and neurotypical biases, it is actively pushed toward moral misattribution. Against this background, the assumption that these are not isolated cases but a systematically unrecorded magnitude is not speculative, but substantively grounded.

This structural inference is further supported by the fact that markedly elevated prevalence estimates of neurodivergence have been documented for years in other state coercive contexts—such as the penal system, where a substantial proportion of inmates are considered to be affected by ADHD—without these findings having been systematically translated into conclusions for social policy steering instruments.

## 2. Violence Without an Act: On the Concept of Violence in German Social and Compensation Law

*(Gewalt ohne Tat: Zum Gewaltbegriff im deutschen Sozial- und Entschädigungsrecht)*

Whether the harms operating within the German welfare-to-work system (Bürgergeldsystem / Grundsicherung) are to be qualified as violence depends largely on the underlying concept of violence applied. It is precisely here that a central structural problem of German social administration becomes visible. Violence is not primarily understood as harm, but as a legally operationalizable event tied to defined offences, competences, and compensation mechanisms.

An official statement by the Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales, BMAS) (file reference: EEPVb796Speed, Timothy 04916, dated 22 January 2026) makes this limitation explicit. The Ministry clarifies that German social law does not contain a general definition of violence, but merely determines which forms of violence are recognized within the respective compensation regimes. Until the end of 2023, only physical violence was taken into account; it was only with the entry into force of SGB XIV in 2024 that psychological violence was included in the catalogue of compensable harms. Whether an act of violence has occurred is, according to this position, to be determined solely in the concrete individual case; a structural or systemic assessment is not provided for.

This position is legally consistent, but analytically consequential. It shifts the concept of violence from the level of harm to the level of administrative recognition. Violence thus does not exist where it takes effect, but only where it can be classified as eligible for compensation. Any harm that lacks a clearly delineable moment of occurrence, an identifiable perpetrator, or a discrete administrative decision escapes conceptual recognition—even where such harm is foreseeable, avoidable, and enduring.

For institutional contexts such as the welfare-to-work system, this narrowing of the violence concept is particularly problematic. The relevant harms here are rarely event-like. Rather, they consist in prolonged conditions: permanent existential insecurity, economic dependency, administrative surveillance, and the ongoing imposition of purposeless measures (Zwecklosigkeit). These forms of impact do not produce singular injuries, but cumulative effects. They operate slowly, insidiously, and often irreversibly.

For neurodivergent individuals, this form of violence unfolds with particular intensity. Autistic people are empirically shown to be more sensitive to chronic stress, unpredictability, and contradictory demands. When they are exposed over many years to a system that neither offers realistic prospects of integration (depending on the study, autistic people exhibit extremely low employment rates despite often high qualifications) nor recognizes their specific modes of work and life, a condition of structural harm emerges. This harm is not accidental, but foreseeable—and thus legally relevant.

The prevailing concept of violence nevertheless allows these harms to be displaced from the sphere of responsibility of social administration. They appear either as individual health problems or as regrettable side effects of an otherwise legitimate system. Reference to the individual case replaces engagement with systematic patterns. Responsibility is fragmented until it is no longer attributable.



The UN Convention on the Rights of Persons with Disabilities (UN-Behindertenrechtskonvention, UN-BRK) stands in contrast to this approach. Article 16 explicitly obliges States Parties to protect persons with disabilities from all forms of violence, exploitation, and abuse. This duty of protection is preventive in nature and explicitly encompasses administrative and social contexts. Violence is not defined here by compensability, but by the real endangerment of integrity, autonomy, and participation.

The discrepancy between the narrow, event-oriented concept of violence in German social law and the preventive, structural understanding of violence embodied in the UN-BRK constitutes a central point of conflict. It enables the continuation of institutional violence against neurodivergent people without requiring it to be named as such. In doing so, not only is individual harm rendered invisible, but the possibility of systemic correction is effectively blocked.

### **3. Neurodivergence as a Systematic Disruptor: Administrative Logic, Masking, and Structural Harm**

*(Neurodivergenz als systematische Störgröße: Verwaltungslogik, Masking und strukturelle Schädigung)*

The German welfare-to-work system (Bürgergeldsystem) operates on implicit assumptions about subjectivity, motivation, and work that are rarely made explicit but are consistently enforced. Benefit recipients are construed as fundamentally malleable, extrinsically motivatable, and short-term available. Activation instruments, integration agreements (Eingliederungsvereinbarungen), and programmatic measures presuppose that adaptation to predefined structures is not only possible but reasonable. Deviations from this model are not understood as expressions of different logics of work and life, but as deficits, resistance, or insufficient cooperation (mangelnde Mitwirkung).

Neurodivergent people, particularly autistic individuals, stand in a fundamental tension with these assumptions. Their modes of work and cognition are often not tactical but oriented toward consistency, meaning, and coherence. Motivation is primarily intrinsic and project-based and largely eludes extrinsic control through sanctions or formal incentives. Autistic cognition is furthermore characterized by a low tolerance for incoherent demands, contradictory objectives, and empty administrative rituals. Where administrative logic expects performative cooperation, what emerges is therefore not adaptation but critique of purpose (Zweckkritik).

From an administrative perspective, this critique of purpose is highly problematic. It undermines the functioning of a system that derives its legitimacy largely from the maintenance of formal processes. Measures do not need to be effective in order to be continued; it suffices that they are documentable. Participation in measures thus functions less as a means of integration into work than as evidence of governability (Steuerbarkeit). Those who do not conform to this logic endanger not only their individual case trajectory but the rationality of the system itself.

Within this constellation, neurodivergence becomes a systematic disruptor. Autistic persons do not “play along,” not out of refusal, but because the implicit rules of the game appear neither

transparent nor meaningful. They do not respond opportunistically to institutional pressure, but insist on coherence, purpose limitation (Zweckbindung), and substantive consistency. This behavior, however, is not read as the expression of a different rationality, but as insufficient cooperation. The attribution of *refusal to work* (Arbeitsverweigerung) replaces the recognition of structural incompatibility.

Crucially, the demanded “*cooperation*” (Mitwirkung) is not value-neutral. It implies adaptation to a specifically neurotypical form of subjectivity. Autistic benefit recipients are in practice required to mask their perceptual, communicative, and working modes in order to be considered cooperative. This masking (Masking) includes the performative display of motivation, the suppression of critique of purpose, adaptation to informal conversational norms, and the acceptance of contradictory demands without overt irritation. What appears as cooperation is, in many cases, enforced self-alienation.

In autism research, masking is recognized as a significant risk factor for psychological and somatic illness. Under coercive conditions—such as those produced in the welfare-to-work system through existential dependency, permanent surveillance, and threats of sanctions—masking is not an expression of successful integration, but a form of structurally induced harm. The fact that this adaptive performance is systematically demanded without being named as such intensifies the violent character of the system, as the resulting damages are individualized and medicalized.

This dynamic becomes particularly severe where no genuine integration efforts take place over extended periods. When neither job offers nor individually adapted support measures are provided, the social-policy purpose of the intervention is nullified. Nevertheless, relations of control and dependency persist. For neurodivergent people, this entails continuous exposure to stressors whose harmful effects are foreseeable. The resulting health-related and existential damages are not unintended side effects, but systematically produced effects of a normalizing administrative practice.

From a legal-dogmatic perspective, this situation constitutes a breach of the principle of purpose limitation (Zweckbindung). Social policy measures lose their legitimacy when they are no longer directed toward support, but toward the enforcement of normative adaptation. If this condition is not recognized as problematic but is legitimized through moral categories such as “*unwillingness to work*” (Arbeitsunwilligkeit), the boundary between administration and violence shifts. The measure becomes an end in itself, and the person becomes an object of administrative normalization.

It thus becomes evident that neurodivergent people do not represent marginal cases within an otherwise functioning system. They render visible what is structurally embedded within the system: a narrowing of work, value, and participation that does not integrate deviation, but disciplines it. To assess this practice legally and normatively, it is necessary to re-anchor the analysis in the human rights obligations of the UN Convention on the Rights of Persons with Disabilities (UN-Behindertenrechtskonvention, UN-BRK), which understands adaptation not as a duty to normalize, but as the protection of individual integrity.

#### **4. Purpose Limitation, Prevention, and Duties of Protection: The UN Convention on the Rights of Persons with Disabilities as a Counter-Standard**

*(Zweckbindung, Prävention und Schutzpflichten: Die UN-Behindertenrechtskonvention als Gegenmaßstab)*

The dynamics described above cannot be adequately assessed without taking into account the human rights obligations of the Federal Republic of Germany. By ratifying the UN Convention on the Rights of Persons with Disabilities (UN-Behindertenrechtskonvention, UN-BRK), Germany has assumed binding obligations under international law not only to protect persons with disabilities from direct forms of violence, but also to create conditions under which autonomy, integrity, and equal participation are genuinely possible. These obligations are not merely programmatic; they are normatively binding and permeate all areas of state action, including social administration.

Central to this framework is the preventive character of the UN-BRK. Violence becomes relevant not only where it manifests as a singular event or qualifies for compensation, but already where state structures produce foreseeable harmful effects. Article 16 explicitly obliges States Parties to protect persons with disabilities from all forms of violence, exploitation, and abuse. This duty of protection is not confined to private contexts, but expressly encompasses administrative, social, and institutional settings. What is decisive is not the intentionality of state action, but its effects.

In this sense, the practice of the welfare-to-work system (Bürgergeldsystem / Grundsicherung) collides with the requirements of the UN-BRK in multiple respects. Article 17 protects the physical and mental integrity of the person. Measures that systematically compel neurodivergent individuals to mask their perceptual and communicative modes and that expose them to chronic stress over many years interfere with this integrity. The fact that such interventions are formally framed as “*duties of cooperation*” (Mitwirkungspflichten) does not alter their real harmful impact.

Article 19 guarantees the right to independent living and inclusion in the community. The construction of permanent benefit units (Bedarfsgemeinschaften), existential dependencies, and regimes of administrative control without realistic prospects of integration stands in open tension with this guarantee. Where social policy measures aim not at empowerment, but at control and normalization, independence is not promoted but undermined.

Particular significance attaches to Article 26, which obliges States Parties to provide habilitation and rehabilitation measures oriented toward the greatest possible independence, self-determination, and participation of persons with disabilities. This provision is explicitly not to be understood as a mandate to adapt individuals to existing societal structures, but as an obligation to create supportive frameworks. A practice that effectively forces neurodivergent people to adopt neurotypical behavioral norms fundamentally fails to meet this obligation.

Article 5 of the UN-BRK, which prohibits discrimination, is likewise implicated. The formal equal treatment of neurodivergent and neurotypical benefit recipients within a system grounded in neurotypical assumptions results in indirect discrimination. Equals are treated as unequals insofar as relevant differences are systematically ignored. The resulting disadvantages are not accidental, but structurally produced.

Against this background, it is crucial to recognize that the UN-BRK does not function merely as an interpretive aid, but establishes an independent normative standard. It constrains state action at the point where formal legality turns into real harm. Measures that, over extended periods, fail to serve any legitimate social-policy purpose while producing foreseeable health-related and existential damage are incompatible with the Convention's duties of protection and prevention—regardless of whether they occur as individual decisions or as administrative standard practice.

This reframes the question of the legitimacy of the welfare-to-work system (Grundsicherung) in its treatment of neurodivergent people. The issue is not the optimization of existing instruments, but the recognition of a normative boundary. Where state practice systematically undermines the integrity, autonomy, and participation of a particular group, it is not merely in need of reform, but unlawful. In this sense, the UN-BRK functions not as a supplement to social law, but as a corrective to its structural blind spots.

## **5. Exemplary Case Vignette: A Structural Stress Test of Institutional Practice**

*(Exemplarische Fallvignette: Ein Strukturtest institutioneller Praxis)*

The following case vignette is not presented as statistically representative. Rather, it serves as an analytical instrument to render the structural dynamics described above visible within a concrete constellation. The case functions as a stress test for the normative and legal coherence of the German welfare-to-work system (Bürgergeldsystem) in its treatment of neurodivergent benefit recipients.

The case originates from the long-term study documented in *Speeds Arbeit*, which comprehensively shows how several job centers rendered an autistic person with ADHD ill. Beyond the book, the case has been further documented within the author's research work and has continued to escalate up to the present day.

The case concerns an autistic benefit recipient who, over a period of more than a decade, fell under the jurisdiction of multiple job centers. Within this thirteen-year period, no concrete job offers were demonstrably made. For more than five years, neither regular counselling appointments nor individually adapted integration measures took place; there were not even formal integration agreements (Eingliederungsvereinbarungen). Nevertheless, the attribution of insufficient cooperation (mangelnde Mitwirkung) persisted, as did the continuation of existential dependency relations.

This constellation is instructive in several respects. First, it demonstrates the decoupling of social-policy measures from their social-policy purpose. If no genuine integration perspective is pursued over many years (a situation frequently observed among autistic individuals), the intervention loses its legitimating function. Nevertheless, control mechanisms, reporting obligations, and normative expectations remain in force. The measure continues to exist even though its purpose has effectively been suspended.

Second, the role of neurodivergent communication becomes visible. The benefit recipient repeatedly articulated critique of purpose (Zweckkritik) and pointed to the inconsistency of administrative requirements. This critique was not understood as a substantive objection, but

interpreted as a deficit of cooperation. Disability-related modes of communication were distorted into forms of violent resistance and used against the individual concerned, being recorded in administrative files (VERBIS). The lack of willingness to engage in performative adaptation—such as displaying extrinsic motivation or accepting manifestly ineffective measures—did not lead to a revision of administrative practice, but to the stabilization of the attribution “*refusal to work*” (Arbeitsverweigerung).

Third, the case documents the health-related consequences of this constellation. The continued existential insecurity, combined with the expectation of permanent masking (Masking) and the absence of realistic perspectives, led to significant psychological and somatic strain. This development was not surprising, but foreseeable, particularly given known autism-related vulnerabilities. Nevertheless, no preventive intervention took place. The resulting damages were instead individualized and displaced from the sphere of responsibility of social administration. This occurred even where stress-induced health damage was obvious (e.g., bruxism), leading to additional costs that were then imposed on the affected person in order to prevent the attribution of responsibility to the authority. Multiple hazard notifications (Gefährdungsanzeigen) were simply ignored, as they were categorized within administrative practice as disruptive rather than protective signals.

Fourth, the case reveals the functioning of institutional irresponsibility across a multitude of documented individual instances. Decisions were fragmented, responsibilities shifted, and procedures deliberately delayed, a pattern that was associated with the alleged “*unwillingness*” of the affected person. The violent character of the situation did not consist in individual acts, but in the duration of its persistence. Precisely because no—or hardly any—singular event can be identified, the harm remains conceptually invisible, even though it is real and documentable.

The combination of the conceptual invisibility of institutional violence, administrative overload, and the moral category of “*refusal to work*” ultimately led to an escalation in which the job center—lacking legally permissible enforcement instruments—resorted to criminalizing evasive strategies. Disability-related modes of communication, such as direct speech and open criticism, were not recognized as expressions of neurodivergent difference, but interpreted as resistant behavior and addressed through police involvement.

As a structural stress test, the case makes clear that the forms of violence operating within the welfare-to-work system do not result from rule violations by individual actors, but from the rule-conform application of a system that cannot integrate neurodivergence without causing harm. The case does not show what went wrong, but what happens when nothing “*goes wrong*”—in the sense of administrative normality.

The case vignette thus confirms the thesis developed above: the absence of job offers, the simultaneous maintenance of normative demands for adaptation, and the acceptance of foreseeable harm do not constitute a regrettable exception, but a systemically produced constellation. The relevant question is therefore not how such cases can be better managed, but whether the underlying instruments are legitimate at all under the conditions of the UN Convention on the Rights of Persons with Disabilities (UN-Behindertenrechtskonvention, UN-BRK).

## **6. The Epistemic Gap: Data Absence, Case-by-Case Logic, and Systemic Self-Immunization**

*(Das epistemische Loch: Datenabwesenheit, Einzelfalllogik und systemische Selbstimmunisierung)*

The preceding sections have shown that institutional violence against neurodivergent people within the German welfare-to-work system (Bürgergeldsystem) remains invisible not despite, but precisely because of the prevailing administrative logic. A central mechanism of this invisibilization is the systematic absence of appropriate data. There are neither mandatory surveys on neurodivergence among benefit recipients nor robust studies on the health-related consequences of long-term activation and control measures for autistic individuals. This gap is not merely a research deficit; it fulfills a functional role.

The organization of social-policy responsibility along individual case decisions (Einzelfallentscheidungen) contributes significantly to this dynamic. By treating each instance of harm as a singular constellation, the system evades structural self-observation. Recurring patterns appear as coincidental accumulations of individual problems rather than as expressions of systemic mismatch. Case-by-case logic replaces questions of structure with the examination of formal legality.

This form of epistemic fragmentation is self-stabilizing. Without aggregated data, no systemic violence can be identified; without identified systemic violence, there is no impetus for structural change. At the same time, the consequences of institutional practice are externalized—into medical diagnoses, therapeutic contexts, or individual coping narratives. Social administration remains formally correct while harm continues in reality.

This constellation is particularly problematic in relation to neurodivergence (Neurodivergenz). Autistic harm often does not manifest as acute crises, but as cumulative exhaustion, somatic stress reactions, and long-term functional losses. These effects are well documented in the scientific literature, yet they are not considered relevant outcome variables within the social-law context. What is not measured does not count as a consequence of state action.

Against this background, appeals to a lack of empirical evidence are circular. Precisely because the system provides no instruments for capturing neurodivergence-specific harm, it can invoke their non-demonstration. Data absence thus functions as an epistemic shield. Violence remains conceptually vague, legally without consequence, and politically manageable.

The present contribution therefore does not understand itself as a substitute for empirical research, but as its prerequisite. It demonstrates that the question of violence in the welfare-to-work system does not begin only where statistical representativeness is achieved, but already where systematic harm is plausible, foreseeable, and avoidable. The demand for data must not become a strategy of delay when the structural conditions of harm are already discernible.

### **Extended Concept of Violence: Institutional, Administrative, and Epistemic Harm**

*(Erweiterter Gewaltbegriff: Institutionelle, administrative und epistemische Schädigung)*

Beyond classical, event-based concepts of violence, research and human rights discourse have developed a differentiated conceptual apparatus to capture forms of harm that occur without a

singular act, yet with clearly observable effects. Institutional Neglect refers to the systematic failure of institutions to provide necessary protection, support, or reasonable accommodation to vulnerable groups. Closely related is the concept of Administrative Violence, which describes harms arising not from individual misconduct but from rule-conform administrative processes—often characterized as “*violence without a perpetrator*”, yet with foreseeable consequences, such as those produced by deadline regimes, sanctions, standardized communication, assessment procedures, or the disregard of documented health impairments.

These concepts stand in direct continuity with Structural Violence as articulated by Johan Galtung, in which social and institutional structures systematically harm individuals without a concrete breach of duty being attributable in the individual case. Complementarily, the term Pathogenic Administration is used where administrative processes themselves become illness-inducing or illness-amplifying, while Iatrogenic Harm denotes damage caused precisely by measures framed as help, support, or care—within the context of neurodivergence in particular through enforced adaptation and normalization.

Psychosocial Harm captures measurable psychological and social damage, extending as far as suicidality, that results from administrative and social conditions. A central mechanism in this context is Diagnostic Overshadowing, whereby real complaints are systematically trivialized or misinterpreted by being prematurely attributed to disability (“That’s just autism,” “That’s your perception”). This dynamic is intensified by the Double Empathy Problem described in autism research, which denotes the structural mutual misattunement between neurodivergent and neurotypical actors and leads to severe barriers, particularly in judicial and administrative proceedings.

At the epistemic level, concepts of Epistemic Injustice (Fricker) become operative: Testimonial Injustice, when the statements of autistic individuals are systematically discredited, and Hermeneutical Injustice, when their experiences cannot be adequately articulated within the institutional interpretive framework. These dynamics are closely intertwined with Neurotypical Bias or Ableist Bias, that is, the structural privileging of neurotypical forms of communication and behavior, which leads to misjudgments of resilience, work capacity, and credibility—for example in expert assessments, hearings, and the evaluation of evidence.

Of particular relevance is the concept of Coercive Normalisation, understood as the enforcement of norm-conforming behavior under the threat of existential disadvantage. In the context of autism, this manifests as Autistic Masking / Camouflaging, whose harmful consequences—burnout, depression, and increased suicidality—are well documented in the scientific literature and are systematically intensified when authorities reward masking behavior. Where known vulnerabilities are not responded to under these conditions, a Safeguarding Failure occurs, that is, a failure of institutional duties of protection in the face of foreseeable harm (foreseeable harm).

Especially problematic in this regard is Risk Escalation through Procedure, whereby procedural steps increase rather than reduce risk—for example through emergency proceedings, rigid deadlines, or sanctioning mechanisms. Taken together, these concepts do not describe marginal malfunctions, but a coherent complex of violence that explains how social and judicial procedures can routinely harm neurodivergent people without such harm being captured by the classical legal concept of violence.

## 7. Conclusion: From Case-by-Case Administration to Structural Responsibility

*(Schluss: Von der Einzelfallverwaltung zur strukturellen Verantwortung)*

The treatment of neurodivergent people within the German welfare-to-work system (Bürgergeldsystem) reveals a fundamental conflict between social-state practice and human rights obligations. The attribution of *refusal to work* (Arbeitsverweigerung) functions here as a moral defensive category that conceals structural incompatibility and institutional violence. What appears as activation frequently turns out, upon closer inspection, to be coercive normalization, masking (Masking), and enforced self-denial—with foreseeable health-related consequences.

The UN Convention on the Rights of Persons with Disabilities (UN-Behindertenrechtskonvention, UN-BRK) draws a clear boundary against this mode of practice. It does not obligate states to optimize normalizing instruments, but to prevent harm, protect integrity, and recognize diverse forms of work, motivation, and participation. Measures that, over extended periods, serve no legitimate purpose yet nevertheless produce existential dependency and psychological strain are incompatible with these obligations.

The approach developed in this article shifts the focus from individual deficits to structural responsibility. It demonstrates that neurodivergence is not a marginal phenomenon, but a litmus test for the rule-of-law character of social-state practice. Where a system can remain stable only at the cost of harming particular groups, it is not those groups that require explanation, but the system itself.

Recognizing institutional violence against neurodivergent people within the welfare-to-work system is not a moral gesture, but a legal and epistemic necessity. Only when such violence is conceptually identified can it be politically, administratively, and legally constrained. Until then, the social state remains violent precisely where it regards itself as without alternative.

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# Forced Collectivity and Conditionalized Existence

## On the Violent Character of the *Bedarfsgemeinschaft* in the German Welfare State

DOI: 10.5281/zenodo.17938764

### Abstract

The *Bedarfsgemeinschaft* constitutes one of the central structural principles of German social law in the area of subsistence-securing benefits. In legal and administrative practice it is predominantly treated as a technical unit of calculation or as a representation of shared economic householding. This paper argues that such a depiction systematically fails to capture the actual effects of the *Bedarfsgemeinschaft*.

Proceeding from a structural-analytical perspective, the *Bedarfsgemeinschaft* is examined here as a form of institutional violence that partially suspends individual legal subjectivity, enforces existential dependencies, and creates an increased risk of social, psychological, and material harm—particularly for neurodivergent persons as well as for artists whose forms of work do not follow standardized employment patterns. The analysis shows that the *Bedarfsgemeinschaft* does not merely administer poverty but actively produces vulnerability by tying subsistence security to relational dependency, implicit conformity requirements, and epistemic devaluation.

The paper draws on concepts such as povertism, structural violence, and conditionalized dignity and applies them specifically to the instrument of the *Bedarfsgemeinschaft*. Its aim is to provide a scientifically grounded basis for making the violent character of this structure recognizable, examinable, and accountable within legal contexts—particularly in proceedings involving neurodivergent individuals or persons engaged in artistic work.

### 1. Introduction: The *Bedarfsgemeinschaft* as a Blind Spot of Welfare-State Violence

The *Bedarfsgemeinschaft* occupies a key position in German social law. It functions as the basis for calculating subsistence-securing benefits and significantly shapes the legal and factual living conditions of millions of benefit recipients. Nevertheless, in legal proceedings, administrative justifications, and large parts of the social-scientific literature, it is primarily treated as a neutral administrative instrument.

This paper starts from the thesis that this assumption of neutrality is analytically untenable. The *Bedarfsgemeinschaft* is not merely an accounting unit but a social architecture of coercion that intervenes deeply in individual living conditions. It produces dependencies, shifts responsibilities, and deprives affected persons in central areas of the possibility of appearing as autonomous legal subjects.

These effects become particularly visible in groups whose modes of life and work do not correspond to the implicit assumptions of normality embedded in social law. These include in particular neurodivergent persons as well as artists whose forms of subsistence, communication, and work are structurally not oriented toward standardization, continuous employment biographies, or economic valorization. For these groups, the *Bedarfsgemeinschaft* does not operate merely as a regulatory instrument but as a destabilizing and harmful one.

The aim of this paper is therefore to no longer consider the *Bedarfsgemeinschaft* exclusively as an instrument of social law, but as a structurally operative form of violence whose human-rights implications have so far been insufficiently reflected. The analysis follows a deliberately forensic perspective: it does not aim at moral accusation or political programmatics, but at the precise identification of effects that are frequently marginalized, individualized, or naturalized in legal proceedings.

By analyzing the *Bedarfsgemeinschaft* as a producer of vulnerability, the paper seeks to provide a conceptual and analytical framework that makes the associated interventions into dignity, self-determination, and subsistence security visible and justiciable.

## **2. The *Bedarfsgemeinschaft* in Social Law: Construction, Implicit Assumptions, and Empirical Misrepresentations**

In the Social Code (*Sozialgesetzbuch*), the *Bedarfsgemeinschaft* is defined as an association of persons who “economize from a common pot” and therefore have to provide jointly for their livelihood. This definition suggests voluntariness, reciprocity, and economic rationality. In legal practice, it simultaneously functions as a mechanism for attributing income, assets, and responsibility.

What is decisive, however, is that the *Bedarfsgemeinschaft* is not optional. Its determination occurs administratively and entails immediate existential consequences. Individual life situations, asymmetric relationships, power relations, or particular needs for protection may be formally recorded, yet they frequently remain without structural consequences for the legal assessment.

### **2.1 Implicit Assumptions of Prosperity and Their Distorting Effects**

A central problem of the *Bedarfsgemeinschaft*, rarely stated explicitly, lies in the implicit assumptions of prosperity that underlie its legal and judicial evaluation. In the juridical imagination, the *Bedarfsgemeinschaft* often appears as a constellation in which an economically capable member can easily support the existence of another. Typical is the unspoken image of a high-income person “co-financing” a non-working or low-earning partner.

However, this image fails to reflect the empirical reality of the vast majority of *Bedarfsgemeinschaften*. In practice, they often consist of constellations in which all involved live precariously: persons with low wages, with small or volatile self-employment income, with project-based work, or with unstable employment biographies. In such cases there is no economic buffer, but merely a bundling of scarcity.

Attribution within the *Bedarfsgemeinschaft* therefore does not lead to stabilization but to cascading damage. Income or small savings of one member are not used to enable sustainable subsistence security but are immediately drawn upon to compensate for structural underfunding. Necessary investments—such as repairs of vehicles, work equipment, or housing—are postponed or abandoned. Self-employment or artistic activities become practically impossible because liquidity fluctuations are not buffered but sanctioned.

In such constellations the *Bedarfsgemeinschaft* operates in an economically destructive manner. It undermines the principle of economic rationality by prioritizing short-term attribution over long-term stability. It produces de facto professional prohibitions by destroying autonomous earning strategies rather than stabilizing them. And it deepens poverty instead of reducing it.

## 2.2 Assumptions of Normality and Structural Blindness

The *Bedarfsgemeinschaft* thus operates on an implicit assumption of normality: it presupposes that shared economic management fundamentally functions in a conflict-free, supportive, and stabilizing manner. This assumption is not only socially naive but structurally blind to precarious realities. Deviations from it appear within administrative practice not as a systemic problem but as individual failure or as a private matter of the affected persons.

Precisely where the *Bedarfsgemeinschaft* is conceived as a supposedly protective or efficient instrument, it unfolds its most harmful effects. It produces existential dependency, removes individual room for action, and intensifies economic instability—with particularly severe consequences for neurodivergent persons and artists whose ways of living and working are not oriented toward linear and continuous income models.

This structural misassumption forms the starting point of the following analysis. It will be systematically questioned in what follows by demonstrating that the *Bedarfsgemeinschaft* becomes problematic not where abundance is distributed, but where scarcity is collectivized and thereby intensified.

The social-state principle of the German Basic Law (Art. 20 para. 1 GG) obliges the state not only to secure a formal minimum of subsistence but also to organize social security in an effective, sustainable, and economically rational manner. Social-state action must not merely administer poverty but must be directed toward enabling—or at least not structurally destroying—social and economic autonomy.

Against this background, the *Bedarfsgemeinschaft* must also be examined with regard to state economic rationality and purposive adequacy. In precarious constellations in which all involved possess small, volatile, or project-based incomes, the attribution logic of the *Bedarfsgemeinschaft* does not lead to stabilization but to real economic damage: necessary investments are abandoned, earning capacity is weakened, and self-employment or artistic activity is effectively prevented.

A social-state instrument that systematically contributes to destroying earning potential, annihilating capital, and preventing long-term autonomy contradicts the very purpose of the welfare state. The bundling of scarcity does not replace state responsibility but shifts economic risks into private relationships and perpetuates poverty.

The social-state principle therefore requires an effects-oriented examination of whether the *Bedarfsgemeinschaft* actually operates in a socially rational manner in concrete constellations or whether it is structurally dysfunctional—particularly in the case of precarious and non-standardized forms of work. Where social security itself becomes a source of economic harm, its constitutional legitimacy is at least questionable.

A recurring problem in judicial evaluations of the *Bedarfsgemeinschaft*, rarely explicitly reflected, lies in the implicit assumption of economic capability within the community. In legal reasoning, the *Bedarfsgemeinschaft* often appears as a constellation in which an economically viable member can secure the existence of another without substantial self-endangerment.

This assumption, however, does not correspond to the empirical reality of many cases in which *Bedarfsgemeinschaften* consist of persons who all live precariously: with low wages, unstable self-employment income, or project-based work. In such constellations there is no viable compensation but merely an accounting of scarcity. Legal attribution here does not relieve the welfare state but produces real economic damage, up to the destruction of earning capacity and autonomous subsistence.

If this difference is not explicitly taken into account, judicial reasoning risks proceeding from an unrealistic model of prosperity and thereby systematically downplaying the actual effects of the *Bedarfsgemeinschaft*. The violent character of the structure is thus not examined but presuppositionally excluded.

Another aspect frequently overlooked in judicial proceedings is that the earning capacity of neurodivergent persons is already structurally limited due to disability. For them, work cannot take place under arbitrary conditions but is bound to strict prerequisites: autonomy, sensory control, temporal self-regulation, and stable, low-conflict environments. These limitations do not constitute an individual deficiency but express a recognized disability within the meaning of constitutional and disability law.

The *Bedarfsgemeinschaft* systematically ignores this reality. It implicitly treats neurodivergent work as if it could be performed under the same relational, communicative, and conflict-laden conditions as neurotypical employment. By tying subsistence security to enforced social proximity, dependency relations, and continuous negotiation processes, the *Bedarfsgemeinschaft* undermines precisely those conditions under which disability-restricted work could be possible at all.

This constellation is not only socially contradictory but legally problematic. A system that ignores the specific prerequisites of disability-related work and thereby effectively destroys the capacity to work violates not only the claim to equal participation but also acts against its own objective of integration into employment. The resulting breakdowns of work, income losses, and escalations are not individual failures but foreseeable consequences of structural blindness.

### **3. The *Bedarfsgemeinschaft* as a Form of Violence: De-individualization, Collective Liability, and the Production of Dependency**

The *Bedarfsgemeinschaft* unfolds its effects not primarily through explicit sanctions but through a structural transformation of individual legal subjectivity. Persons assigned to a

*Bedarfsgemeinschaft* lose, in central respects, their legal and factual autonomy. Income, assets, needs, and duties of cooperation are no longer attributed individually but are relationally intertwined. This shift does not constitute a mere administrative act but a profound intervention into the autonomy of the subject.

### **3.1 De-individualization as a Structural Intervention**

Within the framework of the *Bedarfsgemeinschaft*, the individual is no longer treated as an autonomous bearer of social rights but as part of a functional unit. Decisions concerning subsistence-securing benefits no longer refer to the concrete person but to an abstract household construction. Individual needs, protection requirements, or burdens recede behind an aggregated perspective.

This form of de-individualization is not neutral. It leads to personal life situations—such as disability, neurodivergence, psychological strain, or particular needs for protection—being legally relativized. Although such factors can formally be presented, they frequently do not alter the fundamental attribution logic of the *Bedarfsgemeinschaft*. The person remains functionally bound to a structure that systematically undermines their autonomy.

De-individualization functions here as a form of violence because it prevents the subject from asserting themselves as an autonomous legal actor. The possibility of claiming rights independently is effectively restricted, without this intervention being named or examined as such.

### **3.2 Collective Liability and the Shifting of Responsibility**

A central characteristic of the *Bedarfsgemeinschaft* is the collective attribution of responsibility. Income or assets of individual members are attributed to others; alleged violations of obligations or behavioral deviations by one person have consequences for the entire community. This produces a form of collective liability that is difficult to reconcile with the principle of individual responsibility.

This liability logic generates several problematic effects. First, it shifts state responsibility for subsistence security into private relationships. Partners or cohabitants are effectively turned into substitute providers without being granted legal protection mechanisms or viable exit options. Second, it fosters internal dynamics of control and adaptation, since the behavior of individuals has immediate consequences for others.

For those affected, this entails a considerable restriction of their freedom of action. Decisions concerning work, health, withdrawal, or conflict avoidance are no longer made primarily on the basis of one's own needs but under the pressure of possible financial consequences for others. This form of structural displacement of responsibility must be understood as violence because coercion is not exercised openly but mediated through social relations.

### 3.3 The Production of Dependency and Asymmetrical Power Relations

The *Bedarfsgemeinschaft* produces not only de-individualization and collective liability but institutionalized dependency. Subsistence security is tied to relationships that are not necessarily voluntary, equal, or stable. In asymmetrical constellations—such as those involving health impairments, neurodivergence, unequal income distribution, or emotional dependency—the *Bedarfsgemeinschaft* reinforces existing power imbalances.

This dependency operates on several levels. Materially, it binds the affected person to the resources of others. Epistemically, it undermines the credibility of individual statements, since decisions about need and reasonableness are often implicitly based on assumptions about the behavior of the entire community. Socially, it makes separation, withdrawal, or reorientation more difficult, since every change entails existential risks.

The production of dependency by the *Bedarfsgemeinschaft* is therefore not an unintended side effect but a structural consequence of its design. It disciplines not through open sanction but through the conditionalization of existence on relationships. Precisely this indirect form of coercion makes its violent character difficult to recognize and at the same time particularly effective.

Within this constellation, the *Bedarfsgemeinschaft* effectively creates a quasi-marital obligation structure without granting the legal protective and regulatory rights of marriage or registered partnership. Affected persons are held mutually responsible for material support without being entitled to the rights that family and marital law provide to safeguard such responsibility—such as clarity regarding maintenance obligations, regulations governing separation, protection of assets, or institutionalized mechanisms of conflict resolution.

The *Bedarfsgemeinschaft* thus establishes a form of obligation community without legal status. It imposes economic solidarity without voluntary commitment, without contractual foundation, and without the possibility of legally securing or terminating this obligation. Separation, distance, or reorientation are not recognized as legitimate legal options but are associated with existential risks.

This construction is highly problematic from the perspective of the rule of law. While civil law recognizes marriage-like relationships only under strict conditions and provides them with extensive protective mechanisms, social law establishes through the *Bedarfsgemeinschaft* a comparable logic of obligation unilaterally and coercively, solely in order to reduce state welfare obligations. The persons affected are thereby forced into a relational constellation that generates duties without granting rights.

Particularly in asymmetrical constellations—such as those involving neurodivergence, disability, income inequality, or emotional dependency—this obligation community intensifies power imbalances and makes the enforcement of individual rights more difficult. In this context, the *Bedarfsgemeinschaft* does not function as an instrument of protection but as a legally unregulated zone of relational coercive responsibility.

### **3.4 Violence Without a Perpetrator: On the Invisibility of the Structure**

The form of violence described here is characterized by the absence of clearly identifiable perpetrators. It does not result from individual arbitrariness but from the normality of administrative practice. Precisely this facilitates its juridical marginalization. In legal proceedings it is often presented as an unavoidable consequence of statutory regulations rather than as an autonomous intervention.

However, this perspective fails to recognize that violence does not begin only where physical coercion is exercised. It begins where legal structures systematically withdraw autonomy, produce dependency, and ignore needs for protection. The *Bedarfsgemeinschaft* fulfills these criteria to a considerable extent, particularly for groups whose life realities do not correspond to the implicit assumptions of social law.

The following sections deepen this analysis by examining separately the particular vulnerability of neurodivergent persons and the specific endangerment of artistic forms of existence within the context of the *Bedarfsgemeinschaft*.

## **4. Particular Vulnerability of Neurodivergent Persons within *Bedarfsgemeinschaften***

The violent effects of the *Bedarfsgemeinschaft* do not unfold uniformly. Certain groups of persons are structurally more endangered due to their neurocognitive dispositions, their modes of communication, and their interaction with standardized administrative structures. Among these groups are in particular neurodivergent persons, such as autistic individuals or persons with ADHD, whose modes of perception, processing, and adaptation diverge from the implicit assumptions of normality embedded in social law.

This heightened vulnerability cannot be explained psychologically or individually but is institutionally produced. It results from the collision between neurodivergent modes of existence and a system that tacitly presupposes neurotypical adaptability.

### **4.1 Neurotypical Assumptions of Normality as an Implicit Source of Violence**

The construction of the *Bedarfsgemeinschaft* is based on assumptions about communication, cooperation, and the capacity to deal with conflict that are rarely made explicit. What is expected is a smooth negotiation of responsibilities within the community, flexible adaptation to changing demands, and the ability to regulate tensions without these becoming visible to the outside.

For neurodivergent persons, these expectations do not constitute a neutral starting point but a permanent situation of overload. Difficulties in processing social signals, heightened stress reactions in conflict situations, a strong need for autonomy or withdrawal, as well as a low tolerance for ambiguity, lead to the *Bedarfsgemeinschaft* having not a stabilizing but an escalating effect.

Within administrative practice, however, these escalations are not recognized as a structural problem, but are frequently individualized: as lack of cooperation, absence of willingness to



cooperate, or personal inability to deal with conflict. The violence of the structure remains invisible, while neurodivergent reactions are marked as deviation.

A hitherto scarcely reflected aspect of these assumptions of normality concerns the implication of neurotypical work capacity within the *Bedarfsgemeinschaft*. The job center system already operates, at the level of individual employment, with an implicitly neurotypical model of work: continuous resilience, flexible adaptation, conflict-resistant communication, and linear performance capacity are presupposed. Neurodivergent work realities—particularly work that is disability-relatedly restricted, discontinuous, or only possible under narrow conditions—are by contrast systematically misrecognized or treated as deviation.

This distortion is intensified within the *Bedarfsgemeinschaft*. The support community (*Einstehungsgemeinschaft*) implicitly presupposes that the person whose income is attributed or who is in fact supposed to “stand in” is capable of performing standardized employment durably and reliably. In this way, a neurotypical work capacity is assumed that must precisely not be presupposed in the case of neurodivergent persons. Whoever cannot work in a standardized way due to disability consequently also cannot bear economic burdens in a standardized way.

The *Bedarfsgemeinschaft* is thus based on a double fiction: on the one hand, it ignores the real limitations of neurodivergent work capacity, and on the other hand, it transfers this unrealistic performance assumption to the obligation of existential co-responsibility for others. Within this logic, neurodivergent persons are effectively attributed a capacity to stand in for others that the system simultaneously denies them at the level of individual employment. This inner contradiction fundamentally calls into question the construct of the support community for neurodivergent persons.

## **4.2 Epistemic Disenfranchisement and Misinterpretation of Behavior**

A central mechanism of violence directed against neurodivergent persons consists in the systematic misinterpretation of their behavior. Styles of communication that do not correspond to implicit expectations—such as direct language, withdrawal, delayed reactions, or insistence on formal clarity of rules—are, in the context of the *Bedarfsgemeinschaft*, frequently interpreted as uncooperative, contradictory, or tactical.

These misinterpretations unfold concrete legal consequences. Statements by neurodivergent persons about burden, unreasonableness, or conflict dynamics within the *Bedarfsgemeinschaft* are relativized or evaluated as subjectively exaggerated. At the same time, they are deprived of epistemic authority over their own life situation. The affected person is no longer treated as a reliable source of information about their own needs, but as a problematic factor that has to be regulated.

This epistemic disenfranchisement is not a side effect, but a structural element of the *Bedarfsgemeinschaft*. It operates particularly strongly where individual statements stand against an abstract household logic. For neurodivergent persons, this means a double burden: they are not only existentially dependent, but at the same time not credible when they name the violence of this dependency.

### 4.3 Escalation Dynamics and Health Consequences

The *Bedarfsgemeinschaft* frequently produces chronic states of escalation for neurodivergent persons. Conflicts that could be regulated under autonomous living conditions are intensified by existential dependency. Withdrawal, distance, or separation are not readily possible, since they entail immediate material risks.

This situation leads to lasting stress, overload, and in the course of events not infrequently to severe health consequences. Autistic persons report, in comparable constellations, burnout states, depressive episodes, anxiety disorders, or psychosomatic complaints. What is decisive here is not the individual disposition, but the permanence of the coercive condition, which allows no spaces of recovery or escape.

Legally, these consequences are often treated as private health problems, not as the result of a structural constellation. The *Bedarfsgemeinschaft* thereby appears as a neutral framework within which individual crises occur by chance. This perspective fails to recognize the causal connection between institutional coercive linkage and health damage.

The *Bedarfsgemeinschaft* frequently produces chronic states of escalation for neurodivergent persons that are not to be understood as situational conflicts, but as structural double-bind constellations. Those affected find themselves in a situation in which every course of action is associated with existential disadvantages: adaptation means continued overload and self-abandonment, whereas boundary-setting or withdrawal directly threatens material existence.

Such double-bind structures have long been described in the psychological, sociological, and disability-law literature as pathogenic. In particular for autistic persons and persons with ADHD, permanently contradictory and irresolvable adaptation demands are regarded as high-risk factors for psychological and psychosomatic illnesses. The combination of existential dependency, permanent social negotiation, and the absence of spaces of withdrawal leads to conditions of chronic stress that are not compensable.

Empirically and clinically well documented in such constellations are, among other things:

- autistic burnout,
- depressive episodes,
- anxiety disorders,
- somatic stress consequences,
- as well as long-term states of exhaustion and collapse.

What is decisive here is not an individual vulnerability in the narrower sense, but the permanence and inescapability of the structural situation. The health damages are not accidental accompanying phenomena, but foreseeable consequences of an institutionally produced coercive situation in which fundamental needs for autonomy, security, and self-regulation are systematically undermined.

Legally, however, these consequences are frequently treated as private health problems or individual stress reactions. In this way, the causal connection between the construction of the *Bedarfsgemeinschaft* and the health damage is systematically obscured. The *Bedarfsgemeinschaft*

thus appears falsely as a neutral framework, although in fact it represents a health-relevant risk structure.

This perspective is problematic under the rule of law. Where health damages are scientifically described, structurally explicable, and foreseeable, their continuation cannot be treated as an unintended side effect. The marginalization of these effects does not relieve the system but shifts responsibility—from a constellation of structural violence onto the affected persons themselves.

The escalation and illness dynamics described here have been known in the specialist literature for years. The psychologist Argeo Bämayer, in his work *Das Mobbingssyndrom: Diagnostik, Therapie und Begutachtung im Kontext zur in Deutschland ubiquitär praktizierten psychischen Gewalt* / ISBN: 3899665147, already described the psychological consequences of systematic, long-term external determination and, in the context of German labor-market policy, developed the concept of a so-called “Hartz syndrome.” What is meant by this is not a medical illness in the narrower sense, but a structurally induced stress syndrome resulting from persistent disempowerment, loss of control, and existential dependency.

Bämayer analyzed that it is not individual sanctions or conflicts that have a pathogenic effect, but the permanence of a situation in which those affected can no longer steer their lives independently, while at the same time being held permanently responsible for its consequences. In central respects, this constellation corresponds to the mode of operation of the *Bedarfsgemeinschaft* described here, particularly for neurodivergent persons whose limits of self-regulation and resilience are more narrowly drawn.

The reference to a “Hartz syndrome” therefore does not point to a pathologization of those affected, but to an early expert naming of systemic harm through excessive external determination. That these dynamics have already been described for years underlines the foreseeability of the health consequences. To treat them as individual crises or private health problems misrecognizes their structural origin and evades a necessary legal and political responsibility.

#### **4.4 The *Bedarfsgemeinschaft* as a Barrier to the Equal Exercise of Rights**

For neurodivergent persons, the *Bedarfsgemeinschaft* ultimately functions as a barrier to the equal exercise of rights. The capacity to assert rights, to file objections, or to endure legal proceedings presupposes a degree of stability, energy, and communicative security that is often not available under conditions of enforced dependency.

The structure of the *Bedarfsgemeinschaft* thus intensifies precisely those factors that already disadvantage neurodivergent persons. It makes self-advocacy more difficult, increases the likelihood of escalations with authorities, and in practice reduces access to effective legal protection. From this perspective, the *Bedarfsgemeinschaft* is not only relevant in terms of social law, but problematic from the perspective of the rule of law.

The particular vulnerability of neurodivergent persons is therefore not a marginal aspect, but a central test of the legitimacy of the *Bedarfsgemeinschaft*. An instrument that systematically

harms precisely those who already have an increased need for protection must be analyzed as structurally violent.

#### **4.5 Additional Paragraph: The Production of Guilt and Psychological Escalation in Neurodivergent Persons**

A further structural effect of the *Bedarfsgemeinschaft* concerns the production and intensification of attributions of guilt, particularly in neurodivergent persons with ADHD. In these constellations, the logic of the *Bedarfsgemeinschaft* operates not only as an existential burden, but as psychodynamically escalating, since it links structural dependency with implicit attributions of responsibility.

The attribution of need, income, and responsibility within the *Bedarfsgemeinschaft* produces a permanent narrative of “being a burden.” Neurodivergent persons no longer experience their own subsistence security as an individual right, but as a burden on others. In ADHD, this effect is intensified by a heightened sensitivity to social feedback, attributions of failure, and conflict dynamics. The consequence is self-reinforcing complexes of guilt that do not result from individual misconduct, but from the structural coupling of existence, relationship, and responsibility.

This production of guilt is not legally irrelevant. It has a pathogenic effect, undermines self-efficacy, and in practice reduces the capacity to exercise rights, to maintain work, or to regulate conflicts. The resulting psychological escalations are frequently interpreted in administrative practice as individual instability or lack of resilience. In fact, they are foreseeable effects of a structure that systematically links subsistence security with relational guilt.

A system that recognizes disability-related limitations while at the same time establishing structures that intensify guilt and self-devaluation acts contradictorily. In such cases, the *Bedarfsgemeinschaft* does not operate integratively, but as illness-intensifying, by permanently forcing neurodivergent persons into a condition of existential and moral self-responsibility.

The production of guilt described here is not merely a socio-psychological side effect, but the result of a state-enforced logic of attribution. The *Bedarfsgemeinschaft* couples poverty, dependency, and the attribution of responsibility into a causal narrative in which those affected are held morally liable for life situations that are structurally produced. Poverty appears not as the result of institutional conditions, but as personal failure; dependency not as coercion, but as a self-inflicted burden on others.

This logic operates independently of its factual correctness. Even where the underlying assumptions are evidently false—for example in the case of disability-relatedly restricted work capacity or in the case of permanently precarious living conditions—the attribution remains effective. Those affected are induced to feel shame, to internalize responsibility, and to take guilt upon themselves for conditions that they neither caused nor can control. That such attributions make people ill has been scientifically described and is foreseeable.

What is legally relevant here is in particular the permanence of this constellation. This is not a matter of short-term adaptation demands in a transition between phases of employment, but of a life-near permanent burden affecting certain groups—particularly neurodivergent persons—

for years or decades. The possibility of escaping the situation does not in practice exist without incurring existential risks.

A state system that structurally produces such coercive responsibility violates not only duties of protection toward mental health, but approaches the threshold of psychological violence. Where people are permanently forced into contradictory, irresolvable attributions of responsibility that undermine their integrity, self-efficacy, and dignity, this can no longer be regarded as a mere side effect of social regulation. The continued individualization of these effects does not obscure their cause, but shifts responsibility from the system onto the affected persons themselves.

## **5. Artistic Forms of Existence and the Destruction of Autonomous Work Through *Bedarfsgemeinschaften***

Artistic work occupies an ambivalent position within the welfare-state system. On the one hand, it is culturally highly valued; on the other hand, in social law it is often treated as marginal, unstable, or deficient. The *Bedarfsgemeinschaft* intensifies this tension by not recognizing artistic forms of existence as autonomous and legitimate modes of work, but functionally binding them to economic assumptions of normality that contradict their structure.

The analysis in this section shows that for artists, the *Bedarfsgemeinschaft* does not merely have a regulatory effect, but systematically undermines autonomous work and in many cases makes it factually impossible.

### **5.1 The Non-Standardizability of Artistic Work**

Artistic work is, as a rule, not continuous, not linear, and not clearly quantifiable. Income arises on a project basis, with temporal delay, or irregularly; phases of intense productive work alternate with phases of apparent inactivity. This structure is not a deficiency, but constitutive of artistic practice.

The *Bedarfsgemeinschaft*, by contrast, operates with implicit assumptions of:

- continuous earning capacity,
- predictable productivity,
- short-term realizability.

These assumptions collide directly with artistic forms of work. Income is not understood as the result of long-term work, but as a punctual event that can be relationally attributed and neutralized. The social and cultural value of the work remains unconsidered, while its economic irregularity is marked as a problem.

This non-standardizability leads to artistic work being systematically delegitimized within the framework of the *Bedarfsgemeinschaft*. It appears not as work in the proper sense, but as a deviation that has to be compensated for or corrected.

A further aspect of the non-standardizability of artistic work that is central in legal terms lies in the historical and structural connection between art and precarity. A significant part of German as well as international art history has emerged out of economically precarious life situations. This precarity is not an expression of insufficient achievement, but the result of a fundamental structural conflict between artistic value production and capitalist logics of measurement and valorization.

Artistic work eludes standardized measures of performance precisely because its value is not identical with short-term productivity, predictable income, or market-shaped efficiency. Art can emerge out of poverty, and at the same time generate value that is realized only with temporal delay, indirectly, or non-economically. Conversely, the reduction of value to income can itself contribute to the production of poverty. This connection is known in cultural history and recognized in constitutional law.

Against this background, a constitutionally problematic circularity arises when the state on the one hand protects the freedom of art under Art. 5 para. 3 GG, while on the other hand sanctioning or delegitimizing impoverished artists under social law because they work artistically and are not engaged in standardized gainful employment. Within this logic, art is not only not financially supported, but is additionally stigmatized and administratively punished. The economic consequences of artistic work are attributed to those affected as individual failure, although they are structurally connected to the inner logic of art.

This contradiction becomes particularly clear where job centers implicitly or explicitly presuppose that artistic activity must be reduced or abandoned in order to satisfy social-law requirements. Such an expectation exceeds the boundary of permissible welfare-state steering. It effectively amounts to a hollowing out of artistic freedom, since it places not only the economic framework but the continuation of artistic practice itself in question.

A state cannot simultaneously recognize art as an activity protected by fundamental rights and make its exercise factually impossible under the condition of standardized earning capacity. A social-law construction that systematically devalues artistic work, sanctions it, or pressures it toward abandonment stands in tension with Art. 5 para. 3 GG and violates the requirement of state neutrality toward artistic forms of expression. The resulting attribution of guilt affects artists not only economically, but also psychologically, and takes on the character of structural pressure extending to existential intimidation.

## **5.2 Economic Dependency as the Destruction of Creative Autonomy**

The *Bedarfsgemeinschaft* produces for artists a specific form of economic dependency. Subsistence security is not guaranteed individually, but tied to the financial situation of others. Artistic work is thereby placed indirectly under reservation: it may take place only so long as it does not constitute a “burden” on the community.

This constellation has far-reaching consequences. Artists come under pressure to reduce, adapt, or abandon their work altogether in order to avoid conflicts within the *Bedarfsgemeinschaft*. Creative decisions are no longer made according to substantive or aesthetic criteria, but according to their short-term economic compatibility.

Autonomy—a central element of artistic work—is thus systematically undermined. The *Bedarfsgemeinschaft* does not operate here neutrally, but as a mechanism of self-censorship that indirectly regulates and limits creative processes.

Particularly problematic in this context is the asymmetrical treatment of artistic self-employment in comparison with other forms of self-employed work. While in the case of craft, commercial, or entrepreneurial activities the necessity of prior expenditures, investments, operating expenses, depreciation, and income fluctuations is in principle recognized, these requirements are systematically questioned or ignored in the case of artistic work. Costs of artistic production—such as material, work equipment, studio space, rehearsal time, or advance financing—are frequently not regarded in social-law practice as legitimate operational necessities, but as avoidable private expenses.

This unequal treatment is not economically grounded, but normatively motivated. It follows implicitly a capitalist logic of valorization according to which only those forms of self-employment count as “real” or “serious” that generate short-term, predictable, and market-shaped returns. Artistic work, whose value often materializes only with temporal delay, indirectly, or outside classical market mechanisms, is thereby structurally devalued.

For the artists concerned, this has grave psychological and existential consequences. The systematic refusal of economic recognition communicates not only material insecurity, but the feeling of complete social devaluation: one’s own work appears not merely unpaid, but illegitimate. In conjunction with the *Bedarfsgemeinschaft*, this effect is intensified, because economic dependency is coupled with moral attribution. Artistic autonomy is thereby not only restricted, but delegitimized at its basis.

A welfare-state system that treats artistic self-employment differently from other self-employed activities, although it is subject to comparable economic risks and prior expenditures, violates the requirement of equal recognition of work. Within the *Bedarfsgemeinschaft*, this unequal treatment operates not neutrally, but as a mechanism of structural devaluation that systematically places creative forms of existence under pressure.

A fundamental misunderstanding in administrative practice consists in treating artistic work as a variant of ordinary gainful employment. This equation fails to recognize the categorical difference between art and market-shaped production. Art is not a “job” in the conventional sense that differs from craft or commercial activities merely by other materials or products. It constitutes an autonomous social practice whose meaning and function lie precisely not in immediate market adaptation.

Historically and structurally, art in modern democracies is oriented toward withdrawing from, or contradicting, existing logics of value, success, and valorization. Precisely this capacity for non-conformity is not a marginal phenomenon, but a constitutive precondition of its social function. Art reflects, irritates, and criticizes existing orders—including economic relations of power. Its relevance is therefore measured not by short-term marketability, but by its capacity to make visible alternative perspectives, experiences, and conflicts.

If artistic activity is tolerated in social law only insofar as it can justify itself in market terms, its core is missed. An administrative practice that implicitly assumes that legitimate action must always conform to the market thereby absolutizes an economic norm. For art, however, such a

norm is not only inappropriate, but existentially threatening. Art can fulfill its democratic purpose only if it is allowed to contradict the market—not as an exception, but as a structural possibility.

At this point, the freedom of art under Art. 5 para. 3 GG becomes concrete. It protects not merely beautiful ideas or cultural forms of expression, but the real life and work form of artists, including their non-adaptation to economic pressures of valorization. If artistic activity is in practice recognized only under the condition that it behave in a market-conforming way or be abandoned in favor of standardized gainful employment, this constitutes an indirect but effective restriction of artistic freedom.

The social-law treatment of artists in *Bedarfsgemeinschaften* therefore concerns not only questions of individual subsistence security, but democratic basic principles. A state that systematically forces artistic action under the logic of capitalist valorization risks not only the destruction of artistic existences, but a creeping erosion of that critical, reflective, and dissensus-capable culture that is indispensable for a living democracy.

### **5.3 Conflict Production and the Privatization of State Responsibility**

A further central effect of the *Bedarfsgemeinschaft* consists in the systematic privatization of state responsibility. Instead of guaranteeing individual subsistence security as a task under public law, the state shifts economic risks, mechanisms of control, and conflicts into private relationships. For artists, this means that partners or cohabitants are in fact turned into co-responsible parties and co-financiers of their existence—without legal clarity, without protective mechanisms, and without independent decision-making power.

This shift is structurally conflict-producing. It generates permanent pressures of justification, attributions of guilt, and conflicts of loyalty that do not arise accidentally, but follow from the construction itself. The conflict over subsistence security is no longer carried out between the individual and the state, where it belongs legally, but is displaced into the private sphere. State violence thereby appears not as institutional action, but as an apparently private relationship problem.

For artists in particular, this dynamic has especially destructive consequences. Their work must be legitimized not only vis-à-vis authorities, but permanently vis-à-vis persons close to them. Creative decisions come under social pressure; conflicts over money, time, and value become personalized. The *Bedarfsgemeinschaft* does not function here as a protected space, but as a mechanism of social destabilization that undermines trust, solidarity, and autonomy.

In its mode of operation, this structure shows parallels to what has been described in research on the GDR as *Zersetzung*: not as open repression, but as an indirect strategy of the diffusion of responsibility, the displacement of conflict, and self-disciplining. Here too, state pressure is not exercised frontally, but organized in such a way that it becomes effective within social relationships. Responsibility for escalations, ruptures, and burdens appears to lie with those affected themselves, while the institutional cause remains invisible.

This analogy is not intended as a historical equation, but as an analytical clarification. It makes visible that the *Bedarfsgemeinschaft* does not operate only economically, but systematically



corrodes social relationships by withdrawing state responsibility and carrying it into private relations of loyalty. For artistic work, which depends on trust, autonomy, and experimental openness, this structure unfolds a particularly destructive effect.

#### **5.4 Artistic Work Between Recognition and Derecognition**

The particular violent character of the *Bedarfsgemeinschaft* ultimately becomes visible in the paradoxical simultaneity of cultural recognition and derecognition under social law. Artists may be socially visible, productive, and effective, while their work is treated under social law as irrelevant or insufficient.

This discrepancy generates a form of epistemic violence: one's own activity is not recognized as what it in fact is, but as a deficit. For neurodivergent artists, this effect is intensified, since both their mode of work and their perception systematically diverge from norms.

The *Bedarfsgemeinschaft* functions here as a filter that legitimizes only certain forms of work as subsistence-securing. Everything that does not fit this grid is relationally devalued and made economically dependent. In this way, it destroys not only individual existences, but also socially relevant forms of cultural production.

This discrepancy is not a marginal phenomenon, but also affects highly respected artists. In Germany, it regularly occurs that artists receive prizes, obtain institutional funding, realize exhibitions in state museums, or produce works for publicly financed cultural institutions—and at the same time depend on *Bürgergeld*. Their work is culturally in demand, publicly used, and symbolically distinguished, while under social law it is not recognized as a subsistence-securing activity.

This constellation reveals a fundamental contradiction. The state here appears in a double role: on the one hand as promoter, client, or beneficiary of artistic work, on the other hand as the authority that evaluates this same work, in the framework of subsistence security, as insufficient, deficient, or not legitimate. The *Bedarfsgemeinschaft* intensifies this contradiction by not absorbing the economic consequences of this derecognition individually, but passing them on relationally.

For those affected, this means a particularly grave form of institutional incoherence. Their work is socially visible and effective, yet at the same time devalued under social law. This simultaneity of recognition and derecognition generates not only material insecurity, but a profound epistemic disorientation: the criteria according to which work is considered valuable fundamentally contradict one another. Responsibility for this contradiction, however, is not borne by the system, but attributed to the artists themselves.

#### **5.5 The *Bedarfsgemeinschaft* as Structural Prevention of Work**

In summary, it can be stated that for artistic forms of existence the *Bedarfsgemeinschaft* does not merely represent an administrative framework condition, but a structural prevention of work. It ties subsistence security to conditions that are incompatible with autonomous artistic work, and produces dependencies that systematically undermine creative processes.

From this perspective, the *Bedarfsgemeinschaft* is not only socially questionable, but highly problematic in cultural and labor-law terms. A system that factually makes autonomous, socially effective work impossible by forcing it into relational dependency violates fundamental principles of self-determination and dignity.

## **6. Human Rights and Constitutional Implications of the *Bedarfsgemeinschaft***

The preceding analysis has shown that the *Bedarfsgemeinschaft* is not merely an administrative instrument for calculating need, but a structure that systematically produces de-individualization, dependency, and epistemic disenfranchisement. These effects are not only relevant in social-policy terms, but affect central human-rights and constitutional legal interests worthy of protection.

In what follows, the resulting implications will be developed with regard to the guarantee of human dignity in the Basic Law, the right to self-determination, as well as relevant obligations under international law, in particular the UN Convention on the Rights of Persons with Disabilities.

### **6.1 Human Dignity (Art. 1 para. 1 GG) and Conditionalized Existence**

The guarantee of human dignity in the Basic Law protects the human being as an autonomous subject and prohibits reducing them to a mere object of state action. In social-law practice, this guarantee is often formally acknowledged, while at the same time factually relativized by tying subsistence security to conditions that undermine the autonomy of the individual.

In this context, the *Bedarfsgemeinschaft* operates as a mechanism of conditionalized existence. It does not provide the securing of the subsistence minimum individually and unconditionally, but makes it dependent on relational constellations, performances of adaptation, and implicit behavioral norms within the community. In this way, dignity is not openly denied, but functionally made dependent.

This form of conditionalization is constitutionally problematic because it no longer treats the individual as an autonomous bearer of dignity, but as part of a usable unit. The factual suspension of individual legal subjectivity by the *Bedarfsgemeinschaft* stands in tension with the absolute character of the guarantee of human dignity.

### **6.2 Right to Self-Determination and Free Development (Art. 2 para. 1 GG)**

The fundamental right to the free development of personality protects the possibility of shaping one's own life according to one's own ideas, insofar as the rights of others are not violated. The *Bedarfsgemeinschaft* intervenes deeply in this right by linking central life decisions—housing, work, withdrawal, separation—to existential risks.

For those affected, this means that even basic acts of self-determination can no longer take place freely. Separation from conflict-ridden or health-damaging relationships, withdrawal from overwhelming constellations, or the continuation of autonomous work are in practice

made more difficult or impossible. These restrictions do not result from individual decisions, but from the structure of the *Bedarfsgemeinschaft* itself.

This restriction unfolds with particular severity especially for neurodivergent persons and artists, since their forms of existence depend more strongly on autonomy, possibilities of withdrawal, and non-standardized forms of work. Here, the *Bedarfsgemeinschaft* operates as a structural obstacle to equal self-determination.

### **6.3 Equality and the Prohibition of Discrimination (Art. 3 GG)**

Art. 3 GG requires equal treatment and prohibits indirect discrimination. The *Bedarfsgemeinschaft* is formally general, but in fact has unequal effects. It affects persons with certain modes of life and work disproportionately strongly, without this differentiation being explicitly recognized or compensated for.

Neurodivergent persons and artists are disadvantaged by the *Bedarfsgemeinschaft* not because of individual deficits, but because of structural incompatibility with the underlying assumptions of normality. This form of indirect discrimination frequently remains invisible in administrative practice, since it is not based on explicit rules of exclusion, but on apparently neutral criteria.

From a constitutional perspective, however, what matters is not only formal equal treatment, but the actual effect of state regulations. A structure that systematically places heavier burdens on certain groups without providing objectively compelling reasons for doing so is highly problematic under equality law.

### **6.4 Obligations Arising from the UN Convention on the Rights of Persons with Disabilities**

By ratifying the UN Convention on the Rights of Persons with Disabilities (UN-CRPD), Germany has undertaken under international law to ensure the full and equal participation of persons with disabilities. The Convention emphasizes in particular the right to independent living (Art. 19 UN-CRPD) as well as protection against discrimination and institutional dependency.

The *Bedarfsgemeinschaft* stands in tension with these obligations, since it systematically forces neurodivergent persons into relational dependencies and makes autonomous living more difficult. The formal possibility of asserting special needs is not sufficient if the basic structure of subsistence security itself produces dependency.

The UN-CRPD requires not only individual adjustments, but a structural orientation of social systems toward autonomy and participation. Against this background, the *Bedarfsgemeinschaft* must be critically examined as an institutional practice, particularly where it forces neurodivergent persons into lasting relations of dependency.

### **6.5 Forensic Consequence: Duty of Examination Instead of Trivialization**

From a human-rights and constitutional perspective, this analysis does not lead to an automatic unlawfulness of the *Bedarfsgemeinschaft* in every individual case. It does, however, establish an increased constitutional duty of examination. Courts cannot treat the *Bedarfsgemeinschaft* as a merely technical instrument when its effects touch fundamental legal interests worthy of protection.

Particularly in cases involving neurodivergent persons or artistic forms of existence, a formulaic reference to statutory provisions is not sufficient. What is required is a concrete examination of the actual effects on dignity, self-determination, and participation. If this examination is omitted, there is a danger that structural violence is not only exercised, but made legally invisible.

## **7. The *Bedarfsgemeinschaft* and the Marginalization of Violence in Judicial Proceedings**

Despite the considerable interventions that proceed from the *Bedarfsgemeinschaft*, its violent character is regularly marginalized in judicial proceedings. This marginalization rarely occurs through open denial, but through a series of routinized patterns of argumentation and evaluation that disaggregate structural violence into technical, individual, or legally irrelevant aspects. The analysis of these patterns is decisive for understanding why the *Bedarfsgemeinschaft*, despite its far-reaching effects, is hardly problematized in legal terms.

A particularly frequent pattern of judicial marginalization consists in the formulaic reference to the idea that fundamental rights such as freedom of art or freedom of research are “not without limits.” This statement is doctrinally correct, but in the context of social law it is often used in a reductive and exculpatory way. Instead of examining the concrete mode of operation of social-law measures, the focus shifts to an abstract limitation that replaces a deeper engagement with the actual intensity of the interference.

Within this figure of argumentation, it is not examined whether and how the *Bedarfsgemeinschaft* in fact impairs artistic or scientific activity, but merely stated that such activities do not enjoy absolute priority. The result is a structural asymmetry: the state measure appears legitimate from the outset, while the exercise of fundamental rights is treated as secondary or as subject to adaptation. The concrete violent effect—economic, psychological, or existential—remains unconsidered.

This form of limitation argument functions as a juridical shortcut. It replaces the necessary examination of proportionality and actual effects with an abstract reference to limits, without determining these limits in the individual case. Precisely in the case of indirect, structural interferences—such as those represented by the *Bedarfsgemeinschaft*—this practice leads to fundamental rights being formally acknowledged, but in practice emptied of content.

The repeated invocation of the “non-limitlessness” of freedom of art or freedom of research therefore does not operate neutrally, but in a depoliticizing and deproblematizing manner. It shifts attention away from the question of state responsibility toward the duty of adaptation of those affected, and contributes substantially to keeping the violent character of the *Bedarfsgemeinschaft* invisible in judicial proceedings.

### **7.1 Technocratic Neutralization: Violence as a Question of Calculation**

A central pattern of judicial argumentation consists in reducing the *Bedarfsgemeinschaft* to a logic of calculation. Courts treat it primarily as an instrument of calculation for determining entitlement to benefits and locate possible burdens exclusively at the level of financial parameters. The social, psychological, and relational effects of the structure remain unconsidered.

This technocratization leads to violence being recognized as relevant only where it manifests itself in quantifiable deviations. Existential dependency, loss of autonomy, or health-related escalations, by contrast, appear as extra-legal accompanying phenomena. The structural dimension of violence is thereby methodically obscured, not refuted.

### **7.2 Individualization of Structural Effects**

A further central pattern is the individualization of burdens that result from the *Bedarfsgemeinschaft*. Conflicts, overload, or health consequences are treated as personal problems of those affected, not as expressions of a structural constellation.

From this perspective, escalations within the *Bedarfsgemeinschaft* appear as the result of individual inability to resolve conflicts, lack of resilience, or insufficient adaptation. The structure itself remains untouched. For neurodivergent persons in particular, this individualization is especially consequential, since their reactions to coercion and overload can easily be misinterpreted as personal deficits.

### **7.3 Fragmentation of Violence into Individual Aspects**

Judicial proceedings tend to fragment complex constellations of violence into isolated individual questions: amount of need, reasonableness, duties of cooperation, housing situation. Each aspect is examined on its own, without taking into account the cumulative effect of the overall structure.

This fragmentation prevents an adequate evaluation of the *Bedarfsgemeinschaft* as a whole. Violence appears not as a continuous process, but as a sequence of individual interventions that, taken in isolation, may appear tolerable. The enduring burden created by enforced dependency remains invisible because it is not exhausted in any single administrative act.

### **7.4 Rhetoric of Proportionality and Saving Face**

A particularly effective instrument of marginalization is the routine invocation of proportionality. Courts argue that the *Bedarfsgemeinschaft* serves legitimate purposes and must therefore be accepted. In doing so, they often refer to the legislature's margin of discretion without seriously examining the concrete effect in the individual case.

This rhetoric simultaneously fulfills a face-saving function. It allows structural violence to be presented as a necessary accompanying phenomenon of state steering without explicitly

naming its human-rights implications. Critique of the structure thus appears as exaggerated or politically motivated, rather than as legally relevant.

### **7.5 The Defense Against the Accusation of Exaggeration**

A recurring pattern is the implicit or explicit accusation of exaggeration. Descriptions of the *Bedarfsgemeinschaft* as violent are not substantively refuted, but rejected as linguistically inappropriate or emotionally charged. This strategy of defense shifts the focus from the analysis of effects to the evaluation of word choice.

The accusation of exaggeration thus functions as a discursive boundary-drawing device that determines which forms of violence-description are permissible in the courtroom. Terms that make structural connections visible are delegitimized without their empirical basis being examined.

### **7.6 Forensic Consequence: Keeping Violence Visible**

The mechanisms described here show that the marginalization of the violence of the *Bedarfsgemeinschaft* does not primarily rest on rejection of those affected, but on established routines of evaluation. These routines are functional for the stability of the system, yet stand in tension with the human-rights duties of protection of the constitutional state.

For an examination consistent with the rule of law, it is therefore necessary to view the *Bedarfsgemeinschaft* not merely in isolated instances, but structurally. Courts are required to include the cumulative effects of de-individualization, dependency, and epistemic disenfranchisement in their balancing. If this does not happen, there is a danger that violence not only continues, but is legitimized through legal proceedings.

## **8. Conclusion: The *Bedarfsgemeinschaft* as a Test Case of Rule-of-Law Subsistence Security**

The present analysis has shown that the *Bedarfsgemeinschaft* is far more than a technical instrument for calculating benefits. It is a structurally operative social architecture that intervenes deeply in individual living conditions and in doing so touches central principles of protection under the rule of law. De-individualization, the production of dependency, and epistemic disenfranchisement are not accidental side effects, but systematic effects of this construction.

These effects become particularly visible where the implicit assumptions of normality of the *Bedarfsgemeinschaft* collide with life realities that are not oriented toward standardization, continuous gainful employment, or conflict-free social relationships. For neurodivergent persons and for artistic forms of existence, the *Bedarfsgemeinschaft* operates not merely in a regulatory way, but in a destabilizing and harmful one. It undermines autonomy, makes the equal exercise of rights more difficult, and increases the risk of existential escalation.

From the perspective of the rule of law, this effect is not marginal. Subsistence security forms the foundation upon which the exercise of further fundamental rights becomes possible in the first place. Where it is tied to relational dependency and implicit conformity requirements, it loses its character as an individual right of protection. The *Bedarfsgemeinschaft* thereby becomes a test case for whether the welfare state in fact holds human dignity inviolable or functionally relativizes it.

This paper does not claim to offer final normative solutions. It formulates neither a proposal for reform nor a political program. Its concern is diagnostic: it makes visible that the *Bedarfsgemeinschaft*, as an existing practice, requires a deeper human-rights and constitutional examination, particularly where it affects persons with increased needs for protection.

For judicial proceedings, this means that a purely formal application of statutory regulations is not sufficient. What is required is an effects-oriented examination that takes seriously the cumulative effects of the *Bedarfsgemeinschaft* on autonomy, dignity, and participation. Where this examination is omitted, there is a danger that structural violence is not only continued, but legitimized through legal procedures.

In this sense, the *Bedarfsgemeinschaft* is not a marginal phenomenon, but a central indicator of the condition of rule-of-law subsistence security. Its analysis opens access to the fundamental questions of how a welfare state deals with deviation, vulnerability, and non-standardized work—and whether it is prepared to guarantee subsistence security as an individual right or to continue tying it to structural adaptation.

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*(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:**

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