

Structural Coercion, Autism, and State Responsibility

Why Welfare Enforcement Constitutes Predictable Harm to Autistic Persons

Author: Timothy Speed
Affiliation: Independent Researcher
Contact: info@timothy-speed.com
<https://timothy-speed.org>

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ORCID: <https://orcid.org/0009-0002-0143-5949>

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Abstract

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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.

(This paper is an interface text within a larger operator-based research program. Core concepts are employed here in application, not re-derived. The underlying research corpus operates in a non-linear, rhythmically recursive mode of structural analysis that cannot be fully preserved in standard academic English without loss of epistemic resolution. The author's primary research practice is grounded in an autistic mode of structural perception; the present text provides an interface translation of this work for academic contexts.)

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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