

The Right to Ontological Coexistence

Neurodivergent Forms of Existence Beyond Illness, Function, and Integration

A Foundational Text for the Further Development of International Human Rights Standards

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Abstract

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

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

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

The paper demonstrates that existing concepts of inclusion and participation reach their limits where participation in fact demands normalization, and that a purely medical framing of

neurodivergent forms of existence individualizes structural responsibility. Medicine is responsible for suffering, not for existence. Where ontological variants of human being are treated as clinical deviations, iatrogenic harm emerges.

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

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

Axioms of Ontological Coexistence of Neurodivergent Forms of Existence

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

Axiom 1 – Ontological Autonomy

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

Explanation:

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

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

Consequence:

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

Axiom 2 – Integrity Conditions

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

Explanation:

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

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

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

Consequence:

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

Axiom 3 – Incompatibility Instead of Deficit

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

Explanation:

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

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

Consequence:

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

Axiom 4 – Violence Through Enforced Adaptation

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

Explanation:

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

- to deny their form of existence,
- to violate their integrity conditions,
- or to inflict lasting harm upon themselves,

in order to gain access to means of subsistence, rights, or recognition.

Consequence:

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

Axiom 5 – Masking as Enforced Labor

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

Explanation:

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

This labor is

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

Consequence:

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

Axiom 6 – Recognition Must Not Be Bound to Failure

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

Explanation:

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

Consequence:

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

Axiom 7 – Right to Ontological Coexistence

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

Explanation:

Equal worth does not mean uniformity.

It means the right

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

Consequence:

The state is obliged either

(a) to design its systems in a plural manner, or

(b) where this does not (yet) occur in fact, to provide subsistence-securing compensation without degradation.

Axiom 8 – Compensation Is Not a Substitute for Justice

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

Explanation:

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

Consequence:

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

Axiom 9 – Responsibility for the Future

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

Explanation:

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

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

Consequence:

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

Legal Consequences Derived from the Axioms of Ontological Coexistence**I. Legal Qualification of the Problem****Consequence 1 – Neurodivergence as a Legally Relevant Existence Parameter****It follows necessarily from Axioms 1–3 that:**

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

Implications:

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

Anything else constitutes a categorical error.

II. The Collapse of Reasonableness**Consequence 2 – Abstract Standards of Reasonableness Are Unlawful****It follows from Axioms 2 and 3 that:**

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

Specifically:

- “Reasonable for all beneficiaries” is not a neutral category

- but a neurotypical normative imposition
- with foreseeable harmful effects

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

III. Coercion Becomes Visible

Consequence 3 – Conditional Subsistence Is Coercion

It follows from Axiom 4 that:

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

Legally decisive:

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

Accordingly, the following fall under structural coercion:

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

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

IV. Masking Becomes Attributable

Consequence 4 – Masking Establishes Institutional Responsibility

It follows from Axiom 5 that:

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

Decisive points:

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

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

V. The Logic of Recognition Collapses

Consequence 5 – Recognition Tied to Failure Violates Protective Duties

It follows from Axiom 6 that:

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

In legal terms:

- protective duties apply before harm occurs

- not only upon diagnostic escalation
- not only upon inability to work
- not only at the point of clinical collapse

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

VI. Equality Is Redefined

Consequence 6 – Equality Means Coexistence, Not Integration

It follows from Axiom 7 that:

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

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

Implications:

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

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

VII. State Responsibility Becomes Two-Tiered

Consequence 7 – Primary and Secondary Obligations

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

Primary Obligation: Systemic Transformation

The state is obliged

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

This obligation applies to:

- work
- education
- social law
- public administration
- knowledge production

Secondary Obligation: Compensation on Equal Footing

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

Crucially:

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

VIII. Future-Oriented Law Instead of Rationing

Consequence 8 – Rationing Through Pathologization Is Impermissible

It follows from Axiom 9 that:

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

Because:

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

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

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

IX. International Compatibility (Explicit)

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

- away from participation in
- toward coexistence alongside

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

Preamble

On the Necessity of Ontological Coexistence of Neurodivergent Forms of Existence

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

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

The existing systems have thus far not responded to this reality with structural openness, but predominantly with medicalization, functionalization, or rationing. Neurodivergent people are either classified as ill and psychiatrically administered, or declared capable of work and compelled to adapt to neurotypical norms. Between these two poles, current law offers little

space for an autonomous form of existence that is neither pathologized nor rendered economically exploitable.

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

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

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

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

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

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

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

B. Why the Existing System Necessarily Produces Harm Structural Violence Under Conditions of Ontological Incompatibility

1. From Misconduct to Structural Mismatch

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

This assumption is untenable.

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

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

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

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

- Either they are considered ill
→ then they are subjected to medical assessment, therapeutic and rehabilitation logics, restricted autonomy, and often lifelong attribution of deficit.
- Or they are considered capable of work
→ then they are subjected to activation, cooperation, and adaptation obligations that are based on neurotypical assumptions of resilience, self-regulation, and motivation.

Between these two categories, no legally protected space exists.

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

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

3. Subsistence as a Lever of Violence

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

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

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

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

4. Masking as Systemically Produced Harm

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

This translation labor is:

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

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

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

5. Recognition Through Failure as an Iatrogenic Structure

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

This logic is iatrogenic.

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

6. Foreseeability and Avoidability of Harm

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

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

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

7. The Limits of Legitimate Order

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

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

8. Transition

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

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

C. Principles of Ontological Coexistence

Principle 1 – Existence-Form Principle

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

Principle 2 – Integrity Principle

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

Principle 3 – Incompatibility Principle

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

Principle 4 – Coercion-Avoidance Principle

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

Principle 5 – Masking Responsibility Principle

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

Principle 6 – Prevention Principle

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

Principle 7 – Coexistence Principle

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

Principle 8 – Transformation and Compensation Principle

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

Executive Summary

The Right to Ontological Coexistence On the Necessary Further Development of International Human Rights Standards in Dealing with Neurodivergent Forms of Existence

1. Problem Statement

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

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

2. The Structural Legal Deficit

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

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

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

3. Violence Through Institutional Design

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

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

4. Limits of Existing Inclusion and Medical Models

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

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

5. The Necessary New Legal Building Block: Ontological Coexistence

This document therefore introduces the right to ontological coexistence.

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

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

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

6. Legal Consequences

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

1. Existence-Form-Specific Evaluation of State Action

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

2. Impermissibility of Enforced Adaptation

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

3. Institutional Responsibility for Masking-Related Consequences

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

4. Preventive Protective Duties

Protection must not be bound to failure or diagnostic escalation.

5. Two-Tiered State Obligation

States are obliged

(a) to design their systems in a plural manner, or

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

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

7. International Relevance

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

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

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

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