SPECIAL ISSUE

PROSPETTIVE FILOSOFICHE NELLA FILOSOFIA DEL DIRITTO
Editor: Paolo Heritier

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Mortonian Insights for a Phenomenological Re-reading of Disability Law

Abstract
The article offers a critical analysis of Timothy Morton's "post-environmentalist" theories through the lens of Maurice Merleau-Ponty's Phenomenology to explore their potential contribution to a philosophy of disability law. The first part investigates the concept of 'vulnerability' and how its traditional doctrinal understanding can be deepened through Morton's speculative thought. The next part compares some aspects of the two authors' thinking in order to introduce a reflection on the legal relevance of the "embodied" experiences of women with disabilities and, then, with autism. The reflection on vulnerability is therefore connected to that on 'care' in order to adopt an intersectional perspective, on the double front of *Feminist Disability Studies* and *Autism Studies*. Subsequently, the theme of 'time' in autism is explored as an example of a peculiar way of approaching the legal, but also social and affective "positioning". Then, the 'phenomenological' approach outlined through the contributions of Merleau-Ponty and Morton is integrated with the 'hermeneutic' one of Paul Ricoeur for the purpose of a broader reflection on the narrative identity that the act of writing about the self inevitably implies.

Keywords: Flat ontology. Flesh. Phenomenology. Vulnerability. Autism. Narrative identity.

1. An overview

The article proposes a critical rereading of the thought of posthumanist and post-environmentalist philosopher Timothy Morton. The aim is to explore the implications his theoretical positions may hold for a philosophy of law that seeks to promote the self-determination of persons with disabilities.

Specifically, it analyzes certain aspects of "Object-Oriented Ontology"[1] (OOO), a philosophical current in which the author aligns himself alongside other contemporary thinkers such as Graham Harman, Ian Bogost, and Levi Bryant. The article highlights both the strengths and limitations of Morton's approach when read through the phenomenology of Maurice Merleau-Ponty. The phenomenology of Merleau-Ponty offers effective conceptual tools for refocusing socio-political debates around the 'embodied' experience of people with disabilities and for reflecting on the diverse ways individuals inhabit and perceive their being "in a situation."[2] These are ways that resist abstraction or generalization through traditional legal categories. Morton's philosophy, on the other hand, offers insights whose relevance, this article argues, surpasses the strictly ecological domain for which they were originally conceived.

Morton highlights the connection between exploitation and ecology, while, on the other hand, European policy initiatives[3] – such as the *Final Report: Rights of Persons with Disabilities and Climate Action* (2024) by the European Disability Forum (EDF) – address the relationship between disability and the climate crisis, affirming that: "persons with disabilities are disproportionately impacted by climate change, which exacerbates the preexisting inequalities of our ableist societies."[4]

That said, while acknowledging the numerous empirical and legal implications of the intersection between ecology and disability, I use Mortonian speculation in two ways: first, to reconceptualise 'vulnerability'. This concept is a cornerstone of the "bio-psycho-social"[5] model of disability adopted by

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*All translations from Italian are the author's unless otherwise noted.

[1] This expression is the legacy of Levi Bryant, who modified the phrase "object-oriented philosophy" – originally coined by Harman in 1999 – by replacing its last term. As D'Isa points out, the movement centers on a fundamental critique of correlationism, thus aligning itself with the school of "speculative realism." In particular, Harman (2017: 15) reworks principles from computer science and Latour's "actor-network theory," according to which "non-human entities play a crucial role in stabilizing the human polis." For a better understanding of Morton's position within the movement, see D'Angelo, Pinzolo, Pozzoni (2021: 121-136).

[2] Merleau-Ponty (2012: 30)

[3] For instance, reference can be made to the "Insieme per l'accessibilità" campaign and the "AccessibleEU" resource coordination center, which, aiming to remove the physical and virtual barriers faced by persons with disabilities, also promote an accessible environment that supports the green transition and digitalization. Furthermore, although the *CRPD* makes no explicit reference to climate change – since it was adopted before this phenomenon was framed as a human rights issue through *Recommendation CM/Rec(2022)20 of the Committee of Ministers to member States on human rights and the protection of the environment* – it nonetheless addresses many areas directly affected by it, "such as migration, mobility, access to basic services like food and water, health, education, and employment opportunities" (Final Report EDF, 24). The *European Strategy for the Rights of Persons with Disabilities 2021–2030*, in its effort to incorporate the Convention's provisions, explicitly states that "it is particularly important to ensure that the green transition towards a climate-neutral and climate-resilient society happens in a fair and inclusive way and involves persons with disabilities." For further insights, see Porciello (2022) and Mortati (2003).

[4] See the *Final Report: Rights of Persons with Disabilities and Climate Action (2024) available at* https://www.edf-feph.org/content/uploads/2024/11/EDFs-Disability-Inclusive-Climate-Action-Report-Final.pdf

[5] Although the *CRPD* does not explicitly mention this model, it effectively incorporates its core principles by viewing disability as the result of the interaction between individuals with impairments and behavioral and environmental barriers that hinder their full and effective participation in society on an equal basis with others, in line with the framework proposed by the WHO in the *International Classification of Functioning, Disability and Health*(ICF). Based on this understanding, Italy has recently enacted *Legislative Decree 62/2024* – implementing the delegation granted by *Law 227/2021* – which updates the legal terminology: replacing the term "handicap" with "condition of disability", and "severe disability" with "person requiring intensive support", in explicit reference to the duty of support incumbent on ratifying states. Moreover, the

the WHO and explicitly referenced in the recent italian *Legislative Decree No. 62/2024*. This decree has indeed introduced significant reforms in the national context, particularly with regard to the right to "independently living," as enshrined in Article 19 of the *UN Convention on the Rights of Persons with Disabilities* (CRPD), currently being piloted in selected provinces across Italy.

Secondly, the Mortonian thought is used to explore how the concept of 'vulnerability' resonates with that of 'care'. Borrowing Lucia Re's formulation of care as an "erased foundation"[6] of traditional positive law, it is possible to integrate anthropo-legal reflections on the symbolic foundation of law — stemming from the Lacanian and later Legendrian concept of the "Name-of-the-Father"[7] — with a perspective aimed at the equitable distribution of care within the community that takes into account female's perspective as a perspective of all. The concept of 'care' is indeed reread following Botturi's "*munus*",[8] as the original link that connects people to the others coming out from a relational ethics to promote virtuous practices.

Searching for the connection between ecology and disability, we depart from possible analogies between the exploitation of non-humans by the capitalist system of the 18th century and the institutionalized objectification of non-normative bodies during the same period. This analysis adopts Morton's 'spectral' gaze as the historical antecedent to the later development of international human rights law in the *CRPD*, and the vulnerability 'paradigm'. In particular, the article highlights the difficulties encountered by a "Flat ontology"[9] such as Morton's in accounting for the anthropological, historical, and social complexity of the "disabling"[10] process, as focused by *Disability Studies*.

Then, the article looks at Morton's thought connected with the fragility of beings, especially his framing of vulnerability as a "basic ecological category."[11] This reading of vulnerability is linked to insights from *Feminist Studies*, which have greatly enriched debates around the notion of 'care' and vulnerability with a focus on the bodily-affective positionality of both caregivers and care recipients[12].

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term "person with a disability", as provided by Article 3 of *Law 104/1992*, is now defined as "a person with long-term physical, mental, intellectual, or sensory impairments which, in interaction with various types of barriers, may hinder full and effective participation in different life contexts on an equal basis with others, as determined through a basic assessment process." For further insight into the 'paradigm' adopted by Italian and international legislation, see: Marchisio, Curto (2020), Latti (2010 and 2022) and Arconzo (2020).

[6] As Lucia Re point out in Bernardini, Casalini and Giolo (2018: 19-21-35) the aim is to ground the juridical-social order "no longer on integration through labor but, rather, on the need to receive and provide care," and on "the importance of social and affective bonds, of reciprocal obligations." This also requires stepping back from "the devaluation of all those forms of practical knowledge and activities" — based more on ἐπιστήμη than a φρόνησις — "dedicated to caring for and taking responsibility for individuals in conditions of non-self-sufficiency," which have always been relegated to the unpaid and devalued sphere of the feminine 'private.'

[7] To deepen the connection between the mechanism of 'repression', as operated in psychoanalysis by the "missing signifier", and the law — to which the article refers — see Legendre (2000). Furthermore, with regard to the concept of 'thirdness' as it emerged within psychoanalytic-legal theory and as the 'basis' both of law and of the University's "third mission," see Heritier (2018 and 2012).

[8] Botturi (2024:206) directly refers to "*munus*, which constitutes and enables" the "social function" of the community.

[9] Morton (2013: 14)

[10] For further insight, see Oliver (1990) as well as the reflections of Davis in Medeghini (2015: 16-47) where the Davis's concept of "hegemony of normality" is revisited.

[11] Morton (2017: 52)

[12] For instance, among many others, Gilligan (2016) explored the connection between care and vulnerability and challenged traditional moral theories by emphasizing the ethical significance of relationships, empathy, and responsibility toward others. On the topic of 'care', see Tronto (1993 and 2013).

The integration of these reflections, in the author's view, supports a "personal, ecological, and social perspective on disability", and more specifically – this is the article's main interest – on the neurodivergence of women with autism. It promotes a view "that considers subjectivity and context in a global and interconnected manner,"[13] in line with Art. 6 CRPD, the *European Strategy for the Rights of Persons with Disabilities 2021–2030*, and the *CRPD Committee's General Comment No. 5 (2017)*.

Thereafter, Morton's theories are compared with those of Merleau-Ponty, to reflect on how the absorption of the 'subjective' into the 'objective,' while drawing attention to the urgency of addressing climate change, ultimately fails to account for the 'situatedness' that only a phenomenology centered on bodily perception can restore. Reversing the focus, the latter may instead reveal how environmental issues reverberate through individual lives, thereby enriching the analysis of the phenomenon; following the insights of the "late"[14] Merleau-Ponty, it is even possible to trace speculative convergences between the two thinkers: through his "Theory of the Flesh,"[15] the French philosopher overcomes the dichotomy between 'perceiver' and 'perceived', thus allowing for the recognition of non-human *agency* and a renewed reflection on the object, precisely central for Morton, who declines it in 'hyper' terms.

Perception is recognized in its proper 'attributing' function of meaning, in accordance with the transition from an ontological conception of the entity as an 'object' to that of "being" 'carnally' understood. Then, the analysis focuses on the declinations that the Mortonian and, even before, the Harmanian theories of OOO give of the temporal phenomenon, in order to overcome them in view of the "lived aspects" of neurodiverse experience where "there is not only one direction of time."[16] The continuation focuses on the phenomenological reflections in connection with Ricoeur's hermeneutics in order to investigate how his notion of "narrative identity"[17] can be useful to a philosophy of disability law that wants to promote individual self-determination instances. This perspective can enrich the reflection on how the different rhythmicity, the prolongation of duration as well as the different meaning that pauses and restarts can assume, impact on the understanding of the law and the concrete possibilities of choice made available by the legal system. First of all, in the context of "independently living": the intention is to bring this research question into subsequent writings, through the analysis – according to Merleau-Ponty's insights – of the autobiographies written by women with autism, so as to operate intersectionally both on the gender front and on that of neurodivergence.

Therefore, the article constitutes a methodological introduction for the doctoral research concerning the phenomenological and legal positioning of women with autism.

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[13] Di Adamo (2022: 58).
[14] To deepen the phases in Merleau-Ponty's thought see Vanzago (2012), De Fazio (2021) and the more recent Taddio (2024). See also Iofrida (2003).
[15] Merleau-Ponty (2003: 209)
[16] Di Adamo (2024 :170)
[17] Ricoeur (1988: 249)

2. On the precarious boundary between objects and "disabled" bodies

The first theme the article seeks to explore is Morton's account of the growing exploitation that humans have inflicted upon natural resources, animals, and plants since the *First Industrial Revolution*[18], culminating, through progressive acceleration, in today's environmental crisis. It has to be clarified that, rather than situating himself within a conventional 'environmentalist' discourse, Morton belongs to a "post-environmentalist"[19] perspective that breaks with traditional models of sustainability and eco-centrism. It proposes an "uncanny"[20] and more realistic way of relating to non-humans, one that emphasizes the already-accomplished end of the world and the idea that humanity must now simply learn to coexist with the ecological horror it has unleashed through its Promethean ambitions.

His provocative suggestions are indeed configured as manifestations of a "new materialism"[21] which has established itself in various fields, of political, sociological, economic, environmental, critical knowledge. It has reworked the analyses of postmodernism and Marxist-inspired materialism and has then affirmed a 'dynamic' and 'relational' conception of matter, rejecting mechanism in favour of a valorisation of *agency*.

However, what is problematic in the author's view is that, unlike other declinations of the movement – such as the post-colonial, queer, and eco-feminist ones[22] – the Mortonian approach, in opposing correlationism[23] and any form of Kantian or post-Kantian transcendental idealism and

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[18] It is indeed important to clarify that the Morton (2016: 30-111), while tracing the exploitation of the land and non-human entities back to what he calls *Agrilogistics*—an "imperfect response to the trauma of hunter-gatherers" caused by the anxiety of securing food and surviving in a hostile environment, which he situates as far back as the Agricultural Revolution in the Neolithic era—repeatedly emphasizes that much of the environmental damage is a product of *industrial capitalism*, which has led to the *Age of Asymmetry*, culminating in the—likely irreversible—issues of the Anthropocene.

[19] Pellegrino (2022: 17) writes that, for Morton, the problem with the idea of 'the environment' "is more or less a way of considering groups and collectives – humans surrounded by nature, or in continuity with other beings such as animals and plants."

[20] D'Angelo, Pinzolo and Pozzoni (2021: 126).

[21] For further insight, see Francesca Ferrando's course "*What Does 'Posthuman' Mean?*", Lesson no. 1, available at: https://www.youtube.com/watch?v=zi6APy0oW9A, as well as the reflections of D'Angelo, Pinzolo and Pozzoni (2021: 12-16), where they point out that—precisely due to the wide variety of approaches found within this movement, which, according to political theorist Connolly, "range from the recognition of the dynamism of matter, to a form of Promethean monism, to an attention to the planetary dimension of social and natural phenomena that considers the countless entanglements across different levels of analysis, from the regional to the global"—it is not a shared set of features but rather their disjunction that allows the movement to be defined. As for Morton's thought in particular, it is included in what the authors describe as a *negative new materialism*, which "emphasizes the mutual foreignness of matter and thought, with the aim of denying any dependency of the former on the latter," although "based on very different premises," depending on whether it is framed as *speculative realism* or *object-oriented ontology*."

[22] In particular, ecofeminist perspectives – such as those of Alaimo (2010) and Plumwood (2001) – appear to be of interest not only because they allow for a connection between corporeality and concern for the environment and ecosystems, but also because they are explicitly referenced by the EDF, in the aforementioned commentary, as theoretical frameworks to draw upon for future connections in the field of disability. On this point, Braidotti (2022: 79-80) clarifies that "ecofeminist care ethics builds on the moral role women play as the traditional caretakers of vulnerable humans and extends it to the natural environment, radicalizing the process" thus proposing "universal care as a political principle."

[23] The polemical target identified by Morton is the concept of "correlationism," which Quentin Meillassoux (2008: 30) uses to refer to the idea that "we only ever have access to the correlation between thinking and being, and never to either term considered apart from the other ." The author identifies two forms of "correlationism": the first, described as "weak," is

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anthropocentrism, focuses primarily on non-humans. It does so without actually analyzing the consequences that his theoretical project entails for individual human subjects.

Specifically, Morton defends the autonomy of objects against the Cartesian "*cogito*", denying the latter any ontological independence. "Subject," he writes, in its opacity to itself, "is not a special thing different from what we call object."[24] He writes: "human is what I call a 'hyperobject', a bundle of entities massively distributed in time and space that forms an entity in its own right, one that is impossible for humans to see or touch directly."[25]

On one hand, the meaning of this theoretical stance becomes clear when viewed in light of the human (ἄνθρωπος)'s destructive capacity, which reverberates across vast space-time scales, such as those of "Hyperobjects," far exceeding a single lifespan. On the other hand, it is easy to understand that a mere reflection on the ontological status of objects – or of subjects 'reduced' to objects – cannot foster the 'empowerment' that persons with disabilities need to exercise their rights. Morton's approach seems, in this sense, more suited to the field of post-environmental studies than to legal theory or disability rights.

Although this article distances itself from Morton's 'objectivist' stance, favoring instead a view that promotes individual *agency*, it intends to use Morton's historical reconstruction of non-human exploitation to draw the reader's attention to the parallel "social process of disablement,"[26] described by Lennard Davis. This process began precisely with the rise of industrial production – a system the philosopher of "OOO" critiques: I aim to translate his ideas of 'uncanniness', 'solidarity', and 'vulnerability' and, later, of 'time' into an 'anti-ableist' critique. Emphasizing this historical process is crucial, as it forms the backdrop to the paradigm 'shift' initiated in the 1980s through the efforts of *Disability Studies* advocates: this change led to the emergence of anti-discrimination law at both the international and European levels, focusing on removing barriers, promoting educational and professional inclusion, recognizing self-determination, and embracing the 'vulnerability' paradigm.

Moreover, although Morton describes the rise of capitalism as a "Severing"[27] between human entities (*bios*) and non-human entities, relegated to the abject roles of *physis* or "*zoe*"[28] and flattened into the only ontological plane he acknowledges—that of objects—he evokes a sense of rupture. However, this rupture was in fact historically enacted by certain individuals upon others, who were 'made'

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found in Kant and Husserl, who, while excluding any possible access to the thing "in itself," (2008: 1) still preserve its thinkability—the former through the presupposition of an unknowable but real *noumenon*, the latter upstream of a perception that presents itself through "adumbrations" and a reality that is bracketed. The second form, described as "strong," is exemplified by Hegel, Wittgenstein, and Heidegger, and "considers not only that it is illegitimate to claim to know the in-itself, but also that it is equally illegitimate to even claim to think it. To both the correlationist model of knowledge and the naïve realism that assumes direct access to the object or its qualities, Graham Harman (2017: 50-161) opposes the model of "duomining," which views knowledge as the outcome of a process that "mines" objects both from below and from above, turning them into "caricatures" of themselves. As D'Angelo, Pinzolo and Pozzoni clarify (2021: 17), this involves a reworking of "Heideggerian phenomenology into a metaphysics of excess, conceiving the entire extramental reality as composed of entities characterized by an ineffable essence."

[24] Morton (2013: 175)

[25] Morton (2017: 57)

[26] Medeghini (2015: 56). See also Goffman (1991) and Esposito (2021) for a reworking of the concepts of "total institution" and "immunitary logic."

[27] Morton (2017: 37)

[28] Braidotti (2022: 71). In particular, on the concept of "abjection" see the sequent quote to Kristeva.

objects[29] of care through what Michel Foucault aptly described as a "normalizing power," [30] which offers an interesting interpretive angle. In this sense, the Mortonian perspective is of interest to me as it allows the reader to highlight an additional historical contingency, one that specifically occurred to the detriment of persons with disabilities.

As Flavia Monceri points out, indeed, "the process of 'disablement' was made possible by the idea that identity could be based on a supposedly neutral and objective concept of 'nature,' particularly when applied to impairment:" this led to defining impaired bodies "as natural and pre-social, capable of acquiring 'public' relevance only after being disabled."[31]

The article argues that this historical circumstance — which, following a Cartesian framework, involved a bifurcation between decision-making 'subjects' and decided-upon 'objects', that is, knowledge (legal, medical, and psychiatric) on one side and 'natural' bodies on the other — is particularly significant. I argue that it may find a potential resonance in Morton's theorization.

Indeed, as Gianfranco Pellegrino notes, one of the polemical targets of *Dark Ecology* is precisely "the wild and untouched Nature," romantically and essentialistically conceived as "a kind of refuge, but also as an unconscious compensation and legitimation of human domination"[32], wherein "violence consists in creating a welcoming human 'world'." To this, I might add: violence also lies in enclosing – within institutionalized 'caves'[33] (the image of the San Servolo asylum, entirely isolated in the Venetian

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[29] Galimberti (2006: 120): "By adopting as its point of view not the body as it is lived by each of us, but as it is observed by the *ego cogito*, science has not hesitated to dissect (*aná-témnein*) the body as one would dissect any object, and to hold it within that objective definition that speaks of *partes extra partes*, where the only possible relations are external and mechanical ones—because these are the only ones that can be precisely calculated."

[30] Foucault (2003: 56-59): In particular, he explains how the attribution to psychiatric power of a 'regulatory' function over all 'irregularities' – a function that absorbed the original distinction between legal and medical authority, and that has, since the 19th century, made the "abnormal" the sum of three figures: the "human monster," the "individual to be corrected," and the "masturbator"—led to the "submission to its control of a field of objects defined as processes that are not pathological," effectively stigmatizing every element of difference that might disturb the established order.

[31] Monceri (2017: 35)

[32] Pellegrino (2022: 12). The critique raised therein clearly targets a conception of nature understood in essentialist terms, in favor of the one formulated by Merleau-Ponty (2003: 208), where he redefines it—surpassing the principles of classical metaphysics—as "an ontological leaf" and, in particular, with regard to human, as the "point of emergence in Nature." In relation to this, he proposes a conception of the human being as *Ineinander*, that is, in a relationship of mutual immanence: of the self in the World and the World in the self. This view moves beyond the phenomenological perspective of his early writings by including, within the positive fold, the "natural negativity" (p. 210). In particular, in relation to an object-oriented ontology, especially compelling is his statement that what is needed is "a revision of the ontology of the object, *a fortiori*, since the leaf of nature detaches from the object and rejoins our total being" (2003: 213).

[33] For a philosophical-legal use of Fuller's *Speluncean Explorers* 'case', see Heritier (2023) and Campo (2024). On the connection between 'caves' and 'screens' see Carbone (2024). To connect legal-pedagogical reflections on the 'cave' with a reflection on space within pedagogical practice, see Verdu Sanmartin (2023) and with reference to the potential use of the theatre of the absurd for understanding the transformation of legal professions to Verdu Sanmartin and Pinelo (2025). In addition, to the section titled "planetary education" in Beltramo (2023: 95-102).

lagoon, is emblematic in this sense) – the "implosive, ultimately meaningless and contingent symbiotic real"[34] that certain minorities, rendered "abject,"[35] are made to embody.

From this perspective, Morton's work effectively highlights the risks of objectification that inevitably resurface when societies attempt to define the criteria for community membership or to distinguish between pressing and deferrable issues. Nevertheless, the essay notes that Morton's 'ecologically dark' theory becomes self-limiting insofar as, functioning as a "narrative of awakening" – as Enzo Nuti puts it – it forgets that "ecological problems are also, if not above all, problems of social relations between humans and other humans."[36]

This omission gives rise to various theoretical consequences that this paper aims to underscore: on one hand, it affects the analysis of climate change, which could benefit from incorporating individual lived experiences; on the other, and more pertinently for a philosophical-legal analysis that seeks to promote the rights of persons with disabilities – particularly women – it hampers the connection between Morton's peculiar interpretation of vulnerability and the concept of 'care'.

Furthermore, the article argues that the philosopher's reflection on objects, although distant from a strictly philosophical-juridical approach, can in fact be read in relation to recent contributions within a certain part of legal doctrine[37] that advocate for the recognition of *legal agency* to natural entities such as rivers and lagoons: the Mortonian concept of "zone[s]"[38] of influence appears emblematic in this regard, as do the reflections on the action of the book upon the reader mentioned by the 'second' Merleau-Ponty, as I'll explain. For instance, the case of the Whanganui River to which, with the approval of the *Te Awa Tupua* (*Whanganui River Claims Settlement*) *Act*, New Zealand legislation has recognized – following legal battles by the Māori people – the same rights as a natural person, as a living and indivisible entity is, in this sense, exemplary.

Where such a 'translation' of Morton's thought takes place, the parallelism with the themes of the contribution is believed to emerge more clearly. Indeed, while contemporary ecological thought discusses whether and how to recognize a form of *agency* and personality to objects, international law has already welcomed, with the adoption of Art. 12 *CRPD*, an 'expanded' notion of subjectivity. The article made legal capacity a 'universal' attribute of the person, aiming to bring to the center of the political debate people with disabilities. Although with characteristics that differ between the two disciplinary fields — *Environmental* and *Disability Studies* – it seems to me that, in a certain sense, Art. 12 'prefigures' the conceptual movement that the most recent doctrine would like to apply to natural entities as well as to AI systems.

Ngaire Naffine has called for a rethinking of legal personhood in non-essentialist and non-metaphysical terms, by making 'visible' the cultural and political constructions that determine who is considered a "person" and who is not. She identifies the dominant model as the "P3" model of

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[34] Morton (2017: 37) and in (2009: 19) he writes "since the Romantic period, nature has been used to support the capitalist theory of value and to undermine it; to point out what is intrinsically human, and to exclude the human; to inspire kindness and compassion, and to justify competition and cruelty. It is easy to see why M. H. Abrams would have written a book on Romantic poetry called Natural Supernaturalism. In short, nature has been on both sides of the equation ever since it was invented."

[35] On the concept of "abjection" see Kristeva (1982)

[36] Nuti (2021: 102-90)

[37] On this point, see Kurki (2019), and, for a specific reference to the legal significance of the wheelchair and prosthetic objects, Renz (2023)

[38] Morton (2013: 181- 170)

personhood, in which we find the rational and therefore responsible legal agent: "the classic contractor, the individual who is held personally accountable for his civil and criminal actions."[39] Moving beyond this prevalent model, international law has increasingly promoted a new form of subjectivity — one that is relational, situated, and vulnerable — as recognized under Article 12, regardless of the need for decision-making support.

In this regard, the 'networked' relationality that Morton highlights between humans and objects appears, in the view of the present essay, to evocatively echo the long path taken by anti-discrimination law and to therefore prove effective. However, ignoring the specific historical, political, and social conjunctures that led to this crucial paradigm shift – as clearly happens when *Flat ontology* fails to allow for that embodied situatedness and visibility that activists call for – is dangerous. This is, from one side, because the contexts in which we see an expansion of *legal agency* to natural entities differ greatly from the human rights advocacy context, often marked by significant references to Indigenous cultures that require specific and careful study. From another side, this is because *object-oriented* theory risks reproducing the same cynical detachment that Morton himself seeks to avoid, forgetting the inevitably human, affective, and embodied origins of a line of thought which, when so reduced, appears merely to shift the focus to a different kind of ontology[40].

With this in mind, I argue that various Mortonian insights may be useful for the development of philosophical-legal theories that genuinely promote a disability law oriented toward the self-determination of the individuals. However, these insights need to be integrated with the humanistic knowledge that has formed the cultural 'foundation' within which Italian law developed during the long journey from the adoption of *Law 180/1978* to the ratification of the *CRPD* in 2009. Not by chance, it was precisely in order to break free from the positivist psychopathological approach that Franco Basaglia himself turned to the Phenomenology of Merleau-Ponty and the theories of Karl Jaspers

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[39] Naffine (2003: 348-362) explains that there are three models of "legal persons" that she calls: P1, the "Cheshire Cat": the legal person is a pure legal abstraction, a formal entity created by law with no moral or natural content, defined solely by the capacity to participate in legal relations; P2 "any reasonable creature in being": legal personality is automatically attributed to every living human being (from birth to death), based on a biological and conventional idea of the human as the natural subject of rights; finally, P3, "the responsible subject": only those with rationality and moral capacity qualify as legal persons – those capable of acting and being held accountable in law – thus excluding many human beings such as infants or the cognitively impaired. Particularly compelling—and in line with Morton's reflections on the influence of capitalism in the exploitation of certain entities by others—is the distinction the author draws between persons and property in light of the concept of "self-ownership." Naffine and Davies (2002: 190) also note that "there is an interesting paradox to be observed here: although the person is defined in liberal legal thought as the antithesis of property, there is a strong tendency in liberal philosophical and legal thought to regard property as foundational to the concept of person: to be a person is to own oneself. And yet the basic principle of separation is undermined by the fact that the concepts of person and property are not necessarily defined in such absolute terms, and that there are circumstances where humans do seem to acquire some of the incidents of property." This reflection appears especially relevant to the parallel that this article has attempted to trace between objects and the objectification of non-conforming bodies, as it reveals how the notion of property takes on ambiguous characteristics that reflect the ontological ambiguity denounced by both Morton and, albeit in a different way, Merleau-Ponty. On this point, see Verdu Sanmartin (2020: 253). For a broader reflection on how legal capacity emerges as a relational and historical construct beyond rigid normative categories, see Ricca (2023).

[40] As Bernardini explains (2018: 211) "the lack of agency that has long been almost inevitably associated with the condition of vulnerability experienced by the vulnerable subject has not only justified, but even required the adoption of a paternalistic approach, both in intersubjective relationships and at the institutional level."

and Ludwig Binswanger, transforming them into inherently political tools aimed at "suspending institutional logic."[41]

The aim of the next section, therefore, is to investigate how Morton's insights can work in synergy with these bodies of knowledge, both in relation to the notions of 'vulnerability' and 'care', and with regard to the ethical and existential suggestions proposed by the thinker.

3. Between uncanny, solidarity, and "ecological category"

Basaglia drew inspiration from *Phenomenological Studies* for his first interventions in the mental asylum of Gorizia, reintroducing mirrors in the bathrooms and bedside tables in the rooms, in this way starting that "anti-institutional practice"[42] of erosion of the "total institution"[43] of which he was the head. Jaspersian theories of *General Psychopathology* and Binswanger's *Daseinsanalyse*[44] also allowed him to restore subjectivity and meaning to the experience of mental distress. This is of particular interest with respect to the theme of autism: indeed, these theoretical referents have progressively contributed to drawing the attention of the patient's experience to the technicians of care and have prefigured the reception of the referent of 'vulnerability', which took place on an international legal level with the adoption of the *CRPD*.[45]

This, in addition to having allowed us to recognize in the category of 'disability' – precisely "created"[46] as Michael Oliver explains through the aforementioned process of "disablement"[47] – only the outcome of a hierarchization of diversity and common ontological finitude, has subsequently determined the change on the legal level. As anticipated, the decisive question no longer concerned the subject's capacity – or lack thereof – to carry out legally relevant actions. Indeed, it is now taken for granted, according to the "thick" interpretation of Art. 12 of the *Convention* provided by the CRPD Committee in *General Comment no. 1* (2014). Rather, as foreseen by section 3 of the same *Comment*, the attention of the law is focused on the adequacy of measures put in place by the ratifying states "to provide persons with disabilities with access to support in the exercise of their legal capacity"[48].

This change was possible – and this is precisely the front on which the theory has had the greatest effect – through a re-elaboration of the conception of the 'subject'. It is no longer understood, according to the "binary logic" of classical liberal theories that configured it solely according to the greater or lesser aptitude for the *cogito*, but instead through a reading of "autonomy" according to the "character

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[41] Di Vittorio (2002: 65).
[42] Di Vittorio (2002: 68)
[43] Goffman (1991: 4)
[44] See Binswanger (1984) and Jaspers (1997).
[45] Although not by literal reference in the text of the *Convention*, vulnerability — being a concept widely present and discussed at the doctrinal level — represents an essential point in the debate on disability law and the academic studies that address it. On this topic, see Arconzo (2020) and Piccione (2023) and, for a deeper and recent analysis of the concept in relation to recent legislative developments on "living independently" under *D.lgs 62/2024*, see Lovece and Verga (2024). Fundamental texts of the international debate are Fineman (2013) and Ten Have (2016). Within the Italian debate I also refer to Giolo, Pastore (2018), to Zanetti (2019) and to Furia, Zullo (2020). On the point also the recent Esposito, Turano (2025).
[46] Oliver (1990: xii)
[47] Oliver (1990: 93)
[48] CRPD Committee in *General Comment no. 1* (2014) available at https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-1-article-12-equal-recognition-1

of graduality, since" as Maria Giulia Bernardini specifies "it is a progressive conquest, rather than a subjective attribute"[49].

This paradigm shift also reverberates into more Morton-specific themes, as already noted by Ngaire Naffine. Indeed, although the *CRPD* does not explicitly reference climate change, it includes several articles that can be interpreted in connection with environmental issues and that impose positive obligations on signatory states.[50] For instance, Article 11 addresses situations of risk and humanitarian emergencies. Article 25 concerns the right to health – which is clearly linked to environmental conditions – and Article 28 includes the right to an adequate standard of living, which may be compromised by extreme climate events or environmental degradation.

Moreover, the *International Classification of Functioning, Disability and Health* (ICF) explicitly includes "environmental elements" among the "contextual factors" used to define an individual's "functioning profile," thereby enabling us to understand the fight against climate change as a matter of social justice and a responsibility of the state. As the *European Disability Forum* already pointed out, people with disabilities are particularly affected by environmental degradation due to physical vulnerability, isolation, and technological or infrastructural barriers, as well as greater difficulty accessing emergency aid in times of crisis.

Therefore, I argue that Morton's identification of "vulnerability" as a "basic ecological category" grounds the considerations advanced in International and European law that consider *EU Green Deal* and social policies to be synergetic. It attributes to the concept a reticularity and a certain potential for expansiveness, so as to make individual variations – even where considered pathological – nothing more than profiles of diversity of entities. In this way, these are suitable to undermine the process of "disablement" that has been discussed and to introduce what in the incipit has been defined as a "personal, ecological and social perspective" of disability: it can be read in continuity with the recent doctrinal and legal developments in the matter of *legal agency* of natural entities.

Furthermore, two other aspects of Mortonian thought are considered of interest, appearing to assume almost 'psychological' connotations that are suitable – even if they seem to clash with a purely 'flat' ontology – to intensify the reflection thus far conducted. Indeed, the post-humanist philosopher invites the reader to cultivate two types of dispositions of mind. The first is "the uncanny strangeness of coexistence,"[51] which as a 'constitutive' element of benevolence would arise from the ineffable

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[49] Bernardini, Casalini, Giolo (2018: 219)

[50] This obligation is highlighted more clearly in documents explicitly dedicated to environmental issues: for example, the *2030 Agenda* requires the integration of the rights of persons with disabilities into all policies, including climate policies, in accordance with the principle of "leave no one behind."

[51] Morton (2013: 22). In particular, the sense of *uncanniness* described by Morton stems from his integration within his theoretical framework of a conception of philosophy as "weird realism," whose mandate, as Pinzolo notes (2021: 126), is to "explore the uncanny character of objects." The author inherits this approach from Graham Harman (2008: 26), who— reworking traditional phenomenological thought under the influence of Lovecraft's tales—revises the Husserlian notion of "intentional objects," which are always already present, to distinguish them from "real objects" (which Husserl excludes by bracketing them), and which, by contrast, are never quite present enough. These "real objects" constantly withdraw, due to "a rare fessure, (…) irregularities that resist immediate comprehension", a fissure between the thing (O) and its qualities (Q) that produces the horror of an elusive depth of the thing itself—of the Lovecraftian monster, or, one might add, of what society has designated as *abject* in the body, more or less conformingly considered. Morton (2017) refers to the concepts of "abject" and "abjection" that are both related to Kristeva's theory and to Harman's reflection on monsters and uncanny qualities. These reflections can, moreover, be connected to those argued by Ahmed (2014: 82-101) on the political and

essence – indeed the "uncanny" one of objects – that humans would not be able to perceive and that would place them in a state of permanent cognitive incapacity. This notion, I suggest, can be transposed into the domain of social practices. Indeed, cultivating the suspicion that we may be overlooking certain perspectives – such as those of people with disabilities and, in particular, of women historically excluded – can serve as a powerful reminder.

This finds a match in what disability rights activist Alice Wong writes in the introduction to her storytelling project: "the mainstream representation of disability (...) remains very white and very male," but "disability is not a monolith, nor is it a clear-cut binary of disabled and not disabled," and it is crucial to recognize that "being visible and claiming a disabled identity"[52] matters.

The second affective stance Morton promotes is "solidarity", which he describes as "a state of physical and political organization and (...) a feeling"[53]. It allows us, he writes, to dismantle the distinction between "Life" – the one of the dominants, who create hierarchical divisions based on class, ethnicity, gender, religion, culture, or, as is relevant here, ability – and "life". This term, written in lowercase, refers to the intermediate "zones" that remain incomprehensible when viewed through the lens of positivist logic, that treats autonomy not as a gradient but as an essential, fixed attribute.

In addition, Morton directly addresses the topic of this paper when he writes: "Life as such cannot be opposed to disability. (...) To exist is to be disabled. (...) Humankind is disabled in an irreducible way."[54] Beyond reinforcing a 'relational' reading of vulnerability, this reflection is especially pertinent in the domain of care, where the most effective methodologies often require interdisciplinary integration and the diagnostic categories tend to blur in favor of 'person-centered' practices. Care proceeds often through trial and error and must be grounded in the concrete needs and desires of individuals. In such circumstances, invoking "Life" as Morton defines it – in a critical way that the article agrees with – becomes not only inadequate but also anachronistic.

Both of these ethical stances are consistent with the philosophical-legal adoption of the concept of vulnerability and with the community's responsibility to share the burden of care equitably. Moreover, conceiving of vulnerability as an "ecological category" aligns with European policy orientations and with the "psycho-social" dimension of disability affirmed by the *CRPD*. It complements, I claim, the "bio" aspect of the model, which is inherently hybrid, intermediate, and "abject" but never undermines the recognition of legal capacity as "universal"[55] under Article 12.

Precisely in light of these elements, which allow the reader to glimpse in Morton's work an opening toward the discourse on disability, it appears reductive to surmise that the posthumanist philosopher completely omits any reflection on care and the important debate surrounding it, a topic that will be addressed in the following section. Indeed, if care is to be understood in a dual sense, involving both those who provide it and those who receive it, it seems that such a notion cannot ignore a movement of self-reflection. On closer inspection, that is a gesture that Morton seemingly performs when he writes that "you *are* a weak, fragile entity that could go extinct, that *is* made of other entities

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social relevance of emotions, including "disgust" —which is not far from Morton's and Harman's speculations on horror and uncanniness.
[52] **Wong (2020: Xxii)**
[53] Morton (2017: 32)
[54] Morton (2017 61-62)
[55] See Bernardini (2020)

that aren't you, and that you coexist with these other entities and utterly relate with them."[56] Yet, he fails to account for this dynamic in his broader framework, seemingly forgetting that "the claim that humans do not have privileged access to the real (...) can evidently be made only by a subject who holds such privileged access."[57]

Therefore even his fruitful references to the uncanny and solidarity encounter a conceptual obstacle here: indeed, writing about these emotional dispositions presupposes that they have first been experienced 'affectively'[58] and bodily, an assumption that undermines his later critiques of the concept of 'body', as discussed in the fifth section.

The claim being made here is that even a brief acknowledgment of the importance of individual feedback would have been helpful, given that the philosopher's thought is clearly the result not only of academic inquiry but also of personal reflections on the climate events he has witnessed. This is something he implicitly admits when he concedes that "it's impossible to escape the gravitational field of 'sincerity,' 'ingenuousness,' being-there"[59]. Without such preliminary recognition extending his theory in the direction being proposed here – namely, toward the analysis of first-person testimonies by persons with disabilities, particularly women with autism – risks appearing contrived. In addition, his framework does not take into account the possibility of considering them as distinct victims of discriminatory phenomena which, when analyzed through an intersectional lens, can also be exacerbated by climate change, as highlighted by the *EDF*.

4. Vulnerability from different angles: glimmers of intersectionality

The essay aims to reflect on the promotion of the rights of women with autism by the community. In this attempt, it is necessary, at the very least, to address some of the issues that the 'vulnerability/care' binomial – absent from Morton's theorization but central here – can present, in order to approach it with due caution, as widely discussed and still debated within *Critical Studies*.

From one side, it is indeed useful to 'reconceptualize' vulnerability as an "ecological category," as I've explained, and as an 'attribute' of "being" through the philosophy of Merleau-Ponty, as I'll show below. From another side, the 'critical' one, there is agreement with the concern that "from the perspective that emphasizes the ontological and universal character of vulnerability" lies the risk of "concealing power relations within society and naturalizing social injustice."[60] In this regard, Judith

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[56] Morton (2021: 28)

[57] Nuti (2021: 101)

[58] Here the link is, in particular, to the "affective turn" in metaphysics, in the neurosciences and in *Law and Humanities*: see Heritier (2023) and Sequeri (2020).

[59] Morton (2013: 18)

[60] Bernardini, Casalini and Giolo (2018: 16). On this point, Bernardini further clarifies (2018: 217): "often, the use of the term in question" – that is 'vulnerability' – "serves to preserve the able/disabled dichotomy, which has historically been used to justify the asymmetry of power in favor of those considered able-bodied, and to legitimize the exclusion, discrimination, and normalization of persons with disabilities (as is well known, even the public/private dichotomy has been used for this purpose). Furthermore, the distrust stems from the fact that the association between disability and the need for care has had (and is always susceptible to having) essentialist outcomes: it is thus constantly at risk of reinforcing the revival of the medical model, while simultaneously feeding into a rhetoric of choice that has little to do with supporting individual empowerment and instead responds to a proprietary logic of the self that reintroduces the Cartesian philosophy of subjectivity."

Butler insists on the historically contingent and politically determined nature of ontology, which leads to viewing some existences as 'fully' human lives – those that Morton provocatively writes with an uppercase 'L' – and others as 'partial'.

In this sense, in addition to a reflection on the "carnal"-ontological level that is reached with phenomenological studies, the article considers it important to recall and include in the analysis the distinction between "precariousness" and "precarity" that Butler elaborates. The first term refers to the fact "that life requires various social and economic conditions to be met in order to be sustained as a life" and that "its survival is dependent on what we might call a social network of hands" [61] thus undoubtedly bringing the function of care back to the center of the socio-political debate, precisely as a "removed foundation" to recall the introduction. The second one, instead, "designates that politically induced condition in which certain populations suffer from failing social and economic networks of support and become differentially exposed to injury, violence, and death" [62]. This conceptual distinction allows us to maintain attention both on the ontological dimension of vulnerability and on its concrete socio-political articulations. It means avoiding the fall into an abstract vision that would risk hiding the dynamics of power and the material conditions of exclusion; this is precisely the direction of the internal debate within *Disability Studies*.

As Maria Giulia Bernardini points out, indeed, a widespread suspicion toward the concept of 'vulnerability' remains in this field, due both to historical contingencies – since the term has often reinforced the Cartesian able/disabled dichotomy – and to the essentialist outcomes that the association between disability and the need for care has previously produced. Alongside this attitude, however, lies a second one, perhaps more fruitful for the purposes of my argument, which in the "attempt to re-signify the term"[63] has emphasized its "ontological" nature and its "relational" aspects. In this latter sense, a possible extension of the concept is here revealed, toward recognizing legal personhood for certain objects, which does not appear contrary to the conclusions one reaches by adopting the perspective of the 'second' Merleau-Ponty.

Within ecological policies, disability rights associations have also taken a clear stance regarding the interaction between individual vulnerability and climate change, although no detailed quantitative research currently exists in Europe that specifically and intersectionally analyzes the impact of the phenomenon on the lives of women with disabilities. Indeed, the *EDF's 2024 Final Report: Rights of Persons with Disabilities and Climate Action* programmatically recommends exploring in future "a fresh perspective that emphasizes interdependence, intersectionality, drawing inspiration from the ecofeminism principles to address interconnected issues effectively." Similarly, the *Third Manifesto on the Rights of Women and Girls with Disabilities in Europe* highlights that "climate change (...) negatively affects women with disabilities and increases their vulnerability when combined with other socio-economic factors such as food security, health, access to sanitation and drinking water, and, ultimately, social stability."

As for the provisions of the *CRPD*, the gender perspective is expressly introduced by the concept of "multiple discrimination" in Article 6, in reference to women and girls with disabilities. *General Comment No. 5* (2017) of the *CRPD* Committee links this provision to that of "independently living" in Article 19, recognizing that these "face more restrictions regarding their place of residence as well as

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[61] Butler (2009: 14)
[62] Butler (2009: 25)
[63] Bernardini, Casalini and Giolo (2018: 217)

their living arrangements owing to paternalistic stereotyping and patriarchal social patterns." Those, the *Comment* specifies, include "cultural norms" that "require them to suppress their own requirements and instead serve those of others and take certain roles within the family."[64]

This passage shows that, in order to understand the sequence of events that led to the medicalization of disabled bodies – as Maria Giulia Bernardini describes through the "decision-making subject / decided object dynamic"[65] – and, more specifically, of female bodies, it is necessary to deepen the analysis of the complexity of care. Care is indeed imbued with socio-cultural prejudices that heavily affect individual lives and can be amplified by 'disempowering' social policies, as Butler highlights.

The aforementioned observations from the *EDF's* 2024 *Final Report* and the *Manifesto* demonstrate that this complexity also reverberates in the environmental sphere affected by climate change and confirm a gap in Morton's thought. Women with disabilities, indeed, given the many roles they are called to assume – sometimes both as caregivers and care recipients – still constitute "new"[66] subjects on the political-institutional scene. Their positionality, I believe, can best be analyzed – and perhaps yield fruitful consequences for ecological debate – from 'integrated' perspectives such as those of *Feminist Disability Studies*. These studies, "absorbing Merleau-Ponty's shift in the mind–body relationship, have made visible the subjectivity of women with physical and mental disabilities, enriching the horizon of intersectional critique."[67] In addition, as Rosemarie Garland-Thomson points out, they have illustrated "how the representational systems of gender, race, ethnicity, ability, sexuality, and class mutually construct, inflect, and contradict one another."[68]

These considerations highlight how the concept of 'vulnerability' must be addressed from different angles. It is evident that a reading of it exclusively in "object-oriented" terms, or as an "ecological category," fails to account for the dimensions that emerge through the phenomenologically "situated"[69] approach. Indeed, it is rooted in the body, a dimension that Morton, unproductively, collapses into the notion of "object."

Moreover, to the complexity derived from the critical approach briefly outlined above, it is necessary – again following an intersectional movement – to add the demands advanced by *Critical Autism Studies*. Those activists claim a proper identity as "a legitimate form of relational, cognitive, and behavioral divergence," that is, as a specific "way of being"[70] that has the right to find space in a socio-political landscape where "typical communication criteria"[71] remain totalizing.

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[64] *General Comment No. 5* (2017) of the *CRPD* Committee available at https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no5-article-19-right-live
[65] Bernardini (2020: 36)
[66] As Carnovali (2018: 117) argues, women with disabilities have been excluded from the liberal model of the healthy, rational, wealth-producing white man; excluded from Disability Studies, which have largely been led by men, as women whose issues were not considered a "priority" compared to others; and excluded from feminist thought, where the perspectives of their disabled peers were perceived as "dangerous," as they risked "diminishing" the impact of their claims.
[67] Bernardini, Casalini and Giolo (2018: 216)
[68] Garland-Thompson (2002: 3) reconsiders Crenshaw's concept of "intersectionality" through the lens of Feminist Disability Studies (FDS), an interdisciplinary field that explores how gender and disability intersect to challenge normative ideas about bodies, identity, and social value, revealing disability as a key social category shaping experience and oppression.
[69] See the concept of "situated knowledge" by Haraway (1988) in connection with the phenomenological speculation that the article carries forward.
[70] Valtellina (2020: 23-25)
[71] Di Biagio (2019: 21)

In light of this last consideration, the temporal flow of autistic experience – as referenced in the penultimate section – exemplifies a different 'system' of meaning which both caregivers and jurists can approach through an analysis of first-person testimonies written by their patients and clients.

Observing these precautions, I argue that Morton's suggestions on the uncanny and solidarity can effectively contribute to a virtuous manifestation of care, bringing it back to the moment of its original 'removal' from the philosophical-legal horizon, as Lucia Re suggests. In particular, integrating it with the insights of Binswanger, Jaspers, and, for the purposes of this paper, Merleau-Ponty, may help to rehabilitate knowledge understood as *φρόνησις*, that is, as practical wisdom born from care itself. This is seen as apt to overcome the rigid Platonic distinction between *δόξα* and *ἐπιστήμη* that modernity[72] has inherited. To this end, it is useful to rehabilitate the phenomenological 'situationality' historically excluded by that "learned work of abstraction and theoretical construction that had the precise aim of separating the legal sphere from that of real life, the *homo juridicus* from the multiple forms of existence."[73]

5. Rehabilitating the perceptual act: two phenomenologies compared

The article begins by positing care as an "erased foundation" from traditional positive law. The analysis conducted so far regarding the concept of 'vulnerability' offers insights into the human, political, and social complexity that emerges when one attempts to reintegrate care within the community, highlighting certain pitfalls that may arise if this is not approached with sufficient caution. In particular, it is argued that the Merleau-Pontian perspective – to be examined in relation to Morton's thought – can serve as an 'antidote' to the persistent risk of conflating ontological vulnerability with institutionally created vulnerability, namely, "precarity." By opening the path for a phenomenological analysis of 'lived' experiences, this perspective allows for the revoicing of women with disabilities and for an examination of care from the dual perspective of both caregivers and care receivers.

Even more than Morton's philosophy, the work of Alphonso Lingis is deemed especially useful here, whose ethics Morton defines "essential for ecological action."[74] Inspired also by Levinas, the philosopher reworks the very Merleau-Pontian thought referenced here and outlines a framework that is particularly compelling. He reflects on how the call of the 'other' is not apprehended only in verbal terms but, first, through the mediation of the body. This is similar to what the French phenomenologist affirmed during his *1959–1960 Course at the Collège de France, "Nature and Logos: The Human Body"*: he defines language as a "second body" and assigns to it – not to reason – the role of the human's

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[72] About the connection between fictionality and law see Heritier (2012): the positivist notion of "systema iuris" can be considered merely as the evolution of the earlier medieval and Roman idea of "corpus", thus revealing the enduring relevance of the "body" of law — akin to that of the Roman emperor and the Pope — within a "fictional" conception of law that paradoxically obscures its own historical continuity.

[73] Bernardini (2016: 204). Bernardini, Casalini and Giolo (2018: 219) refer to the configuration of an effective "vulnerable subjectivity" that is no longer conceived solely according to liberal canons, and thus equated with autonomy and rationality, due to a theoretical shift: "Kantian ontology and Frankfurt's liberal thesis of the 'higher-order desires' have given way to a vulnerable and relational ontology, as well as to a complex conception of the deliberative process, in which emotions and the contexts in which the subject forms and relates to their choices also play a significant role".

[74] Morton (2013: 6)

distinguishing element as "another manner of being a body."[75] Lingis emphasizes that it is the sight of another's suffering or need that orients – much like the "face" described by Levinas – our "ethical responsibility"[76]: "the one exposed to my eyes and purposes turns and faces me. In the contact the torment of another afflicts me as an appeal, the pleasure of the other presses upon me with the urgency of a demand."[77]

Morton, for his part, is indebted to Lingis' attention to nonhumans and to the "directives" they would issue by virtue of a sensorial contact that orients human behavior: for example, the forest would compel the hiker to extinguish a cigarette by means of an "Imperative," that is, "the command one obeys before one formulates the law." [78] Yet despite reworking certain aspects, the "post-environmentalist" philosopher keeps a clear distance from his mentor's reflections on the concept of "body." He dismisses it as "a special version of metaphysics [that] feels like Romantic wishful thinking"[79] and reduces it to a futile attempt to save the subject from its inevitable subsumption into objecthood. If the Romanticism to which he refers receives criticisms similar to those already formulated with respect to the concept of 'Nature' and reported above, the influence, in the reception he makes of Lingis, of the further referent of Graham Harman's *Object Oriented Ontology* (OOO) is also evident. Accordingly, he writes that – as discussed in the sixth section – "the true duality is not between minds and bodies, but between real and sensual objects." [80]

The severity with which he dismisses the concept of 'body' also derives from what he defines as "the end of the world." [81] Morton refers both to the 'end' of the perceived object and of the terrestrial space: it would have been caused, on the empirical level, by the reckless human dominion over the environment as well as, on the phenomenological level, by the inoperability of the *correlated* with respect to the *correlating* due to the retractable and "uncanny" nature of each object. He arrives at this consideration by reworking the precepts of quantum physics, in particular Einstein's *Theory of Relativity* and Heisenberg's *Uncertainty Principle*, which constitute the basis on which he formulates the five characteristics of "Hyperobjects". On this ground, he states that the human point of view, corporally situated, should be scaled down in importance as "everything is equally meaningless, smoothed out into maximum entropy"[82]. However, it is clear that this position is only generically suitable to undermine the positioning of a certain majority group with respect to a minority, precisely, of humans with respect to non-humans. Therefore, it does not help to restore the latter, even when identified with people with disabilities and the empowerment they need to realize their rights according to self-determination: in this transition the author again succumbs to the same critique previously leveled at his discussions on the uncanny and solidarity, which cannot easily be decoupled from a corporeal-affective dimension.

On the methodological front, it is argued that Morton neglects the "effort of approximation"[83] that underlies all forms of knowledge. As Georges Canguilhem notes, absolutizing scientific judgment

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[75] Merleau-Ponty (2003: 214)
[76] See Levinas (1969)
[77] Lingis (1998: 132)
[78] Lingis (1998: 180)
[79] Morton (2007: 106-107)
[80] Harman (2011: 118)
[81] Morton (2013: 16)
[82] Morton (2013: *54)*
[83] Merleau-Ponty (1968: 14)

– as well as medical diagnoses in the biomedical conception of disability – risks making us "forget that scientific knowledge, even when it invalidates qualities it deems illusory, does not thereby nullify them". In this sense, he writes, "quantity," on which epistemological achievements are based, as well as the parameters of normal and pathological, "is denied quality, not eliminated quality."[84] Consequently, subsuming the qualitative within the object means ignoring that "only partial perspective promises objective vision,"[85] aligning with Donna Haraway's notion of "situated knowledge." The fear is that this risks replicating the projection of scientific findings into the "the way of absolute knowledge,"[86] as occurred with both the positivist psychopathology contested by Basaglia and with pure legal knowledge, thus eroding the autonomy and truth-value of the human sciences: among them, phenomenology must be fully counted within an "encyclopedic"[87] conception of knowledge.

Moreover, with regard to the phenomenological perception of norms by women with autism, postulating the inoperability of the concept of "world" is counterproductive. From one side, because it devalues a perceiving subjectivity that should be valued instead and whose desires need to be questioned and promoted with adequate support interventions by states (as, with regard to "independently living", the aforementioned Comment of the CRPD Committee well explains.) From another side, because the scientific discourse on a single reality can in no way exhaust that of the "plurality of possible worlds"[88] that the human being inhabits, as Merleau-Ponty points out. By flattening philosophy solely on the ontological level, as Morton seems to do, there is a risk of making perception a "pure knowledge operation"[89], forgetting its existential content.

As regards the type of phenomenology to adopt, then, it is considered useful to remember that Merleau-Ponty also distances himself from the traditional Husserlian one, where he contests the 'intentional' character of the object and the capacity of "pure consciousness" to actually apperceive the essence of things through "eidetic reduction." This means that he doesn't stumble upon the objections that Morton makes to Husserl, who would have been incapable of grasping the uncanny and mysterious characteristics of an object "deeper than its effects and more superficial than the parts that constitute it."[90]

On the other hand, regarding Morton's objection about the 'metaphysical' character of the body, the changing and indefinite dimension of the "lived"[91] body introduced in *The Phenomenology of Perception* plays a crucial role. It establishes the body's active function in relation to the World, forming a "system" in which the body becomes the "pivot"[92] of that system. In this way, the focus shifts from the Cartesian "*cogito*" to perception mediated by the body and helps overcome the rigid separation

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[84] Canguilhem (1996: 81)
[85] Haraway (1988: 583)
[86] Merleau-Ponty (1968: xxv)
[87] Leghissa (2017)
[88] Taddio (2024: 38)
[89] Merleau-Ponty (2012: 103)
[90] Harman, (*2017:* 49). Both Harman and Morton support the ontological independence of the objectal in anti-correlationist terms, but, it is argued, with some differences: for the former, objects withdraw by virtue of a hidden essence akin to ἀλήθεια–indeed, the author explicitly acknowledges his debt to Heidegger, Brentano, and Husserl–whereas for the latter, hyperobjects are, by their very nature, *relational*, and their imperceptibility is not due to an elusive essence, but rather to the kind of existence that characterizes them, which operates on a dimensional level different from that perceivable through the senses.
[91] Merleau-Ponty (2012: 408)
[92] Merleau-Ponty (2012: 160)

between *Leib* and *Körper*, which still relies on the presumed fixity of the correlate that Morton rightly critiques.

Even more compelling, are the reflections of the 'later' Merleau-Ponty, especially when compared with Morton's phenomenology, which attributes to "Hyperobjects" the ability to generate multiple ontological "levels"[93] that shape individual experience and give rise – through various "zone[s]" – to an "aesthetic-causal (social, psychic, philosophical) space."[94] By seizing the subject, it orients action and reduces consciousness and the world to a mere "fragile aesthetic effect"[95] of a larger-scale system. In this respect, the 'later' Merleau-Ponty already anticipates the possibility of an object's agency, writing that "the book is the true instrument for creating meaning, holding all the power" and that it "takes possession of the reader,"[96] or, regarding the painter, that "the actions most proper to him (…) seem to emanate from the things themselves."[97] Thus, the body, originally considered an 'object-subject' in his early works, becomes the "measurement"[98] of things in his later "Flesh Theory" defined as "the visibility of the invisible."[99]

On the other hand, Morton, while dedicating few pages to Merleau-Ponty's theories, does not refrain from leveling at the concept of "flesh" the same critiques previously aimed at the "body," asserting that "the idea of 'flesh' or 'fleshliness' – viewing the body without a holistic structure, without center or edge – is an aesthetic one, and thus subject to the paradoxes we have explored."[100]

In contrast, this notion of "flesh" deserves greater emphasis, as it allows us to overcome the limits of a philosophy that, while claiming the primacy of the object, still remains within the Cartesian dichotomy it seeks to dismantle. Instead, it enables a shift in focus "from object to being," which, "freed from representation and the status of *Gegen-stand*, is no longer in front of me but surrounds me, envelops me, passes through me,"[101] thereby nullifying any claim to "a surveying consciousness" or to a "pure object,"[102] in line with Merleau-Ponty's necessarily indirect[103] conception of ontology.

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[93] Morton (2013: 173)
[94] Morton (2013: 181- 170)
[95] Morton (2013: 99)
[96] Merleau-Ponty (1973: 13)
[97] Merleau-Ponty (1993: 358)
[98] Merleau-Ponty (1968: 21)
[99] Merleau-Ponty (2003: 209). As Paolo Gambazzi (1994: 34-36) specifies, this original "invisible" is to be understood as a "surface of meaning on this side of the oppositions subject/object, inside/outside" from which such oppositions originate and which he reveals by continuing the criticism of Husserlian intentionality begun in the phenomenology - a "*punctum caecum*" in the consciousness which, in being always already placed 'outside' itself, is undivided from its own negative, be it object or otherness. Requiring a radical rethinking of the empirical and the transcendental, Merleau-Ponty introduces a "logic of the sensible" which implies a state of "quiet" between subject and object, which thus constitute only two provisional modalities of participation in being, in the "en-gtre", in the being-there of being. These considerations also are useful for reflecting on the concepts of 'ability' and 'normality' which, while remaining mostly unexplained, constitute the basis on which the concept of 'disability' is created, by subtraction: exactly as "the in- of in-visible is valid as suboriginating (…) and not as conceptual opposition or negation" so the prefix 'dis-', through Merleau-Ponty's phenomenological rereading, is believed to be able to be deconstructed and, from a pretext for exclusion, become an "index" of a "co-originality" capable of relocating the value judgement on the 'normal' and the 'pathological' from its alleged ontological universality – as pointed out by Monceri – to the uniquely conventional plane.
[100] Morton (2009: 108-109)
[101] Gambazzi (1994: 24)
[102] Merleau-Ponty (2003: 213)
[103] See Taddio (2024)

The potential contribution of Merleau-Ponty's framework to legal philosophy – already among the theoretical influences enabling legal progress toward the *CRPD* through the "anti-institutional practice" championed by Basaglia – can also be seen in the concept of "vulnerability," insofar as it permits its extension beyond the object to "being", in its bodily-situated unfolding.

Finally, with respect to the right to "independently living" — only briefly mentioned here but central to the ongoing doctoral reflections that aim to analyze the phenomenological and legal positioning of women with autism — it is argued that Merleau-Ponty's philosophy can be fruitfully integrated within a broadened, critical definition of "vulnerability." This integration may help jurists retrace the footsteps of their predecessors and reassess the very knowledge that underpins fundamental rights and many civilizational achievements, such as Basaglia's legacy. In doing so, it can shed light on contemporary issues and the persistent challenges posed by legal institutions, even as these take on new forms and contexts.

6. From the time of objects to the time of autisms: atypical access to Norm and knowledge

Among Morton's many reflections, one of the most prominent concerns the notion of "Hyperobjects". Those – introduced in *The Ecological Thought* (2010) and already mentioned in the first section to elucidate his considerations on the dissolution of the subject into the object – are defined as: "products such as Styrofoam and plutonium that exist on almost unthinkable timescales. Like the strange stranger, these materials confound our limited, fixated, self-oriented frameworks."[104] The described sense of disorientation would generate a feeling of uncanny – discussed previously in relation to disability – which would be the price to pay for attending to nonhuman beings and their elusive nature. This nature would be supported by five characteristics: "viscosity," "nonlocality," "temporal undulation," "phasing," and "interobjectivity."[105]

Among these, "temporal undulation" is particularly relevant here. Through it, instead of considering time as neutral, a synthetic *a priori* judgment, or – as the author puts it – an "absolute container," it becomes possible to understand it as an "effect"[106] of the object itself. The vast chronological horizon theorized by Morton, within which "Hyperobjects" exert their "zone" of influence stems from his reworking of Graham Harman's speculative metaphysics that conceives the world "as split into two sorts of zones: the real and the sensual."[107]

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[104] Morton (2012: 37) and (2013: 11)

[105] In particular, Morton explains that, due to their "viscosity" (2013: 27-39), hyperobjects stick to the entities with which they come into contact, much like how, according to the principle of complementarity, a quantum particle 'clings' to the measuring apparatus. They operate on an ontological plane far larger than what is perceptible by humans. Based on their "nonlocality", a "dark aspect" of the hyperobject phenomenon persists, by virtue of an "action at a distance" that it exerts, where perception and action become blurred—just as a high-frequency photon, a gamma particle, simultaneously illuminates and alters what it touches. According to the rules of "phasing", their constant presence can in fact be grasped only in phases, alternating between sharp focus and blurring. This undermines any possibility of conceiving of a void within the metaphysical fixity of Cartesian "extension" or Aristotelian "hylomorphic compound" (*synolon*).

[106] Morton (2013: 65)

[107] Harman (2011: 110) argues that in its various possible combinations, we find the alternation between "real objects" (RO), which "exist regardless of whether we perceive them or think about them," and "sensual objects" (SO), which "exist solely as correlates of our acts of consciousness" (OOO, p. 139), as well as their respective qualities (RQ and SQ).

Those assume, within Harman's *Quadruple Object Theory*, different combinations that see at the poles real objects "RO" and real qualities "RQ", sensual objects "SO" and sensual qualities "SQ". Since "when we speak of time in the everyday sense, what we are referring to is a remarkable interplay of stability and change (...) and there seem to be sensual objects of greater or lesser durability," the temporal phenomenon is thus considered as a "tension between sensual objects and their sensual qualities."[108]

Building on this theory, drawn on post-Kantian metaphysics and the influences of Heidegger, Husserl, and Levinas, Morton describes time as a dimension in which Hyperobjects "ripple"[109] retreating and attracting each other in an "interobjective" relationship. He writes that "appearance is the past. Essence is the future. The strange strangeness of a hyperobject, its invisibility, it's the future, somehow beamed into the 'present.'"[110] With these words his position, like that of Merleau-Ponty, falls within the scope of theories that dismantle the linear experience of time[111] from classical physics. This one is indeed "only a semi-relativism, where the perspective of an observer who would see time from all angles simultaneously is taken seriously," but it is rather "a relative time and not an absolute time."[112]

In his *1959–1960 course at the Collège de France, Nature and Logos: The Human Body*, Merleau-Ponty deepens this topic through the concept of "chiasm,"[113] in which past, present, and future are not separable but mutually implicative. In this way he opens a dialogue with quantum physics (also influential for Morton) which is considered as a philosophical ally, in overcoming the subject/object dualism: he states that "Einsteinian theory must be followed by a critique of continuity in the measurement of time."[114] In particular, as Morton reflects that the time of a hypothetical clock present at his feet cannot but be, for some microscopic portion of a second, different from that marked by his wristwatch, similarly Merleau-Ponty writes that "the phenomenon of the plurality of times is a question of perspective" since we can well speak of "the dilation of time or time contracting itself."[115]

Although for Merleau-Ponty time is necessarily linked in a 'corporeal-carnal' way to the perceptive act, while for Morton it is 'distorted' and 'absorbed' by the "Hyperobjects" that render the notion of 'body' inoperative, between the two a common ground can be seen. It allows for a parallel to be made

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[108] Harman (2011: 100)

[109] Morton (2013: 67)

[110] Morton (2013: 91). With this concept, Morton transposes onto the 'hyper' level the ontological distance between objects described by Graham Harman (2017: 71-79), according to which only a superficial and incomplete relationship between things is possible. According to Harman, reality operates based on the principles of the "quadruple object"; he posits two types of objects—a category he also uses to refer to entities in general—real and sensual (RO and SO), and two types of qualities, likewise real and sensual (RQ and SQ). Specifically, the essence of the thing, constituted by the tension between RO and RQ, remains unavailable to knowledge, which Object-Oriented Ontology (OOO) considers the outcome of a process that mines objects both from below and from above (duomining), turning them into caricatures of themselves. This stems from the impossibility of direct contact between objects, defined in terms of "vicarious causation" (Hyperobjects, p. 205), whereby each object encounters only an aspect of the other (SO) through a sensual or symbolic medium (SQ), which enables interaction while preserving ontological distance.

[111] Of particular interest is the perspective of "Agential Realism" developed by Karen Barad, who, drawing on quantum physics and posthumanist feminisms, conceptualizes time as intra-action—a term meant to express the idea that no entity can exist outside a process of relation and that physical matter and meaning are 'entangled,' co-constituting each other through time. See Bernardini M., *Il realismo agenziale di Karen Barad* in D'Angelo, Pinzolo, Pozzoni (2021).

[112] Merleau-Ponty (2003: 106)

[113] Merleau-Ponty (1968: 130)

[114] Merleau-Ponty (2003: 110)

[115] Merleau-Ponty (2003: 107)

between the criticism levelled at the linearity of time with that advanced by Canguilhem against scientific judgement: in absolutizing the knowledge it arrives at, it erases the qualitative from its analysis by concentrating solely on the quantitative, measured according to parameters assumed as 'absolute' but which are, in fact, relative. Just as, Morton reflects, for the "principle of complementarity" a quantum is 'attached' to the pushing device, in the same way "when an 'observer' (...) makes an observation, at least one aspect of the observed is occluded"[116], so all observers are 'glued' to the phenomenological situation into which they are 'thrown'. For this reason, assuming a position as definitive – according to a vision based only on a scientific understanding of knowledge – involves excluding many other positions. Those ones, in addition to undermining it, attribute to the idea of the 'absoluteness' of knowledge traits – in a play on words – which are effectively 'anachronistic'.

7. Between phenomenology and "narrative identity": atypical accesses to the norm and to knowledge

Following the *excursus* conducted so far, a further step is necessary: it is important to return from the 'second' Merleau-Ponty, who focuses on "being" and can, as explained, enter into dialogue with Morton's theories, to the 'first' one, that of "perception." This return makes it possible to rethink the 'theme' of temporality, no longer in relation to the object made "flesh" but as the outcome of a reflection on individual positioning. In particular, it allows and invites us to consider how women with autism express this positioning when they put their experiences down on paper.

This is justified as an attempt to understand the fruitfulness of such testimonies for a philosophy of disability law that aims at individual 'empowerment': the reflection on the narrowing or dilation of time is indeed relevant to the way in which the norm, and the different options of choice made available by the Legal System, are 'perceived' by the different users.

The phenomenological approach thus outlined, according to Merleau-Ponty's precepts, is here intended to be accompanied — though only through a brief reference — by the philosophical perspective of Paul Ricoeur. In *Time and Narrative. Volume III*, the philosopher places himself within the hermeneutic 'turn' initiated by Heidegger and developed further by Gadamer. He reworks what he calls the "aporias" of the "hermeneutic phenomenology"[117] of time within his own "Theory of Narrative Identity."

This constitutes the outcome of a long journey: from the so-called objective and measurable "cosmic time," borrowed from physics and Aristotelian cosmology, through "phenomenological time," which is experienced in "intentional consciousness" and was taken up and discussed starting with Husserl. Finally, it arrives at what Ricoeur defines as "narrated time," which, in constituting the "human time" *par excellence*, "is like a bridge set over the breach speculation constantly opens"[118] between the first two.

In particular, the philosopher focuses the analysis on the 'historical' and 'fictional' dimensions of the story that, in overlapping one another, lead, in the final chapter, to a reflection on autobiography that is considered fruitful for the purpose that the doctoral research proposes: to analyze the

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[116] Morton (2013: 40)
[117] Ricoeur (1988: 61)
[118] Ricoeur (1988: 244)

philosophical-legal positioning of women with autism through a phenomenological reading of their autobiographies.

Autobiographical narrative is indeed conceived by Ricoeur as a 'hybrid' narrative form. On the one hand, it approaches the first dimension of story, by virtue of the link that it weaves with events that actually happened; on the other, it is linked to the second one, as it is structured according to a configuring "emplotment"[119], which creates coherence, meaning, unity. Specifically, to autobiography is given the task of revealing "instability in principle of narrative identity" which is continually made and unmade. It shows the way in which the individual has to be understood not so much as a "substantial or formal identity" (*idem*) but as an "*ipse* (...) refigured by the reflective application of such narrative configurations": according to that, the person appears "both as a reader and the writer of its own life"[120], continually modifying the 'self' through the permeability of 'other' contents within personal ones.

In particular, Ricoeur explains that "narrative identity does not exhaust the question of the self-constancy of a subject, whether this be a particular individual or a community of individuals (...) [as] it is the poetic resolution of the hermeneutic circle"[121]: it creates a 'direct' connection with autobiographical writing – therefore also with that of women with autism that we are about to analyze in subsequent contributions – which can assume a value that is not only testimonial, but also interpretative.

In philosophical-juridical terms, the "hermeneutic circle" can indeed be linked to the 'interpretative' one. This means that the jurist continuously moves between the legal provision and concrete cases, following a circular motion in which the 'true' text — through its constant reference to the fact and vice versa — is never 'given' once and for all. Instead, it must be 'found' within a "history of effects"[122] that precedes the concrete interpretative moment.

Assuming that autobiography, as Ricoeur observes, represents an intermediate dimension between historicity — facts that happened in the past — and fiction — which law itself also is, by virtue of a "fictional foundation" such as the *Fundamental Norm* "of all other norms"[123] — its reading allows us to "practice inhabiting worlds that are foreign to us,"[124] such as those of people with disabilities.

On the one hand, the Ricoeurian perspective, in making "human time" coincide with "narrated time", contributes to highlighting the importance of the temporal phenomenon for the constitution of law and of the community. That means implementing – within a no longer phenomenological but rather hermeneutic frame – the criticism of the linear conception of time of classical physics and avoiding the risk of an absolutization of knowledge: that is coherent with what has already been noted in the previous section with respect to the Mortonian and Merleau-Pontian orientations.

On the other hand, it opens up the possibility of thinking about the constitution of identity according to temporal coordinates different from the traditional ones, evidently also reflected in the act of writing. This is coherent with Enrico Valtellina's statement according to which "autism is a form

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[119] Ricoeur (1988: 100)
[120] Ricoeur (1988: 246)
[121] Ricoeur (1988: 249-248). For a philosophical-legal reflection on Ricoeur's thought see Cananzi (2008) and Argiroffi (2002).
[122] See Gadamer (2013)
[123] Heritier (2023: 25)
[124] Ricoeur (1988: 379)

of asynchronicity".[125] It fits also with what Loredana Di Adamo points out, specifying how people with autism often find their "unity of meaning" not in "the linear flow of time assumed by the correlation unit"[126] of scientific principles but rather in the valorisation of the "perception of duration (αἰών)" and of the "appropriate time (καιρός)"[127].

Therefore, the essay argues that by analyzing the 'atypical' temporal coordinates that emerge in the autobiographies written by women with autism, the jurist can identify the weak points of the legal category of 'disability.' This category risks indeed to remain an heir to the dynamic of the "deciding subject/decided object" recalled in the comparison with Morton's objects.

Moreover, this analysis shows how a different perception of the flow of time does not indicate a 'pathology' but instead reveals a form of "neurodiversity"[128] and a deviation from those behavioral expectations that are considered legitimate by the socio-institutional system. Assuming this awareness can be useful, at the same time, to produce a "looping effect"[129] on the categories adopted by the Legal System by redefining their boundaries as, precisely, the *Legislative Decree 62/2024* is proposing, and to look at care in an intersectional way, which was discussed in the fourth section.

As Martino Feyles points out, Ricoeur's reflection lacks a precise comparison with *The Phenomenology of Perception*, whose theoretical importance the philosopher in *Réflexion faite. Autobiographie intellectuelle* anyway recognizes. Feyles argues that "we must think that, even within a hermeneutics of the self, a non-subjectivistically centered phenomenology must remain possible"[130] by virtue of a co-implication between perception and writing of the self that remains ineliminable. Indeed, it is argued that a 'hermeneutically' oriented reading of autobiographies – intended to be developed in subsequent papers as part of the doctoral research project – can be considered alongside the 'corporeally' oriented one proposed here. This proposal is all the more coherent by virtue of the Merleau-Pontian affirmation recalled in the fifth section, according to which language, even 'atypical' language, can be understood as a "second body" suitable for opening up to different "worlds" in terms of space and time.

The burden of trying to reconcile these two dimensions, only apparently antithetical, therefore falls on my ongoing research, that aims to analyze the positioning of women with autism in the act of writing their experiences through Merleau-Pontian phenomenological thought and Ricoeur's hermeneutics. I believe that their concepts can contribute to the process of formation of meaning, to be understood both as a partial unveiling of an "invisible" that is always 'shadowed', which can only be partially accessed, within the realm of δόξα, and as a hybrid participation between history and fiction in that "hermeneutic circle" and 'interpretative' circle that the jurist has to manage.

The aim of the research is therefore also to support an understanding of knowledge that is no longer conceived as 'pure', existing only as ἐπιστήμη, as it was in the positivist psychopathological orientations and, within the philosophy of law, in strict legal positivism. Instead, as Merleau-Ponty reminds us when he says that "each perception is mutable and only probable — it is, if one likes, only

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[125] Valtellina (2020: 30)
[126] Galimberti (2006: 119)
[127] Di Adamo (2024: 168)
[128] The term has been coined by Judy Singer. On this point see Valtellina (2020: 45-59)
[129] Valtellina (2020: 35)
[130] Feyles (2019: 462)

an opinion," [131] the argument made here is that knowledge has also to be understood as *δόξα*. This aligns with "the ontology of the *Κοσμοθεωρός* and of the Great Object correlative to it that figures as a prescientific preconception"[132] and acknowledges the act of faith that underlies every perception and, consequently, every form of knowledge.

The Merleau-Pontian ontological conception, thus reread, assumes a central value with respect to the historical *excursus* reported in the second section, regarding the objectification of non-compliant bodies and minds. Then, the reference to φρόνησις – as a synthesis of the two poles of ἐπιστήμη and δόξα precisely – could well constitute an 'antidote' to the risk of absolutization of legal, medical or psychiatric knowledge.

8. An ending and a beginning

This contribution has sought to enrich the concept of 'vulnerability' by drawing on ideas from different fields. From Morton's post-environmentalist perspective, it becomes an "ecological category." From *Critical Studies*, it entails the distinction between "precariousness" and "precarity." In addition, through a reflection on 'atypical' ways of accessing thought, it points toward what could emerge from a study — still to be undertaken — of autism. Then, through Merleau-Ponty's thought, the scope of the notion has expanded to the point of making it an attribute, no longer only of the object or the subject, but in the light of the 'carnal' re-understanding of the two poles of "being", through multiple investments of meaning.

From this *excursus*, the speculative conclusions of various kinds are here drawn. On one hand, it is argued that the concept of 'vulnerability', thus developed, can enrich philosophy of law in its approach to disability law, by allowing reflections on this core, as underlined by Di Adamo: "the impossibility of accessing categories of meaning – such as familiarity, dangerousness, and causality – produces a different opportunity for adherence to convention and values," which, in autism, reveal "another norm of the sense of time and of the lived body."[133] This leads to an interest in outlining a 'line' of research aimed at exploring how such additional precepts — understood as δόξαι, or "situated knowledges" to borrow from Donna Haraway — are rooted in individuals. These precepts are based on 'atypical' perceptual peculiarities. So, where applicable, the research also aims to investigate how they might be configured in relation to different conceptions of law, such as those promoted by legal positivism, natural law, or legal realism. Such reflection therefore also implies the entry of possible new 'sources' into the discursive universe and their participation in the "hermeneutic circle" and the 'interpretative' one in which the jurist participates.

On the other hand, it seems particularly meaningful to examine how this 'directionality' changes based on gender, thus adopting an intersectional lens that takes into account the experiences of women with disabilities and, in particular, of women with neurodiversity. The goal is to investigate how these – often, as noted, both care providers and recipients – develop a form of awareness in exercising life choices, combining the provisions of Articles 6 and 19 of the *CRPD*. In this regard, the contribution of *Feminist Disability Studies* and *Autism Studies* to the concept of 'vulnerability', along with the insights

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[131] Merleau-Ponty (1968: 41)
[132] Merleau-Ponty (1968: 15)
[133] Di Adamo (2023)

of advocacy organizations – such as the CRPD Committee in the aforementioned *General Comment No. 1* (2017) – becomes central to understanding the concrete challenges these individuals face in their long journey toward political and institutional visibility and toward self-determination. In parallel, the central role of first-person narratives written by women with autism emerges, as these can serve as practical feedback to be gathered in accordance with the phenomenological framework developed thus far.

Finally, in light of the balance that the perspective of 'sense' and 'being' establishes in relation to the historical tension between subject and object – a tension that Morton, it is argued, does not overcome but rather relocates by shifting the Cartesian dualism onto a different kind of ontology –a double operation becomes possible: first, to reconceive the attention to non-human entities in terms of *agency* of being; then, to view the universal legal capacity granted to persons with disabilities under Article 12 of the *CRPD* as a possible 'anticipation' of the broader notion of *legal agency* that is central to certain strands of legal doctrine and that may benefit from Morton's theorization.

Moreover, it becomes possible to propose an analysis of the problems brought about by climate change that takes into account the effects these have on people, without forgetting the marginalizations that affect certain groups and that require a necessary assumption of responsibility by the legal community. In this sense, the inclusion of "environmental factors" among the "contextual factors" intended to identify a person's "functioning profile" can be understood as a *trait d'union* between two fields of research – *Disability* and *Environment Studies* – that are only seemingly distant. This contribution has merely brushed the surface of such a dialogue, yet both domains are illuminated by the all-encompassing perspective of "flesh" and "being".

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