

Reimagining Legal Subjectivity: The Politics of Disability Rights and Inclusive Law

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the Introduction, the phrase “disability disrupts core legal binaries such as capacity versus incapacity...” is compelling. However, it would be valuable to specify which legal systems or doctrines most prominently exemplify these binaries.

The discussion of intersectionality (Theoretical Framework) should include at least one deeper example illustrating overlapping discrimination (e.g., disabled women in rural elections) with more than a single sentence reference.

In the paragraph beginning “Dominant legal constructions of subjectivity marginalize...”, phrases like “normative assumptions” and “valorized autonomy” are abstract. Please provide a concrete legal case or legislation to illustrate the claim.

In the Historical Evolution section, while the UNCRPD is central, there’s no mention of General Comment No. 1 on Article 12 (legal capacity). Including it would significantly enrich the argument on supported decision-making.

The European dimension of disability rights is briefly mentioned. The sentence “the effectiveness of these frameworks often depends on domestic political will...” would benefit from a comparative example contrasting implementation success (e.g., Sweden vs. Poland).

While the article cites many secondary sources, it does not include any direct quotes or statistics from primary legal documents, reports, or case law. Integrating such evidence could substantiate claims more effectively.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The Theoretical Framework paragraph referring to “Post-liberal theories” lacks a definition of what is meant by “post-liberal.” Consider briefly distinguishing this from liberal legalism and postmodern or critical theories.

Their work is cited multiple times across sections (e.g., Introduction, Theoretical Framework, Inclusive Law). While foundational, this may suggest over-reliance. Consider diversifying theoretical sources for critical disability theory.

The paragraph introducing Foucault’s biopower is dense. The sentence “These practices do not merely exclude... but also produce them as legal subjects...” could benefit from an example (e.g., psychiatric evaluation in voting contexts) to concretize the claim.

The section beginning “Throughout this historical trajectory...” should recognize critiques of the social model as well—e.g., its neglect of the embodied experience of impairment.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.