Neurodiversity: From Phenomenology to Neurobiology and Enhancing Technologies


Reviewed by Kenneth J. Weiss, MD

DOI:10.29158/JAAPL.220053-22

Key words: neurodiversity; autism; learning disability; positive psychology; discrimination

Diversity, equity, and inclusion is a familiar mantra for liberal-minded Americans, disability attorneys, and AAPL members. Laws must be administered fairly to insure life, liberty, and property. We in forensic psychiatry may be asked to identify individuals with behavioral differences in situations ranging from entitlement programs (educational or financial) to sentencing in criminal proceedings (reduced culpability due to a mental condition). In those settings there is usually no problem with using diagnostic labels as leverage, a threshold to obtain benefits. Where it gets harder is with a range of conditions whose constituents reject pathologization and disability stigma. The differences, gross or subtle, represent underlying diversity in brain structure and function. Affected individuals increasingly seek parity while eschewing diagnostic labels. These are persons self-identified with neurodiversity, known to us as learning disabilities, attention deficit disorder, autism spectrum disorder, and others. In a fascinating exploration of the subject, Dr. Lawrence Fung and colleagues offer Neurodiversity: From Phenomenology to Neurobiology and Enhancing Technologies.

The book’s foreword, by the always inspiring Dr. Temple Grandin, sets the tone for a theme of positivity, rather than disability. Dr. Grandin explains how she navigated her own path to success by building on her strengths in an era before autism spectrum was recognized. She cites her work in explaining differential thinking in autism and Gardner’s “multiple intelligences” to set up fascinating chapters that form the basis of the strengths-based model of neurodiversity (SBMN). The SBMN contains well-known components such as

(continued)
positive psychology and psychiatry, multiple intelligences, and developmental psychology. In a central chapter, Dr. Fung takes a deep dive into the brain wiring associated with various capacities and intelligences. This could be helpful for educating courts as to the bases for differences, supplementing clinical information and psychometrics. Taking its cue from Dr. Grandin’s “thinking in pictures,” the book includes seven color plates depicting brain functioning, nonlinear thinking, executive functioning, and related concepts. Other chapters contain practical information about strengths-based constructions of conditions such as savantism, autism, ADHD, and dyslexia.

Neurodiversity is neither about legal matters nor aimed at forensic professionals. Yet, in an introductory chapter, Drs. Fung and Doyle cite research showing barriers to inclusion of neurodiverse citizens leading to increased rates of incarceration, unemployment, and underachievement. They regard the conditions discussed as “invisible” to implementation of legislation such as the Americans with Disabilities Act, since the differences requiring accommodations are harder to grasp than, say, the need for a wheelchair ramp or screen reader. Following a chapter on neurobiology, subsequent discussions explore education, employment, and assistive technologies. All chapters contain exceptional references, suggested readings, and learning aids.

The subject of neurodiversity, as it interfaces with matters of civil law (discrimination, entitlement) and criminal law (from diminished capacity to mitigation), will likely increase in prominence. As Drs. Fung and Doyle observe in the first chapter, however, there is a potential metaphysical matter: whether the neurodiverse conditions describe medical illnesses, products of social construction (disability), or simply a natural distribution of attributes. My own work has included evaluations of students and employees, on the civil side, and autistic individuals seeking sentencing departures, on the criminal. Employing respectful and persuasive language is a challenge. As the book contributors observe, the language and labeling to describe such individuals is a work in progress. Some affected persons prefer “first-person” descriptors such as “person with autism” versus “identity-first” labels such as “autistic” or “dyslexic.” Forensic professionals should be sensitive to the individual’s preferences, especially when there is resistance to a medical model explanation for accommodations or behavior. Beyond that, the language employed in reports must reflect statutory or regulatory wording and not be so abstract as to hinder legal arguments. Neurodiversity supplies needed ingredients for describing conditions and prescribing plans for individuals who might otherwise go unnoticed amid typical disability claims and parlance.

Disclosures of financial or other potential conflicts of interest: None.

Femme-Fatale Frauds: A Review of Inventing Anna and the Dropout


Reviewed by Karen B. Rosenbaum, MD, and Susan Hatters Friedman, MD

DOI:10.29158/JAAPL.220054-22

Key words: fraud; forensic psychiatry; film; suicide; female psychopathy

Anna Sorokin’s story is cleverly told through Shonda Rhimes’ Inventing Anna on Netflix beginning with, “This whole story, the one you’re about to sit on your fat ass and watch like a big lump of nothing is about me.” Each episode has the qualifier, “This whole story is completely true. Except for all the parts that are totally made up.” The series is based on the article by the reporter Jessica Pressler who interviewed Ms. Sorokin in Rikers as she was awaiting trial, as well as some of her friends and victims.1 The Anna Sorokin character comes to life through actress Julia Garner of Netflix’s Ozark fame, with an endearing enigmatic accent that has Russian undertones. The reporter character, Vivian Kent, is based on Jessica Pressler and is played by Anna Chlumsky of Veep and the unforgettable 1991 film My Girl. In the series, Vivian Kent is pregnant and attempting to regain her reputation after a career difficulty; she sees Anna Sorokin’s story as a way for her own career to be revived. She is sympathetic to the protagonist Anna, who has a way of seeing into people that helps