

Facilitated Communication, Neurodiversity and Human Rights

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ABSTRACT

Facilitated Communication (FC) has rightly been labeled a pseudoscience as there are no controlled studies showing its validity as a form of communication for people with severe autism or other disabilities. In controlled studies, it has been the facilitator and not the person with disabilities that is generating the communication. Spurious communications have led to numerous cases of sexual assault and false accusations of misconduct. Nevertheless, FC remains widely practiced and touted even by supposed experts. We argue that this controversy has important human rights implications, especially for activists attempting to amplify marginalized people's voices by speaking for them, and raises critical questions about epistemological issues in human rights work.

I. INTRODUCTION

The debates about Facilitated Communication (FC), a scientifically unproven technique of communication for severely cognitively challenged individuals, calls for a re-examination of many fundamental human rights issues in part because both the proponents and critics of the technique frequently forefront human rights language in their arguments. In this paper, we focus on the important lessons that FC provides for those claiming to speak for marginalized populations, the often-paternal desire to help such groups, and how epistemological issues intersect with human rights, especially how difficult it is to challenge firmly held beliefs which are used in efforts to help marginalized groups.

To set the stage, we begin with two stories held up as successes by proponents of FC. The 2017 documentary *Deej*¹ is a moving story of DJ Savarese, a young man thought to have such severe autism that he could only communicate in a limited fashion through gestures and wordless

sounds. His birth parents abandoned him because of his disabilities, but according to the movie, with the help of his loving and extremely patient adoptive parents, he learned to communicate. His parents then successfully challenged for DJ to have the right to be educated in a public school among non-disabled students. Deej learns how to communicate well enough to graduate from high school, and then he is admitted to Oberlin College. The movie, which lists Savarese as director and co-producer, was shown at the United Nations on World Autism Awareness Day in 2019.

The recent New York Times bestseller *The Reason I Jump* by Naoki Higashida, a thirteen-year-old Japanese boy with severe autism, purports to give an inside look into life with severe autism from someone who has been previously unable to communicate using spoken language. Higashida's account suggests that he is not only able to communicate but that his previous apparent lack of empathy is not due to his autism but to his frustration at not being able to make himself understood. He not only has amazing insights about his own condition but that of the human condition more broadly, especially how those different from us are perceived. The book garnered widespread praise from luminaries around the globe. Jon Stewart former host of *The Daily Show* wrote, "One of the most remarkable books I've ever read. It's truly moving, eye-opening, incredibly vivid," and Whoopi Goldberg described it as "Amazing times a million."² The book has been translated into more than thirty languages, and a movie based upon it won a major award at the 2020 Sundance Film Festival.

There are, however, very strong reasons not to believe these 'feel-good' human rights stories. DJ Savarese and Naoki Higashida made their breakthroughs using variations of Facilitated Communication (FC), a widely discredited method of communication with no scientific evidence that it works. Facilitated Communication involves a trained facilitator guiding

the hand of the disabled person as they “type” using a letter board or keyboard. The scientific consensus based upon scores of rigorous experiments is that it is the facilitator, not the person with disabilities, authoring the communications.³ FC is regarded by most in the scientific community as a pseudoscience based on the ideomotor effect, such as in the use of Ouija boards, where an individual becomes convinced that someone or something other than themselves is communicating to them. FC is a type of self-deception similar to those that have been used by magicians and professed psychics to fool audiences for centuries.⁴ Indeed, most major academic associations that deal with disability issues, having reviewed the scientific evidence, issued strong statements opposing the use of FC.⁵

DJ Savarese, who went on to graduate Phi Beta Kappa from Oberlin College, probably did not produce any of his high school or college materials or even his published poetry, and Naoki Higashida, who supposedly was communicating very complex thoughts and emotions especially for a thirteen-year-old, likely did not author the New York Times bestseller or any of the fourteen other books that were attributed to him by the age of twenty. His short book did not reveal the inner life of a boy with autism, but the views of his parents about what the inner life of a boy with autism “must” be like. These and other doubts about the veracity of claims in such work raise significant issues that link the use of FC, human rights, and evidence-based interventions.

We explore the human rights implications of FC in several stages. In the next section, we set out the broader picture of how FC proponents claim to fit into the larger neurodiversity movement, an important movement that has generally not received the attention it deserves in human rights circles. Then we will briefly describe FC and similar communication techniques as well as the scientific research that shows that the technique has no scientific validity. We then

analyze the nature of the debates between proponents and opponents, focusing especially on how these groups mobilize human rights to defend their positions. We then examine an infamous FC case, where the facilitator wrongly thought that a severely autistic girl was communicating via FC that she had been sexually abused by her parents. Finally, we conclude by discussing how this controversy intersects with fundamental human rights issues.

We end this introduction with a note about our unusual and unique positionality to discuss FC and how it intersects with human rights issues. The first author is a human rights scholar that has written extensively on the place of testimonies and stigmatization in human rights work and has long been interested in how epistemological issues play out in human rights work. The second author is a former practitioner of FC, who was at the center of one of the most infamous cases involving the technique. She has since been a tireless advocate against the practice.⁶ The third author is a well-known human rights scholar noted for his demanding adherence to scientific principles in human rights work, while also being a professional magician who frequently employs the ideomotor effect and similar techniques to deceive subjects and audiences for entertainment purposes. In addition to publishing several books on critical human rights issues, he has published several books on the magician's craft.⁷

II. NEURODIVERSITY

What if we ascertained, with the advancement of neuroscience, that a very large portion of the human population interacts socially, de-codifies body communication, uses body-language, processes information and stimuli, learns, rationalizes, or makes abstractions with a greater variation than previously postulated? What are the implications of the fact that this diversity in human cognition is often considered a clinical syndrome? . . . In other words, are brain attributes one of the cornerstones upon which inequality and injustice are built in

Western societies?⁸

We first note the significant and positive advances that have been realized through the neurodiversity movement. This movement is premised on the idea that autistic individuals and others that are neurodivergent do not have disorders or inferior ways of thinking but think differently. There is an “infinite variation in neurocognitive functioning within our species”⁹ but only some forms of neurocognitive functioning have been considered “normal” while some forms of social interactions and behavior are considered weird, subject to censure, or pathologizing. The range of normalcy is a social construction that varies between societies and across time. Those that fall outside the scope of the *neurotypical* in their society are viewed as disordered. Seen in this way, autism, should not be listed as a category of disorders in the Diagnostic and Statistical Manual of Mental Disorders (DSM) to be fixed, but is part of one’s identity. Proponents of neurodiversity criticize attempts to cure autism such as through genetics or rigorous behavioral therapy.¹⁰ Some forms of behavioral therapy place great and misguided emphasis on attempting to change harmless behaviors that are viewed as atypical but very well may be coping behaviors for a given individual,¹¹ such as stimming (self-stimulating behavior), avoiding eye contact, and echolalia (repetition of spoken words, often with no understanding of the meaning behind them). They also strongly object to pathologizing discourses such as warnings about the supposed “epidemic” of autism or the work of groups like Autism Speaks that makes autism out to be a boogeyman plaguing our communities.¹² Instead, proponents of neurodiversity see society at fault for branding neurodiverse individuals as inferior and the obstacles that it puts in the way of autistic thinking. Thus, autistic individuals, especially those on the mild side of the spectrum, do not need to be cured, but society needs to change to be more

embracing of these individuals, their ways of thinking, and their accomplishments.

The neurodiversity movement challenges the contemporary human rights paradigm in two major ways. First, it highlights another way that societies discriminate, pointing to ways that society needs to change to be truly inclusive.¹³ Second, an emphasis on neurodiversity should further question any human rights theories that found human rights on the social construction of human rationality, such as the theories of John Locke.¹⁴ Throughout history, human rights have historically been denied to individuals who are said to lack the right rationality to participate fully in politics. Women, children, racial minorities, people with disabilities and mental illnesses, and others have been deemed too irrational to actively participate in politics and could rightly be discriminated against.¹⁵

The neurodiversity movement draws on so many compelling success stories. Silberman¹⁶, for instance, provides a plethora of examples of famous scientists, inventors, and others throughout the centuries that were most likely autistic, and that their being on the ASD spectrum played a major role in their accomplishments. Indeed, highly successful people with autism can be found in almost every field—animation, music, art, law, activism, math, etc.¹⁷ And, more and more individuals are proudly touting their diagnosis. Consider, for instance, teenage climate activist Greta Thunberg, whose Twitter bio describes her as “16 year old climate and environmental activist with Asperger’s.”¹⁸ Thunberg has said “I have Asperger’s and that means I’m sometimes a bit different from the norm. And—given the right circumstances—being different is a superpower. #aspiepower.”¹⁹ Unfortunately, the pushback against Thunberg’s battles for meaningful action against climate change also highlight the distance the neurodiversity movement still needs to travel, as many political figures have disparaged her with ad hominem attacks on her way of speaking and her affect.²⁰

Temple Grandin, a professor of animal science, whose voluminous scientific writings focus on more humane animal slaughtering systems that are now being used extensively in the livestock industry, has extensively written and discussed the way her autism has informed her scientific career. Grandin, for instance, in her first book *Emergence: Labeled Autistic*, was quite open about the challenges her autism has presented, including her own fears.²¹ But most interestingly has been her discussion, especially in her second book, *Thinking in Pictures*, of how she thinks differently, mostly through images, and how this has helped her conceive of innovative solutions for technological problems.²² Oliver Sacks said that the book is “a bridge between our world and hers and allows us to glimpse into a quite other sort of mind.”²³

Similarly, comedienne Hannah Gadsby openly talks about her autism diagnosis in her brilliant TedTalk and in her subsequent comedy routine “Douglass.” Gadsby says that she does not think in a linear fashion, or even through pictures like a photographic memory, but through an “ever-evolving language of hieroglyphics.”²⁴ Her mind often outraces her ability to communicate, especially verbally. Counter-intuitively, being a stand-up comedienne is an ideal way for her to communicate even though she is not very good at talking with people. She does not have to listen; that is the job of the audience. She also can come prepared with her remarks, so she does not have to think how to respond and talk at the same time. Instead, she says her job is to recite and connect with the audience.

Because of the works of Grandin, Thunberg, Gadsby, and so many others, the neurodiversity movement has made important strides. The social understanding of autism has radically shifted, not just in the scientific and social services communities, but also in businesses and education. Several large corporations such as JP Morgan Chase, SAP, and Ernst & Young (EY) have created neurodiversity initiatives to recruit and retain individuals with autism. Also,

numerous universities around the globe, such as William and Mary, NYU, and Stanford, now have neurodiversity programs with some having summer bridge programs to help neurodivergent students adapt to academic life.

A. The Critiques of Neurodiversity

The neurodiversity movement like all social movements, even the most progressive, can and should be subject to critique, especially as to who it excludes and how it portrays people with disabilities. For many, it places too much emphasis on mildly autistic individuals and their high-profile success stories.²⁵ The movement's insistence that autism need not be treated does little for more severely autistic individuals. For instance, author Charlotte Moore, who has two autistic sons with significant care needs, agrees with the general principle that her boys think differently than neuro-typical individuals. But, when asked about Greta Thunberg's statements, she replied,

Can autism be a superpower? Probably, yes, in a few cases—some autistic people do have extreme abilities—but the popular belief that all autistic people are really geniuses isn't helpful to parents or caregivers struggling with autistic people with no speech and self-harming behaviors, meltdowns or sensory overload.²⁶

Similarly, Thomas Clements, in his remarkable self-published book, *The Autistic Brothers: Two Unconventional Paths to Adulthood* writes of his challenges with autism, as well as those of his brother Jack whose condition is much more debilitating.²⁷ While Thomas has been able to write two very insightful books about autism, and lives on his own, Jack is unable to communicate verbally and he

will never be able to live the life of an ordinary adult. He will require fulltime care for the rest of his life, which will necessitate someone keeping his bottom

clean. We all love him dearly, but at the same time we are forced to swallow the bitter pill that he will never have a career, a house, a car or a family like the rest of us.²⁸

In the past decade or so a new movement has emerged labeled Critical Autism Studies (CAS), that seeks to address such questions and focuses on power dynamics as well as intersectionality in the study and activism around autism.²⁹ Those who embrace critical autism studies frequently call for autistic authorship of works on autism in order to have “epistemic integrity.” This is epitomized by the journal *Autonomy: The Critical Journal of Interdisciplinary Autism Studies* which has only autistic editors and requires at least one autistic reviewer for each manuscript. Further, personal experiences with autism are not monolithic, and larger than life figures such as Temple Grandin should not be viewed as having the last word on autism. Too often, social understandings are but a reified view of autism based upon supposedly “exemplar” cases. Instead, experiences of autism are a “kaleidoscopic complexity of this highly individualized, relational (dis)order.”³⁰

B. Facilitated Communication and Neurodiversity

The proponents of FC embrace the neurodiversity movement and they appear to be providing a response to its critics, especially in the belief that severely autistic individuals are neglected and not allowed a voice in the movement. FC claims to provide communication services for low functioning individuals and many severely autistic individuals such as Sue Rubin and DJ Savarese supposedly take leading roles in the movement. Many of those “speaking” through FC give talks, write poetry about their experiences, produce films, etc. Many who communicate through this technique are parts of advocacy networks such as the Autistic Self-Advocacy

Network, Saved by Typing, and the Autism Women's Network. FC advocates, if their claims about the technique were true, would be on the cutting edge of the neurodiversity movement. Such a view resonates with recent human rights scholarship,³¹ which calls for a continuous deconstruction of human rights movements, even those that are the most progressive by a patiently listening to those most marginalized, which is just what FC advocates appear to be doing. By listening and working with severely autistic people, FC advocates believe they are giving voice to an otherwise marginalized group and fulfilling the underpinning philosophy of neurodiversity.

1. Facilitated Communication

The underlying belief of FC is that many severely autistic people and those with other conditions that prevent communication (such as traumatic brain injury, cerebral palsy, and Down's Syndrome) are not cognitively impaired but lack the physical ability to communicate in traditional ways. They can communicate with practice and patience, and with the help of a trained facilitator also known as the communication partner who steadies their hand or arm and assists them in typing on a keyboard or by pointing to letters on a board. Facilitators are trained to be vigilant to make sure the one being facilitated is paying attention to the exercise and to be careful not to nudge them to ensure that they are not substituting their own communication for theirs. Several similar techniques have recently sprouted up, most notably the rapid prompting method (RPM) developed in India by Soma Mukhopadhyay. This method begins by rapidly presenting simple closed-ended questions and forcing the user to make a choice. It then proceeds to the facilitator holding up a letter board or similar instrument and having the user point to

letters.

FC was originally developed in Australia by Rosemary Crossley who published the book *Annie's Coming Out*³² about her first patient and now runs the Anne McDonald Centre for Facilitated Communication. It was then popularized in the US by Douglas Biklen, a professor of Education at Syracuse University and founding director of that school's Facilitated Communication Institute.³³ Biklen would later, despite strong opposition from many in the scientific community, become Dean of Syracuse's School of Education, and in 2011, he was awarded the UNESCO/Emir Jaber al-Ahmad al-Jaber al-Sabah Prize to promote Quality Education for Persons with Intellectual Disabilities. The center at Syracuse, recently renamed the Center for Communication and Inclusion (<http://ici.syr.edu/>) holds workshops on FC and its website lists a plethora of testimonies, articles, and books supporting the technique. The center also provides a list of "Master Trainers" of FC, many of whom hold advanced degrees and teach at well-known universities. There has also been an annual FC workshop at the University of Northern Iowa, that until recently was officially supported by the university, with participants able to receive college credit. University faculty members around the globe promote the use of FC and a variation of the technique was recently touted in a promotional film for the University of Virginia. In addition, FC is encouraged or at least sanctioned by several statewide special education organizations such as the Vermont Communication Task Force and several proponents of FC have played major roles in the Department of Education's largest grant for special education, the Schoolwide Integrated Framework for Transformation granted in 2012.³⁴

III. SCIENTIFIC EVIDENCE AGAINST FC

With the imprimatur of such well-known figures and institutions, FC became something of a cause célèbre in the early 1990s with amazing alleged results. The anecdotal evidence of parents and caregivers communicating for the first time with a child, for getting a glimpse of a child's inner world after not knowing what they were thinking or feeling for years, was profoundly moving.

As we stated before, however, there is no valid scientific evidence in support of the technique, and it is correctly labeled a pseudoscience as it has thus far been unable to supply robust and systematic evidence for its efficacy or effectiveness, nor can it account for contradictory evidence.³⁵ After Biklen introduced the procedure to the US in the early 1990s, it spread among practitioners often desperately seeking some form of communication with their clients. It was soon subjected to more rigorous empirical tests. And in test after test, it was found that the facilitator was moving the arm or hand of the non-communicative individual or moving the letter board itself. Numerous studies have been conducted in controlled settings by numerous researchers and all show that the autistic individual was not communicating.³⁶

The most basic tests involve two key conditions. In the first condition, the facilitator and the user are shown the same image and then asked to type the name of the object. Invariably, the user answers correctly. Then, the facilitator and autistic individual are shown different images, but the facilitator believes they have been shown the same object. Invariably, the user answers incorrectly. In a particularly devastating study run by Wheeler and colleagues with 12 individuals with autism and nine facilitators in over 180 trials, the individual with autism did not get a single image correct.³⁷ This was such a shocking result that Wheeler and colleagues worried that it would traumatize the facilitators based upon the epistemological crisis of learning that something they believed in so strongly was a hoax. One of the facilitators said, "it was

devastating, to see the results in black and white in front of you. It was mind-boggling.”³⁸

Dozens of studies have since been done showing that what appeared to be communication was merely the movements of the facilitator. In study after study, “when facilitators witnessed different information than users, facilitator–user pairs identified information presented to the facilitator.”³⁹ In another common condition called “message passing” an object or image is only shown to the user and then the facilitator is brought in to help communicate what that object or image was. In another early study looking at twenty-three individuals, not a single correct identification was provided out of 127 trials.⁴⁰

Several meta-analyses have been done of previous empirical studies on authorship in FC. For instance, the American Speech-Language and Hearing Association (ASHA) impaneled a scientific committee to review extant studies of FC and of those that included rigorous controls, they all showed “unequivocal evidence for facilitator control: messages generated through FC are authored by the facilitators rather than the individuals with disabilities.”⁴¹ They concluded “FC is a technique that has no validity.”⁴² These findings echo those of all other systematic reviews.⁴³ Of particular note, Mark Mostert conducted in-depth analyses of the two quantitative studies that seemed to show some user authorship in FC. He concluded that each had “major design flaws” and so “these results are much more likely the artifact of methodological problems than an accurate representation of persuasive evidence.”⁴⁴

In the scientific community, facilitated communication is now seen as a hoax, generally a well-meaning hoax, but one that has no validity for communication or treatment. It is the facilitator unconsciously influencing and controlling the movements of the person with disabilities. The technique is now seen in the same light as Ouija boards, automatic writing and other guided writing techniques: well-intentioned but unable to stand up to scientific scrutiny. As

Boynton tersely summed up the evidence, “[b]y the mid-1990s, the scientific community had proved over and over again that it was the facilitator—not the disabled communication partner—who was typing the messages. *Every time. Full stop.*”⁴⁵

C. Position Statements

Based upon such overwhelming scientific evidence as well as highly publicized cases of the misuse of FC (discussed below), almost every major professional and academic association related to autism, special education, and augmented communication has issued strong statements against the use of FC. These include the American Academy of Pediatrics,⁴⁶ the American Academy of Child and Adolescent Psychiatry,⁴⁷ the American Association on Intellectual and Developmental Disabilities,⁴⁸ the American Psychological Association,⁴⁹ the American Speech-Language and Hearing Association,⁵⁰ and the Association for Behavior Analysis.⁵¹

For instance, the American Psychological Association, which has only issued three other denunciatory statements in its more than 125 years (denouncing Dianetics in 1950, creationism in 1982, and intelligent design in 2007), adopted a strong statement opposing FC in 1994. The statement noted that “peer reviewed, scientifically based studies have found that the typed language output (represented through computers, letter boards, etc.) attributed to the clients was directed or systematically determined by the paraprofessional/professional therapists who provided facilitated assistance.”⁵² Therefore, the APA “adopts the position that facilitated communication is a controversial and unproved communicative procedure with no scientifically demonstrated support for its efficacy.”⁵³

The American Speech-Language-Hearing Association (ASHA) updated its previous

denunciation with a stronger statement in 2018. FC “is a discredited technique that should not be used” and they concluded that:

SLPs (speech-language pathologists) have a responsibility to inform and warn clients, family members, caregivers, teachers, administrators, and other professionals who are using or are considering using FC that decades of scientific research on FC have established with confidence that FC is not a valid form of communication; messages produced using FC do not reflect the communication of the person with a disability.⁵⁴

Many of these statements highlight significant human rights concerns. The APA statement lists a number of “immediate threats to the individual civil and human rights,” including potential for abuse by facilitators, false accusations being communicated through FC, treatment decisions being determined by false communication, and education choices being made by incorrect assessments of someone’s abilities.⁵⁵ The International Society for Augmentative and Alternative Communication (ISAAC) statement held that FC “appears to be in violation of several articles of the 2007 United Nations Conventions on the Rights of Persons with Disabilities (i.e., Articles 12, 16, 17, and 21) as it has been shown to prevent individuals without sufficient spoken language from using their own “voice” and the “use of FC risks the loss of valuable assessment and intervention efforts, time, and resources that might otherwise have been expended to implement AAC systems and strategies that are empirically validated and do not leave doubt about authorship.”⁵⁶ The ASHA reiteration of 2018 highlights that the technique “is not consistent with the communication rights of autonomy and freedom of expression” as guaranteed in numerous human rights instruments including the UN Convention on the Rights of Persons with Disabilities, the 1948 Universal Declaration of Human Rights and the 2016 Communication Bill of Rights.⁵⁷

D. Responses from FC Proponents

Despite the mounting scientific evidence against the practice and the potential for abuse, FC continues to be practiced and advocated by numerous practitioners and scholars. When presented with such overwhelming scientific evidence and with such strong denunciatory statements from reputable organizations, the leaders of the movement and most practitioners have not given up their beliefs; instead, the information seems to have had a “backfire effect”⁵⁸ with proponents becoming even more supportive of the technique.

Early on, proponents questioned the experimental techniques used to evaluate the authorship of messages produced during FC sessions. They frequently claimed that the experiments failed because the practitioners were not trained well enough in FC or that the artificial experimental conditions were anxiety-inducing for those that already have difficulty communicating.⁵⁹ Other proponents argued that experimental conditions interrupt the trust that has been cultivated between facilitators and the user.⁶⁰ However, these studies are usually done in conditions that have been as non-artificial as possible, often in very similar conditions to those used for normal FC sessions. Nevertheless, the conditions must assuredly be less stressful than the conditions that FC proponents often place users, such as presenting at the United Nations or at academic conferences or even producing documentary films. It is peculiar that someone who can write a book of poetry or graduate Phi Beta Kappa from Oberlin would not be able to identify simple pictures during a short experimental trial.

Two supporters of the technique conducted their own meta-analysis of the academic literature and concluded that the key divide is between qualitative and quantitative studies of FC.⁶¹ The forty or so quantitative studies all show that FC does not work, while the 100 or so

qualitative studies show that it does.⁶² While the authors do not directly call into question the quantitative studies, they believe that the number of articles in the pro-FC camp helps to justify its validity. They also found that very few quantitative studies of FC have been published since the 1990s while most of the qualitative studies have been published since. They conjecture that “this may demonstrate that researchers have come to recognize that they learn much more about the process of FC through qualitative, as compared with quantitative research.”⁶³ It is much more likely that controlled studies are no longer being done to determine authorship because this is very much a settled issue in the scientific literature. There is little need or academic reward in creating additional data when every scientific study with adequate controls has shown FC to fail. More studies that test its validity are not needed, just as biologists presume the theory of evolution as a backdrop for their studies, such that the bigger questions need not be tested for every study.⁶⁴ Instead of trying to refute authorship directly, many studies try to understand why so many well-meaning people can be self-deceived,⁶⁵ or how false beliefs are spread through social media⁶⁶ or how psychological fads persist.⁶⁷ However, new anecdotal evidence for its effectiveness continues to accumulate in scientific articles that make it through the peer review process and in testimonies on the Internet, while additional controlled studies are rarely done.⁶⁸

1. Invented Ambiguity

Other proponents *appear* to have tempered their claims about FC, but in doing so, they discount the scientific evidence and further justify using an unproven technique. They will admit that many studies have shown no authorship by the user but also point to the number of practitioners that have found success, and thus claim that there is an active debate on whether the technique

works. As Emerson and Grayson write, “to summarize the findings from nearly 20 years of research into FC, the balance of the evidence does not support its use, but there are some studies which raise interesting questions about the technique and suggest that it should not be dismissed.”⁶⁹ Notably, this is the same argument used by climate change deniers; since a few studies seem to provide evidence against the finding, it is worth having the debate. Such a stance appeals to the scientific desire to continue testing and falsifying any theory, as well as the liberal desire to have an open exchange of ideas where all viewpoints including those most marginalized are heard. Using and abusing these principles, they therefore conclude that since the scientific evidence is mixed and that since there is a large amount of potential benefit in its use for specific individuals, it should continue to be used in specific instances.

Using invented ambiguity, the defenders claim to be the ones most open to the scientific method and to the needs of individual patients. *They* have the best interests of the individual with severe autism in mind, while skeptics are placed in an impossible position of having to claim that FC could never work in any circumstance.⁷⁰

Proponents have closed in on themselves and become increasingly vociferous in attacking their critics, as evidenced by Internet message boards. Criticisms of FC are interpreted as attacking either the facilitator or the person with disabilities (most often the person with disabilities). So, instead of discussing who is doing the pointing and how we can be sure the facilitator is not (inadvertently) influencing the communications, the debate turns to issues of freedom of speech, disability rights, and presumed competence. Biklen now claims that FC users are similar to Helen Keller and Phyllis Wheatley, who had to unjustly prove themselves to a repressive society by convincing supposedly competent judges that it was they who were actually communicating.⁷¹

2. Personal Statements on the Debate

The most persuasive responses from the proponents seem to be to point to more testimonies, and they are extremely compelling and convincing as our opening vignettes show. Even more convincing are when the users (allegedly) make very compelling cases for FC, and that the anti-FC critics are silencing them, and connect their supposed breakthroughs to the larger neurodiversity movement. Noah Seback, a non-speaking autistic, who supposedly “communicates” by pointing to letters on a board held by a facilitator, supposedly said, “People are small-minded and can’t open themselves to the possibility of neurodiversity. My brain processing, my autism if you will, is magnificent. My brain controlling my motor movement or my body, not so much.”⁷² Similarly, autistic advocate Amy Sequenzia allegedly said about FC, “It is how I communicate. It means it is how I can have my voice heard... As far as I know, from all the people who say FC is a hoax, none of them has ever interviewed a user who became independent, or has acknowledged the many studies, including double-blind studies done by different facilitators with different users.”⁷³

These accounts are extremely compelling, especially to human rights activists and scholars that never want to be in the position of silencing marginalized voices and want to be open to various techniques and idioms that are used to communicate. But they also point to the most compelling refutation of the technique. If users of FC are so passionate in proving the technique is correct and make such profound statements about its importance for them and potentially thousands of others, then they should have strong incentive to prove once and for all that the technique is effective. This passion should overcome any anxiety and lead them to participate in simple experimental trials or to show clearly they communicate independently.⁷⁴

But that has not happened. As further incentive, the James Randi Education Foundation previously pledged one million US dollars to anyone who could provide “a valid demonstration of facilitated communication.”⁷⁵ That money was never claimed. The FC proponents also claim that some users have progressed to independent typing, but there is no unedited video of this occurring. In videos of Naoki Higashida and DJ Savarese they are always being touched while communicating or having the facilitator interpret the sounds they are making. They are not engaged with the communication device in ways that demonstrate proficiency at using the device independently. As Fein and Kamio write about Naoki Higashida,

The claim that a young man as affected as Naoki obviously is by autism can produce the sophisticated prose in this book is an extraordinary one, and as Carl Sagan put it, extraordinary claims require extraordinary evidence. . . . It would be extremely easy to provide assurance that Naoki has the capacity to write prose of this level of sophistication. One could simply provide some written or verbal material to him alone and not to the adults who care for him and then test his comprehension of it by any means suggested.⁷⁶

To conclude, FC has all the markings of a pseudoscience. It makes remarkable claims without being able to pass straightforward tests for its effectiveness. Proponents often tout its alleged successes without acknowledging the vast amount of counter-evidence.⁷⁷ Films like *The Reason I Jump* and the multitude of online testimonials often do not even mention that there is a controversy in the scientific literature. Further, if the technique is such a breakthrough, it is interesting how often it is not even mentioned in personal accounts that could tout its success

E. Ideomotor Response, Personal Validation, and Confirmation Bias: Views from a Magician

Why would so many well-educated people ignore scientific evidence and believe in testimonies

over experimental studies? How can so many facilitators be self-deceived “that someone can perform a complex, lengthy, and highly intelligent action and yet mistake it for the action of someone else?”⁷⁸ The answer to this puzzling situation combines several well-known psychological phenomena: (1) the ideomotor phenomenon, (2) the fallacy of personal validation, and (3) confirmation bias. These phenomena are part of most magicians’ toolkit having been used to deceive audiences for decades.⁷⁹

In 1852, William Benjamin Carpenter lectured on the ideomotor phenomenon at a weekly meeting of the Royal Institution of Great Britain, in which he argued that “*Ideas* may become the sources of muscular movement, independently either of volitions or of emotions.”⁸⁰ Here, Carpenter is claiming, in a mirror of Cartesian dualism, that phenomena in which mere thoughts produce what appear to be involuntary movements, the mind appears not to be separate from the body. This phenomenon is most easily demonstrated through the use of a pendulum, suspended from the grasp of the index finger and thumb with the elbow resting on the surface of a table. Simple binary “yes” and “no” questions can be asked of a participant, who, upon merely thinking of the answer, can produce movement in the pendulum. This phenomenon is uncanny in its effect on the participant and has been frequently used in demonstrations of spiritualism and psychism, new age therapies, and the performance of magic and mentalism. Stage hypnotists and mentalists have used pendulums in their performances as a demonstration in and of itself, as well as a method for judging the susceptibility of audience members to hypnosis. This ideomotor effect also underpins popular demonstrations and tests of supposedly psychic phenomena such as spirit rapping, spirit glasses, muscle reading (Hellstromism) and automatic writing. It is also used in tabletop glass moving and *Ouija* boards, where the collective touching of the glass or planchette achieves what appears to be movement controlled by something other than human volition.⁸¹

But the ideomotor effect is only a small part of why FC appears to be effective to the facilitator and by itself does not explain how facilitators can supposedly carry on long-term conversations with a non-communicative partner. This is where personal validation and confirmation bias kick in.

Personal validation, also known as the Barnum effect, occurs for instance, when reading horoscopes or in supposed psychic performances on television. A person will believe generally vague statements that apply to themselves are specific to their circumstances. This is more likely to occur when the individual believes in the authority of the information source.

In the 1940s and 1950s psychologist Bertram Forer conducted several experiments to test the degree to which respondents make claims about the veracity and accuracy of information supplied to them on a set of cards as part of a personality evaluation. His experiments showed that despite providing the same account to all respondents, all participants saw the vague judgments as applying to them.⁸² In the case of FC, the effects experienced through the ideomotor phenomenon acts to convince the ‘master practitioner’ that they are indeed discovering the hidden voice of the autistic individual, and that the text that is the result of FC is authentic to their inner, yet un verbalized, thoughts.

This attitude of acceptance is closely allied to the phenomenon of confirmation bias, where respondents are selective in believing evidence that supports their pre-existing hypotheses. They only accept or actively seek out information that confirms their existing beliefs and disregard or discount information that goes against such beliefs. In an FC session, where sessions are marked by many “mistakes, false starts, and deletions,”⁸³ the facilitator will often plan ahead as to what is being typed to provide a coherent answer that aligns with their pre-existing beliefs and thus avoid any disconfirming typing. Confirmation bias also leads facilitators to disregard

any evidence that communication is not happening. In a particularly telling qualitative study, the researcher closely watched three sets of FC sessions: “so powerful was this commitment that it exerted a domino reaction with respect to resolving all matters of controversy and inconsistency in favor of facilitated communication, regardless of the ‘stretch’ required to do so.”⁸⁴

Burgess et al designed an innovative experiment that shows how these three phenomena interact to deceive a large percentage of facilitators into believing that their client was doing the communicating.⁸⁵ They trained forty undergraduate students in FC by using a short commercially available training video co-produced by Biklen. In one condition, the students were also introduced to the FC controversy, in the other they were only presented with a positive account of FC. With this minimal level of training the students were eager to help the supposedly non-communicative partner. The partner though was communicative and was a confederate of the researchers. The student subjects asked the partner a series of six basic questions about the partner and their family. However, the partner was not privy to the fictional answers to the questions, while the student subjects knew the questions and answers. Almost all of the subjects produced correct responses and they all felt that the answers were coming more from the non-communicative partner than from themselves. There was no significant difference between those who received the controversial take on FC versus those that only received positive information. This suggests that the larger pro-FC context of the study outweighed any disconfirming information and suggests that the combination of the ideomotor effect, the fallacy of personal validation, and confirmation bias lies at the heart of the sustained and vociferous defense of FC even in the face of disconfirming evidence.⁸⁶

IV. HUMAN RIGHTS ABUSES THROUGH FC

Unfortunately, the debate about the effectiveness of FC is not just an academic exercise. The use of FC has real-world human rights consequences. The most obvious examples are those of violence perpetrated and justified through FC.

In one case, successful entrepreneur Gigi Jordan thought that her eight-year-old autistic son wanted to commit suicide because he had been sexually abused by his biological father. The only evidence of the abuse came from the boy's supposed testimony via FC. He allegedly wrote, "I need a lot of drugs to die peacefully" and "I wish you do it soon."⁸⁷ In response, Jordan took her young boy to a fancy hotel room and forced the boy to take a plethora of pills. She also tried to overdose. The boy died, but the mother survived. The mother pleaded not guilty, saying that this was a case of "altruistic filicide."⁸⁸ Despite evidence being presented that the child could not have communicated such desires, the mother was unrepentant and continued to believe she did what he wished. The mother was found guilty of manslaughter and sentenced to eighteen years in prison.

In another case, Anna Stubblefield, a professor of philosophy at Rutgers University and a noted author of studies on racism and disabilities, was tried and convicted of raping an African American man who was mute and suffered from cerebral palsy.⁸⁹ Stubblefield was supposedly teaching the man to communicate using FC and she believed, based upon his facilitated messages that he had fallen in love, and had consented to sexual relations with her. The family, in part based upon multiple clinical tests, held that he could not communicate and did not have the intellectual ability to consent to such relations. The Court concluded that the man was unable to express legal consent and Stubblefield was convicted of aggravated sexual assault. After appeal, Stubblefield pleaded guilty to "aggravated criminal sexual contact" and her sentence was reduced from twelve years to the twenty-two months she had already served. Stubblefield was

fired from Rutgers and in a separate civil case, she was ordered to pay \$4 million to the family.

There is also a litany of cases of false accusations, especially of sexual abuse, against family members and caregivers where the only evidence are alleged communications through FC.⁹⁰ Even the developer of FC Rosemary Crossley was implicated in 1990 in false accusations of sexual abuse.⁹¹ “Carla” was a twenty-eight-year-old woman whom Crossley claimed could communicate through FC. Crossley and other facilitators claimed that she was being sexually abused. The Australian Guardianship Board, though, found after reviewing the evidence for communication, including a failed double-blind experiment, that Carla could not possibly have communicated through FC and granted guardianship back to the family. Unfortunately, these misuses are not isolated incidents, and it is easy to imagine that many fewer major abuses occur because of the use of FC.

F. Janyce Boynton

In 2012 a short personal account by Janyce Boynton appeared in *Evidence-Based Communication Assessment and Intervention*, a scholarly journal that had published several previous critiques of Facilitated Communication. “What Harm It Can Do: Confessions of a Former Facilitator” was not a typical academic article but a lengthy reflection written by a former practitioner of FC that was at the center of one of the most infamous FC cases.⁹² It is a remarkable human rights document with implications for numerous areas of the field as it helps to explain why someone believed in the procedure so strongly, how it could go wrong, what it took to convince the practitioner otherwise, and what it felt like to be shown that she was wrong. It is a cautionary tale for human rights practitioners or anyone with good intentions who claims

to be speaking for another or amplifying another's "voice."⁹³

The story of Betsy Wheaton and her facilitator Janyce Boynton has all the makings of a human rights success story.⁹⁴ A passionate, skilled, young practitioner with good intentions, somewhat cautiously adopts a new method of reaching out to a client. Such things happen all the time. And it seemed to be working. Boynton wrote,

I passionately believed that, as a facilitator, I could help one of my students break free from her autistic, nonverbal existence. I felt that she was "in there" with a story to tell. I convinced myself that by providing physical support (holding her hand or elbow lightly as she pointed to a letter board), I could help her to slow down, reduce her impulsiveness, and get her story out.⁹⁵

Up to this point, this could be an inspirational story for a human rights book, but instead of being a success story, the practice goes terribly wrong. After months of seemingly successful communication with Betsy, including more complicated thoughts and increasing trust with Boynton, Betsy started acting up during their sessions even hitting her.

I had never before been hit by Betsy—or by any student, for that matter. She was quick and powerful. She hit me hard in the face. Looking back, I understand that these punches and, later, scratches were the clearest communications I had ever received from her.⁹⁶

Clearly, Betsy was agitated. Boynton could not even countenance the idea that the sessions themselves were agitating Betsy, but that something was wrong, and this was followed by supposed communications that Betsy was having difficulty at home, and then it came out that she had been abused. Betsy even gave intimate details about her sexual abuse at the hands of her parents. After debating what to do, and with Betsy's agitation continuing, Boynton and another caregiver reported the abuse to the authorities. The police interviewed Betsy through Boynton's facilitation and though initially skeptical, the officers came to believe they were communicating

with Betsy and that the allegations were true. Betsy and her non-autistic brother were removed from their parents' home and placed in foster homes and charges were filed against the parents.

In the pre-trial evidence, noted speech language pathologist Howard Shane, an expert on autism and communication, was brought in to test whether Betsy was indeed communicating through Boynton. Shane conducted a rudimentary double-blind experiment. He first showed images to both Boynton and Betsy and asked Betsy what they were. The results were quite positive. Then, two different images, such as a sandwich and a boat, were shown, one to Betsy and one to Boynton. When Betsy was asked what she saw she typed what Boynton had seen and not what she had seen. The guardian ad litem for the case was stunned: "It was just devastating to watch . . . It was so clear and so unmistakable. I was sitting there watching this and saying: 'My God, it is really true. This is bogus.'"⁹⁷ In this "blind" condition Betsy could not identify any of the images.

If Betsy was not communicating, then the months of conversations were bogus as were the very serious charges against the parents. As Boynton summed up: "The family was innocent. Betsy was well cared for. No physical evidence of abuse existed. But my words, typed through the guise of FC, put in motion events that caused serious damage to a lot of people."⁹⁸ With such clear evidence that Betsy was not capable of communicating through Boynton, the charges were dropped and the children reunited with their parents. Boynton realized that Betsy's hitting her, and her agitation clearly had another meaning:

I do not know what her thoughts were, exactly, but at the very least, she signaled me—in nonverbal, brutally clear ways—to stop. Stop touching her hand. Stop sitting so close. I do not know. Just stop. Instead of listening to her, I persisted with the facilitation. I still carry a scar on my wrist where she dug in hard. And, before I go any further, I want to apologize, again, for not listening to her.⁹⁹

1. Boynton's Belief in FC and Human Rights

This episode needs to be understood, at least partially, through an epistemological lens and it has important lessons for how epistemology affects human rights issues. Boynton herself directly relates the tragic incident to epistemology: “[a]ll this irreparable heartache was caused by my unshakeable belief in FC.”¹⁰⁰ Boynton, like many committed human rights activists, was convinced she was doing right by Betsy, amplifying her voice. “My student deserved to have her voice known, and I believed I was the one to make that happen.”¹⁰¹ Of course, we all would like to believe that we would know when we are speaking for another instead of ventriloquizing another with our own voice. “How could I not know that I was moving the child’s hand? This is what lawyers, parents, school administrators, researchers, and reporters asked me back then In hindsight, the answer is both simple and complex: I did not want to believe FC was a hoax.”¹⁰²

There were several decision points where further information was sought or should have been sought. Analyzing these points helps us understand how false narratives can be embraced so strongly. The key factors were appeals to sentimentality, mutual reinforcement with others working toward the same goal, and a belief by Boynton that she was one of those on the inside that knew what was right. She was part of a movement that others could not understand.

Unlike many human rights activists, Boynton did not rush into the situation thinking she could help when others could not. Instead, she was a skeptic that consciously put in place checks to make sure she was not guiding Betsy’s hand. She and the ed-tech working with Betsy remained vigilant about possibly influencing the communication. “We consciously tried putting minimal pressure on the child’s arm when we worked with her. We thought we were being vigilant enough to notice if we were influencing the communications. [D]oubts we had about our

own abilities and the authenticity of the communications faded.’¹⁰³

After the initial interview with DHS Boynton took a two-day FC workshop at a local university. Looking back later, she realized that the environment was an echo chamber with dissenting opinions silenced. The workshop began with powerful testimonials about FC’s successes with “poetry and other statements allegedly written by people through FC. The messages were sentimental, largely focusing on the release people felt from their imprisoned bodies and how FC set them free.”¹⁰⁴ Dissenting scientific studies were brought up in the workshop only to dismiss them as not understanding how FC works. “Outsiders just did not understand the true nature of autism the way FC people did. All this pulled on my heartstrings.”¹⁰⁵ Boynton’s doubts about the technique morphed into doubts about whether she was a good facilitator, whether she was actually authoring Betsy’s messages.

There was enough though in the second half of the two-day workshop to convince Boynton that she was not a bad facilitator and that this was not a hoax.

Hard to admit, but true. I went from “I’ll see if I’m doing this right” to “I’m possibly moving the child’s hand” to “See, I am a good person. I’m doing this exactly right” all in one official day of FC training. What I did not come away from the workshop with was a feeling that I could, in any way, confide in the FC leadership. Whatever I felt about FC, as a whole, I felt certain that this group of believers would not back me up. More than anything, I feared rejection. I did not want to be one of the “bad” ones. I felt I had nowhere else to go but deeper into FC.¹⁰⁶

Boynton did not question the increasing complexity of Betsy’s communication, which was above her grade level. Nor did she consult any of the early dissenting literature on the topic. As she wrote, “I completely lost sight of what I was doing and put my analytical skills on the back burner.”¹⁰⁷ When Betsy started “typing” about the abuse, Boynton became more anxious and impatient at those who wondered whether the communication was real. “The level-headed

special education teacher’s cautious wait-and-see approach seemed to be a breaking point for me. How could anyone stand by and watch this child be hurt?”¹⁰⁸ Boynton took on the role of Betsy’s protector and was not “thrilled” to participate in the experiments to determine authorship. “I thought the results would be biased and that, by even agreeing to the testing, I was setting the child—and me—up for failure.”¹⁰⁹ Though the study conditions were made very comfortable, the results were not. “I would later learn that every object identified through FC was based on the visual input of images I had seen. Not one answer was based on pictures shown to the child.”¹¹⁰ When they moved to message passing tests where Boynton was out of the room when the child was shown an image Boynton was even more eager to show that Betsy was doing the communicating, but the results were the same.

Everyone in the room, including the guardian ad litem, whom I trusted, knew the truth: FC was fake, and I was not the child’s facilitator. I was the one moving her arm. I felt such devastation, panic, pain, loneliness—a myriad of emotions difficult to put into words. The whole FC thing unraveled for me that day, and I did not have an explanation for any of it.¹¹¹

Even after such convincing trials, Boynton did not become a committed skeptic of FC that day. Though shaken, she still tried to cling to her beliefs.

Almost immediately, I started rationalizing away the truth. Though it was not true, I went away from the testing telling myself that the situation had been hostile, the evaluator had been hostile, everyone had turned against me. Incredibly, I even tried facilitating with the child in the week or two after the testing, resulting in more outrageous and false allegations. The parents, understandably, asked that I no longer work with the child. I felt tremendous loss.¹¹²

Boynton, though, soon realized that she had been communicating for Betsy the entire time and went to the school administrators and convinced them to no longer support FC. To their credit they made sure a district-wide ban of the practice was implemented. Boynton ends her short

article with a plea for similar actions:

I understand how difficult it may be for some facilitators to change their belief system. There is a lot at stake: people's careers, reputations, connections with their family member or client. Nonetheless, I urge practicing facilitators to take a long, hard look at their own behavior.... We cannot erase the damage we have caused by our actions, but we can take responsibility for our part in perpetuating the myth of FC. It is time to put a stop to this practice that adversely affects the very people we set out to protect.¹¹³

2. Epistemological Crisis and Change of Heart

In the context of the larger FC movement, Boynton's story is most remarkable in that she *was* moved by the scientific evidence against the technique. However, this had to be presented in a very stark and personal way by a noted speech pathologist. Giving up such beliefs is not easy. By that time, FC was a part of Boynton's identity and self-worth. Boynton, though, appears to be naturally drawn to self-critique and even during the testing with Shane she started to sense that something was wrong, especially when she was trying to come up with the right answers or consciously tried to push her own images out of her mind. The epistemic crisis about the validity of FC was assuredly also a personal crisis. Though she could not refute the results, it was difficult to give up that part of her identity. As Shane later wrote, "It is truly courageous, if not inspirational, that Janyce was able to immediately recognize and accept that she had been seduced into the role of facilitator."¹¹⁴ Boynton publicly apologized to Betsy's family and they accepted her apology.¹¹⁵

It is so rare for someone that practices FC to be subject to such tests or to be open to them, and not surprisingly, many would not be open to the results, especially when the leaders of the FC movement have called in to question such studies as being artificial. Most of us will never

have our beliefs and practices called into question in such a stark fashion by a double-blind experiment run by a scientist, an expert in their field. Would our beliefs stand such a test? What though does it take to change our minds? And when presented with evidence contrary to our beliefs, most of us respond by digging in, confirming our beliefs, what is called a “backfire effect.”¹¹⁶ Indeed, anecdotal evidence suggests that “many facilitators who have been tested continue to practice FC, despite evidence that they were the authors of the messages.”¹¹⁷

We suggest that this is an example of what Simmons calls paternal ignorance, where an individual is less likely to listen to disconfirming evidence when they believe they are helping someone in great need.¹¹⁸ This stems in part from the self-reinforcing community of activists and from the exhilaration of helping someone that is perceived as being in a position of supplication. When a subject takes a paternal stance toward another, they no longer see the Other as someone they can learn from; instead, they are merely victims to offer aid. Victims are seen as inferior and thus their knowledge is marginalized. There is little reason for activists to admit their ignorance or question their positionality. As Teju Cole explained, in the desire to rush in to save, we convince ourselves we have little time to understand all the nuances of a situation, we reject our epistemic duty for what he calls constellational thinking. Cole concludes with what should be obvious: “if we are going to interfere in the lives of others, a little due diligence is a minimum requirement.”¹¹⁹

Counter-intuitively, those who claim to be self-critical may be the hardest to convince that they are deceiving themselves. And this could explain why academics at leading institutions continue to support the technique in the face of such overwhelming scientific evidence against it. And this could explain why a philosophy professor known for analyzing hidden biases could wholeheartedly agree with the technique and use it to abuse a vulnerable individual as in the

Stubblefield case. And it might help explain how Gigi Jordan remained unrepentant after being found guilty of manslaughter in the “altruistic filicide” of her eight-year-old son.

V. CONCLUSION

Despite the scientific consensus that FC is based upon pseudoscience, proponents of the technique find comfort in the many easily available personal testimonies of FC’s successes¹²⁰ as well as supposedly scientific studies that tout its near miraculous breakthroughs with individuals previously unable to communicate. They may also find comfort in the fact that several people with severe autism are listed as authors, via FC, of scholarly articles in academic journals.¹²¹ Opponents of the technique (those that point to the total lack of scientific evidence) are often labeled as unsympathetic to the plight of disabled people, and they are labeled as “ableist” and not willing to listen to the voices of marginalized people, especially when they communicate in a non-traditional way.¹²² Opponents of FC are accused of violating the human rights of severely autistic individuals.

We celebrate and embrace neurodiversity, which argues there is a continuum of cognitive of abilities and that such a diversity is very productive. Proponents of neurodiversity do not see some ‘break point’ or lower threshold of mental capacity below which people are abandoned. This position is a consistent position grounded in human rights and human dignity. Similarly, we uphold the right to free speech and expression of all human beings and welcome efforts to find a voice for those who do not yet have it because of their physical or mental capacity, but we have an epistemological commitment to scientific method and standards of peer-reviewed evidence, although accepting that mistakes can be made with both. We welcome scientifically rigorous

efforts to find ways to give voice. As for first-hand accounts, we agree with Fein that “we highly value first-person accounts of autism experience, when the independent authorship is beyond question.”¹²³ At the same time, we contest the unscientific solution being used in the name of the very people that both sides want to help.

We have yet to see such methods or standards for FC or RPM. For example, the latest Schlosser systematic review of RPM results in a null set of studies, which means we simply do not know yet whether RPM is effective.¹²⁴ This is different from rejecting it outright. The evidence against FC is stronger since we know that FC has failed to be verified by any controlled tests. Skepticism has to be the rule of the day especially when making extraordinary claims. And to claim that someone who has never really communicated can, in a matter of a couple of sessions, communicate in a manner that is above their grade level often while not even looking at the keyboard, needs to be subjected to rigorous testing. And the testing, in this case, is not complicated or particularly anxiety-inducing, but rather straightforward. “We are not speaking of obscure or controversial techniques. We are speaking of authorship validation by selectively presenting different information to two people then observing what is produced.”¹²⁵

While there are no agreed philosophical foundations for the existence of human rights, there are accepted standards of scientific knowledge creation, which require observation, theory-generation, hypothesis-testing, robustness checks, refinement and reanalysis, and transparency about the scientific process used to obtain results (including sharing of data, protocols, and the ability to replicate analyses). In the social sciences, there have been raging debates about the epistemological basis for understanding and explaining human behavior, and human rights scholars and practitioners are often at the frontline of such debates. They observe and analyze human behavior as part of their work that is grounded in the concept of human dignity. But like

doctors, who take the Hippocratic Oath upon entering the medical profession, they too are committed to doing no harm. Part of this commitment must rest on the use of evidence and the drawing of inferences from research and analysis that meets high scholarly standards of empirical verification, logic, and sound argument. In the absence of such a commitment to scientific epistemology, human rights work may well lead to extreme and perverse outcomes, which undermine the very idea of human dignity and human rights.

We understand the deep yearning to reach family members and clients that are, in general, having communication difficulties. Indeed, it could be argued that the continued desire for FC is evidence of the continued weaknesses of the disability rights and neurodiversity movements. The problems of inclusion, access, freedom of speech, civil rights, etc. that exist for people with disabilities leave open a space for pseudoscientific practices that seem to solve some of the most vexing issues. With FC, for example, people seem to have a “voice.”

We hope that we have convinced the reader that FC is a very rich human rights issue and case study for examining specific tensions in human rights work. And it implicates a number of issues that have not been explored deeply as yet. For instance, our epistemological analysis, especially insights about how individuals and groups are so susceptible to self-deception has crucial implications for a number of human rights issues. This is also a cautionary tale about scholars and academic imprimatur and the fact that even well-intentioned academics and academic institutions may be perpetrating human rights abuses. In future papers we will further explore the epistemological and legal issues implicated in the continued use of the pseudoscience FC.

Endnotes

William Paul Simmons is Professor of Gender & Women's Studies and Director of the online Human Rights Practice graduate program at the University of Arizona. His research is highly interdisciplinary, using theoretical, legal, and empirical approaches to advance human rights for marginalized populations around the globe. His books include *Joyful Human Rights* (University of Pennsylvania Press, 2019), *Human Rights Law and the Marginalized Other* (Cambridge UP, 2011), and *An-archy and Justice: An Introduction to Emmanuel Levinas' Political Thought* (Lexington, 2003). With Carol Mueller he edited *Binational Human Rights: The U.S.-Mexico Experience* (University of Pennsylvania Press 2014). He has conducted ethnographic research on sexual violence against migrant women and children and published articles and a book chapter exploring legal remedies for the feminicides in Ciudad Juárez, Mexico. His articles have appeared in such journals as; *Perspectives on Politics*, *DuBois Review*, *Journal of Human Rights*, *International Journal of Feminist Politics*, *International Migration Review*, *Violence Against Women*, *Yale Human Rights & Development Law Journal*, *The Journal of International Human Rights*, *Social Science Quarterly*, and *Philosophy and Social Criticism*. He has served as a consultant on human rights and social justice issues in such places as The Gambia, Niger, Nigeria, Bangladesh, China, Mexico and the United States.

Janyce L. Boynton is an artist, educator, and advocate for evidence-based practices in the field of communication sciences and disorders. As a speech/language clinician in the early 1990s, she became involved with facilitated communication. Her story, first as believer, then as critic, is well-documented and was featured on Frontline's "Prisoners of Silence". She left teaching to pursue her artwork but has continued to be active in educating people about the dangers of FC and other facilitator-influenced techniques. An overview of her experiences with FC can be found in Stuart Vyse's *An Artist with a Science-Based Mission*, published in *Skeptical Inquirer* (November 2018). Her 2012 article, *Facilitated Communication: What Harm it Can Do – Confessions of a Former Facilitator*, published in the journal *Evidence-Based Communication and Intervention*, was the first of its kind. To date, she is one of the few facilitators world-wide to publicly acknowledge her role in producing FC messages and regularly speak out against the practice.

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¹ NAOKI HIGASHIDA, *THE REASON I JUMP* (2013).

² *Id.* Front Matter.

³ Specific early negative studies include, inter alia, Alfred Hirshoren & James Gregory, *Further Negative Findings on Facilitated Communication*, 32 *PSYCH. SCHOOLS* 109 (1995); Alan Hudson, et al., *Brief Report: A Case Study Assessing the Validity of Facilitated Communication*, 23 *J. AUTISM & DEV. DISORDERS* 165, (1993), Beverly J. Braman, et al., *Facilitated Communication for Children with Autism: An Examination of Face Validity*, 21 *BEHAVIORAL*

DISORDERS, 110 (1995). For an early literature review of negative studies see, Susan Moore et al., *Brief Report: Evaluation of Facilitated Communication. Eight Case Studies*, 23 J. AUTISM & DEV. DISORDERS 531, (1993).

⁴ For an early discussion of FC as pseudoscience, see John W. Jacobson, et al. *A History of Facilitated Communication: Science, Pseudoscience, and Antiscience: Science Working Group on Facilitated Communication*, 50 AM. PSYCHOLOGIST. 750 (1995). For a more recent analysis see Patrick Finn et al., *Science and Pseudoscience in Communication Disorders: Criteria and Applications*, 14 AM. J. SPEECH-LANGUAGE PATH. 172 (2005); Stuart Vyse, *An Artist with a Science-Based Mission*, SKEPTICAL INQUIRER (2018), <https://skepticalinquirer.org/exclusive/an-artist-with-a-science-based-mission/>. For the Rapid Prompting Method as a pseudoscience, see Amy Tostanoski, et al., *Voices from the Past: Comparing the Rapid Prompting Method and Facilitated Communication*, 17 DEV. NEUROREHABILITATION 219 (2014). For seminal discussions of what constitutes a pseudoscience, see Imre Lakatos, *Science and Pseudoscience*, in PHILOSOPHY OF SCIENCE: THE CENTRAL ISSUES 20 (Martin Curd & J.A. Cover eds., 1998); Paul R. Thagard, *Why Astrology is a Pseudoscience*, in *id.* at 27.

⁵ See discussion *infra* pp. 16-17. TO WHAT NOTE ARE YOU REFERRING?

⁶ See Vyse, *supra* note 4.

⁷ Todd Landman is an Associate Member of the Magic Circle, Founder and Lifetime Honorary Member of The British Society of Mystery Entertainers, Vice President of the International Assembly #272 of the Society of American Magicians (founded by Harry Houdini in 1905), Fellow of the Royal Society of Arts, Visiting Professor of Performance Magic at the University of Huddersfield, on the editorial board of the Journal of Performance Magic

⁸ Andrea Lollini, *Brain Equality: Legal Implications of Neurodiversity in a Comparative Perspective*, 51 N.Y.U. J. INT'L L. & POL. 69, 70 (2018).

⁹ Nick Walker, *Neurodiversity: Some Basic Terms & Definitions, Neurocosmopolitanism: Dr. Nick Walker's Notes on Neurodiversity, Autism, & Self-Liberation* (27 Sept. 2014), <https://neurocosmopolitanism.com/neurodiversity-some-basic-terms-definitions/>.

¹⁰ STEVE SILBERMAN, *NEUROTRIBES: THE LEGACY OF AUTISM AND THE FUTURE OF NEURODIVERSITY* (2015).

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¹² Steve Silberman, *Autism Speaks Needs to do a lot More Listening*, L.A. TIMES (24 Aug. 2015), <https://www.latimes.com/opinion/op-ed/la-oe-0824-silberman-autism-speaks-20150824-story.html>.

¹³ See Lollini, *supra* note 8.

¹⁴ JOHN LOCKE, *SECOND TREATISE OF GOVERNMENT* (C. B. Macpherson ed., 1980).

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