**MALADAPTIVE DAYDREAMING: THE NEXT LEGAL DEFENSE THEORY?**

Monday, June 13, 2016
posted by Douglas Keene

Remember Walter Mitty? He was a fictional character who escaped his dull day-to-day existence by constructing elaborate daydreams wherein he was the hero rather than a wallflower. Well, apparently Walter was not so unusual. There are people who spend as much as 60% of their time lost in daydreams. These are people who realize their fantasies are not real but find the fantasies so enjoyable they cannot seem to stop engaging in the behavior. They are calling it *maladaptive daydreaming*.

Maladaptive daydreaming was defined by Eli Somer (in 2002) as “extensive fantasy activity that replaces human interaction and/or interferes with academic, interpersonal or vocational functioning”. Somer also characterizes maladaptive daydreaming as having “themes that typically include highly complex fantasies of social attractiveness, power, fame, and love, as well as other fanciful plots, accompanied by acted out behaviors”.

There is an incredible amount of information on the internet about this condition—driven mostly by people who have it and want to educate others and relieve the isolation that often accompanies the condition. They have created information pages, symptom lists, descriptions of the behavior being uncontrolable by the person experiencing it, and much more.

*The Atlantic* recently shared a very readable article on the issue by an author who had experienced maladaptive daydreaming. One of the most descriptive sentences is this: “I made a lot of close friends [in college] and had a few boyfriends, but I found it tiring to keep up with their conversations while watching TV in my mind”. The author describes the proliferation of information on the disorder on the internet and concludes that her 12-year-old self (lost in maladaptive daydreaming) was certainly not alone.

One of the researchers mentioned in the Atlantic piece was Eli Somer (who defined the phenomenon) who is one of the authors of the new paper on maladaptive daydreaming we are looking at today. This article offers information on the daydream qualities of 340 “self-identified maladaptive daydreamers” in comparison to 107 controls—all 447 of whom responded to an online announcement for...
participation and then completed multiple questionnaires on-line. Here are some of the differences researchers identified between “maladaptive daydreamers” and their control subjects:

Maladaptive daydreamers “differed significantly from normative daydreaming in terms of quantity, content, experience, controllability, distress, and interference with life functioning”.

Maladaptive daydreamers reported higher symptoms of “attention deficit, obsessive compulsive and dissociation symptoms than did controls”.

Maladaptive daydreamers reported spending about 57% of their awake hours daydreaming—compared to 16% for control subjects.

Maladaptive daydreamers reported higher levels of difficulty limiting their daydreaming while at the same time being distressed over how much time they spent in daydream than did the control subjects.

There is now a discussion occurring as to whether maladaptive daydreaming is a condition of its own or symptomatic of another condition. Whichever decision is made, the authors believe that maladaptive daydreaming causes significant distress, interferes with life function, and needs more attention.

From a litigation advocacy perspective, this is an intriguing description of maladaptive daydreaming. While those who maladaptively daydream report they are rarely confused as to what is fantasy and what is reality—we anticipate this defense could certainly arise in the not to distant future.

An expert might testify that while the defendant did not usually have trouble distinguishing between fantasy and reality, in this instance the content of the maladaptive daydream was so disturbing, the dreamer sought to defend against a perceived attacker in the real world.

While another expert could counter that argument by pointing to the numbers of maladaptive daydreamers who do not report confusion between fantasy and reality—we suspect any juror who escaped his dull day­to­day existence by constructing complex fantasies of social attractiveness, power, fame, and love, as well as other fanciful plots, accompanied by acted out fictional character, would have trouble distinguishing between fantasy and reality, in this instance. An expert might testify that while the defendant did not usually have trouble distinguishing between fantasy and reality, in this instance the content of the maladaptive daydream was so disturbing, the dreamer sought to defend against a perceived attacker in the real world.

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While another expert could counter that argument by pointing to the numbers of maladaptive daydreamers who do not report confusion between fantasy and reality—we suspect any juror hearing about the richness, depth and texture of maladaptive daydreams—and knowing the proportion of awake time invested in maladaptive daydreaming—would conclude it would be hard for the daydreamer to not be confused by the power of maladaptive daydreaming.

Our mock jurors would ask whether someone should not be held responsible for their actions while also getting treatment for a debilitating condition—they always want to address personal responsibility, and that would certainly be a good point for the prosecution to make. We foresee a lively deliberation room debate if this one ever makes it to the courtroom.


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