The neuroscience of ADHD, the paradigmatic disorder of self-control

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Journal of Law and the Biosciences
DOI: 10.1093/jlb/lsw014
Open Access: https://jlb.oxfordjournals.org/content/early/2016/04/05/jlb.lsw014.full

In their article ‘What does recent neuroscience tell us about criminal responsibility’, Maoz and Jaffe1 asserted that currently ‘very little can be said with confidence about what recent work on the neuroscience of self-control implicates, if anything, about criminal responsibility’. They then go on to suggest that perhaps future work might provide the first steps in helping to determine in what ways particular psychological disorders do indeed result in the absence of a substantial capacity to conform one's conduct to the law. This commentary will argue that the future is now with regard to the most common neurodevelopmental disorder—attention-deficit/hyperactivity disorder (ADHD). More precisely, it will argue that the neuroscience of self-control, which heavily influenced the Supreme Court to rule that adolescents who have committed very serious crimes ought not to be punished as severely as adults because of their diminished capacity for self-control due to the developmental immaturity of their brain,2 is equally as robust for ADHD, the paradigmatic disorder of self-control.3 In sum, it will argue that ADHD clearly meets the second of a two-pronged test of reliable neurogenetic evidence advanced by Segal4 that can be introduced as a mitigating factor during criminal sentencing.

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