

The Unity of Motive

Levin Güver

University College London

Abstract

The role of intention in criminal law stands in stark contrast to that of motive. While intention's significance for criminal liability is hardly ever contested, motive's relevance is most frequently relegated to the peripheries. This is, I believe, a mistake, and I hope to amend it by providing a novel argument in favour of motive's relevance to criminal liability: an argument premised not on normative considerations, but on the very *nature* of motive itself. An agent's motives, I will argue, are her 'focal desires'. Desires, as I will illustrate in turn, are psychological dispositions that manifest in goal-directed behavior aimed at satisfying the object of the desire, and an agent's *focal* desires are those desires whose satisfaction denotes the completion of the action-process the agent aims to undertake. The paper will conclude with a brief outlook as to the implications of these findings to criminal law.

Keywords: motive, intention, criminal law theory, philosophy of action, legal philosophy

It is lamentable that, after more than a thousand years of continuous legal development, English law should still lack clear and consistent definitions of words expressing its basic concepts.

Williams 1983: 73

1. Introduction

The role of intention in criminal law stands in stark contrast to that of motive. While intention's significance for criminal liability is hardly ever contested, motive's relevance is most frequently relegated to the peripheries. Norrie, for instance, considers the irrelevance of motive "as firmly established in legal doctrine as any rule could be" (Norrie 2014: 42). This claim is echoed by Hall, for whom "hardly any part of penal law" is "more definitely settled than that motive is irrelevant" (Hall, 1960: 88). Although motive can be relevant to sentencing, the argument goes, it cannot factor in at the stage of criminal liability. In Williams's words, "a crime may be committed from the best of motives and yet remain a

crime” (Williams 1961: 31). I will henceforth refer to this—the idea that motive is irrelevant to criminal liability—as the Irrelevance Thesis.

The Irrelevance Thesis has received plenty of pushback over the years. It is important to note, however, that this pushback has taken place exclusively on *normative* grounds. Those who reject the Irrelevance Thesis have argued, for example, that to regard motive as irrelevant to criminal liability is to go against ordinary moral judgement (Husak 1989: 9–10) or to disregard the value of the conduct at stake (Finkelstein, 1995). Indeed, Husak has gone so far as to hold that normative arguments are the *only* kinds of arguments relevant to this debate (Husak 1989: 8). In this essay, I will—contra Husak—raise an argument in favour of motive’s relevance to criminal liability that derives from *action-theoretic*, as opposed to normative, considerations. In doing so, I will push back against both the Irrelevance Thesis and Husak’s contention that considerations of motive’s nature are inapposite in this debate. I will show, instead, that once we have a clear grasp of the nature of motive, a novel, powerful objection to the Irrelevance Thesis emerges.¹

The investigation will be structured as follows. I will begin by providing an overview of the two most prominent theoretical camps as to motive’s nature (Section 2). According to those theories, motive is fragmented in nature; there seem to be two irreconcilable senses of motive at play. In Section 3, I will dispel of this notion. After contrasting motive with adjacent concepts such as reasons, emotions, and intentions, I will present my theory of motive which aims to unify this seemingly fragmented phenomenon. Motives, I will argue, are a species of desire; more precisely, they are ‘focal desires’. Desires, as I will explicate in turn, are psychological dispositions which manifest in purposive behaviour aimed at satisfying the object of the desire, and an agent’s ‘focal’ desire is that desire whose satisfaction denotes the completion of the action-process the agent is, or aims to, undertake. I will conclude with a brief outlook on the relationship between motive and criminal liability.

2. The Nature of Motive

What does the law make of motive’s nature? Two opposing camps can be made out: the Separation Thesis and the Connection Thesis.

2.1 Motive as distinct from, or species of, intention: the Separation and Connection Theses

Let us begin with the Separation Thesis. On the Separation Thesis, motives are conceived of as conceptually distinct from intentions. Intentions, which are understood to be ‘consciously chosen and purposeful’ mental states, are taken to stand in stark contrast with motives, which proponents of the Separation Thesis regard as ‘causal and noncognitive’ in nature (Kaufman 2003: 322). On this view, the relation between motive and intention is similar to that of cause and effect, with motives being understood as the ‘originators’ of intentions (Sistare 1987: 305). Candidate concepts for motives are thus emotions or the agent’s character

¹ Note that I do not wish to imply that my argument renders normative considerations obsolete. Quite the opposite: my aim is merely to raise an *additional*, action-theoretic (and thus descriptive) argument against the Irrelevance Thesis.

traits (Morawetz 1980: 227). Proponents of the Separation Thesis further hold that motives and intentions relate to actions in distinct ways. The role of motive, the argument goes, is primarily explanatory: an agent's motive tells us *why* the agent Φ -ed; her intention, in turn, reveals *what* her Φ -ing amounted to (Candeub 1994: 2105). Differently put, motives give us the 'why' of action, whereas intentions give us the 'what'.

Contrast this with the Connection Thesis. On the Connection Thesis, motives are a *species* of intention. Salmond, for instance, distinguishes the agent's 'immediate intent' from her 'ulterior intent'. Her immediate intent, he explicates, is that part of the agent's intention that corresponds to the criminal act. Her ulterior intent, on the other hand, is that part of her intention that goes *beyond* the criminal act and supplies the further reason "for the sake of which the act is done" (Salmond 1913: 338–339). For Salmond, 'ulterior intent' is merely how motive is referred to in the law. Thus, on his view, that part of the agent's intention that goes beyond the criminal act, *i.e.* her 'ulterior intent', is said agent's motive. Williams, who is in broad agreement with Salmond, further observes that if intention and motive relate to the criminal action in this way, a contingency—or means-end relation—between the two is established, such that for every action Φ , the agent's intention explains *why* the agent Φ -ed, whereas her motive provides a *further intention* of her Φ -ing (Williams 1961: 48).

2.2 Applying the Separation and Connection Theses

Let us illustrate these rather abstract considerations of motive's nature by example of *Inglis*². In *Inglis*, V, who was involved in an altercation at the local bar, was taken to the hospital against his will. En route, the ambulance doors opened and V fell out, sustaining critical head injuries. V fell into a coma, and despite the positive initial prognosis, his mother D was so distraught that she decided to inject V with a lethal dose of heroin. D was subsequently convicted of murder.

In holding D liable for murder, the court employed a line of argument reminiscent of the Separation Thesis. D had murdered V, it held, because D had intentionally killed V. After all, the court argued, D's purpose in injecting her son with heroin was to kill him—she injected V with heroin *in order to* kill him. The relevant description of D's conduct, the court further stated, was fixed solely by this murderous intention of hers. That her motive was to relieve V of (what she perceived to be) suffering had no bearing on her conviction. Differently put, that V acted out of mercy or from a compassionate motive did not matter. As the court saw it, it would have been equally irrelevant if D's motive had been to get rid of her least favourite child.

An analysis of *Inglis* through the lens of the Connection Thesis yields similar results. Recall that on the Connection Thesis, an agent's immediate intent is to be distinguished from her ulterior intent, or motive. Here, D's immediate intention can be understood as her purpose towards the satisfaction of the criminal act, *i.e.* the *actus reus* of murder. D's immediate intent, consequently, was to bring about the death of V. Her ulterior intent, in turn, is that part of her intention that goes beyond the criminal act and gives the further intention with which it was done. We can get at this further intention by asking *why* D killed V. The answer—in

² [2011] 1 WLR 1110.

order to put an end to his suffering—reveals her motive. As the Irrelevance Thesis makes ample clear, however, this too is regarded as irrelevant to D's liability.

2.3 The fragmented nature of motive?

In trying to mediate between the Separation and Connection Theses, several authors have pointed out that much of the confusion around the term 'motive' owes to a linguistic ambiguity, such that in speaking of an agent's motive we may refer either to 'an emotion such as jealousy or greed' (*i.e.* the Separation Thesis sense) or to her ultimate objective (*i.e.* the Connection Thesis sense) (Ormerod & Laird 2021: 103). Norrie picks up on this "ambiguity in the way the terms are used" and contrasts motive in its first sense—as "a cause of intention" and action—with motive in its second sense, as "a form of intention" (Norrie 2014: 43). That motive has these two senses is underscored by the most expansive psychological review of motive to date. In the process of delineating the empirical landscape, Carlson and others define motives as, on the one hand, "the psychological forces that guide [...] actions" and reflect the agent's "traits and broader character" and, on the other hand, as "connected to [the agent's] specific intentions" in a way that "direct[s] an individual towards an end that they actively want to obtain" (Carlson et al. 2022: 468–470). Given these seemingly incommensurate senses of motive, many have argued that we would do best to settle for the explanation that no principled account of motive's nature can be given, and accept that criminal law simply takes into consideration some of the agent's desired ends and not others (LaFave 2003: 259).

In what follows, I want to push back on this. Does motive really comprise of two mutually incompatible senses? Or can a fruitful attempt at unification be made? Let us set out the investigation by considering the following two statements:

- (1) D's motive in killing her son was compassion. That is, D killed her son V out of compassion.
- (2) E's motive in entering the building was to steal W's property. That is, E entered the building with the aim of stealing W's property.

Both (1) and (2) refer to the agent's motive. And it seems that while the Separation and Connection Theses are each able to give a natural explanation of one of these statements, they struggle with the other. (1) seems to refer to D's motive in a causal sense, as the impetus that drove her to act. The Separation Thesis thus seems well-posed to explain it. (2), in contrast, is much more naturally parsed in terms of the Connection Thesis, as a kind of 'ulterior intention' that E had at the time of entering the building.

3. Restoring the Fragments

Neither the Separation Thesis nor the Connection Thesis is able to give an account of motive that unifies (1) and (2). This is, I believe, a mistake. In the following, I will propose an account of motive that is able to vindicate the core features of both senses and provide a unified explanation of propositions (1) and (2). The motive with which an agent Φ -es, I will argue, is her 'focal desire' in so Φ -ing. In the following, I will unpack both terms that make up this definition and shed light on the nature of motive by demarcating it from adjacent concepts such as reasons, emotions, and intentions.

3.1 Motives and Reasons

It is often said that motives are kinds of reasons. “Motives”, Horder states, “are reasons for action” (Horder 2000: 17). Hart, in attributing to Wechsler the statement that “punishment supplies men with an additional motive to take care before acting”, uses motive synonymously with reason (Hart 2008: 157). So too Binder, who equivocates between motives and reasons in arguing that “the defense of provocation appropriately invites the jury to evaluate the killer’s reasons for killer—her motives, as it were” (Binder 2002: 56). That motives are reasons for action has intuitive appeal, as both motives and reasons are frequently invoked where a certain type of explanation is called for: an explanation of *why* someone did something.

When speaking of reasons, it is helpful to distinguish two kinds of reasons: motivating reasons and normative reasons. Motivating reasons give the reasons for which the agent in fact acted, while normative reasons give the reasons which the agent should have taken into account in so acting. If motives are reasons, they must be motivating reasons. That is not to say, however, that in citing a motivating reason we always cite a motive. To give an example from Anscombe, when an agent shrieks at a face in the window, that which explains her behaviour is not at the same time her motive (Anscombe 2000: 20). When asked why she shrieked, the agent might reply that she was startled by the face, thus citing a motivating reason—nevertheless, it would be wrong to say that her motive was one of being startled or afraid. Said agent did not, after all, shriek from the motive of fear.³

Thus, only a subclass of motivating reasons are fit to carry the label of ‘motive’. Which subclass of motivating reasons is able to make sense of the seemingly causal usage of motive as employed in (1) and the seemingly purposive usage of motive as employed in (2)? The answer, I contend, lies in a proper understanding of the concept of ‘desire’.

3.2 Motives and Desires

The conventional view among philosophers is that desires are dispositions (Martin 2008: 184; Ashwell 2014). However, psychological dispositions differ in their manifestation from physical dispositions. Whereas physical dispositions, such as the fragility of glass, manifest by an object’s causing or undergoing a certain change, desires, as psychological dispositions, manifest in “purposive or goal-directed behaviour [...] aimed at satisfying the desire” (Hyman 2015: 107).⁴

Understanding desire in these terms has several upshots for our investigation. First, it allows for the possibility of establishing a teleological means-end relation between the object of the desire and the expression of the desire in action (Hyman 2015: 108). If an agent desires to eat ice cream, her desire may directly manifest in her end of eating ice cream. It may, however, also manifest in a *means* to her

³ This is not to say that it is impossible for an agent to act from the motive of fear. An agent deliberately escaping from a situation she perceives to be dangerous may serve as a paradigmatic instance of fear being one’s motive. Anscombe’s face-in-the-window case, however, is not an instance in which fear figures into the agent’s action as her motive. Rather, to employ Anscombian terminology, it serves as a mere ‘mental cause’.

⁴ I follow Hyman in employing a broad picture of desire, akin to Davidson’s ‘pro-attitudes’ (Davidson 1963: 685–686).

end, such as in taking out her wallet to purchase said ice cream. Desires thus not only have causal powers (*qua* dispositions), but they also help make the agent's action intelligible by setting it in the context of a wider, teleological framework. This is what Johnston alludes to when he remarks that there is a sense in which desires are not only "one of the springs of action" (emphasising the causal role of desire), but also an aid in making the action 'intelligible' (desire's teleological function) (Johnston 2001: 188).

Second, an understanding of desire as a psychological disposition clarifies the relation between desire and motivation. Although it does not follow from one's being disposed to Z that one *wants* to Z, the inverse—namely, that if one wants to Z, one is thereby disposed to Z—does hold true (Hyman 2015: 108). The first prong can be illustrated by someone who might be disposed to getting sick, despite not wanting to get sick, while the second prong is exemplified in everyday experience: if one wants to make a sandwich, one is disposed to doing so; if one wants to go to the movies, one is disposed to doing so. If one were *not* so disposed, we would be speaking not of a desire but rather of an 'idle wish' or a 'felt need' (Hyman 2015: 108–109). The motivational quality of desires is further underscored by Alvarez who, in relation to the aforementioned concepts, points out that "if one is in any such a mental state, one is thereby motivated to act" (Alvarez 2016). This is exactly what we would expect of motives as well: "A motive is", in Duff's words, "trivially, what motives an agent" (Duff 1998: 171).

Third, to understand desire as a disposition allows us to make sense of the tight connection between desire and action. This is not to say that having a desire necessitates ones acting on it. One may desire to go to the movies and yet not do so, owing to a countervailing desire or stronger reasons to go somewhere else—say, to a concert—or because the movie theatre is unexpectedly closed. Rather, the alluded to connection between desire and action is that a desire "must be capable of being exhibited in action" (Russell, 1921: 62). This is *not* to pledge allegiance to the behaviourist claim that desire has no internal phenomenology and ought to be explained exclusively in behavioural terms. Surely it is possible to desire a drink while stranded in the desert or desire a break while swamped with work. Rather, it is to say that the possibility of desiring Z presupposes the possibility of there being a corresponding action that is capable of exhibiting the desire Z (Hyman 2015: 109). Differently put, it must be at least *prima facie* possible for Z to be attainable via an action. As Hyman illustrates, "there is such a thing as wanting to die, but there is no such thing as wanting, as opposed to wishing, one had not been born" (Hyman 2015: 109).

We are now in a position to see why desires are prime candidates for motives. Desires, as certain kinds of psychological disposition, serve a dual role as both causes and explanations of action. The same holds true for motives: as statements (1) and (2) illustrate, motives are sometimes employed in situations where a causal explanation is called for, and sometimes in situations where a purposive explanation is called for. An account of motive that is able to appreciate only the causal dimension misses out on its important teleological function, and vice versa. Once we know the agent's motive, we become aware not only of the kind of mental state involved (a conative, desiderative one), but are also able to appreciate her action in its larger context, thanks to desire's teleological function.

3.3 Motives and Emotions

When speaking of motives, we often refer to an emotion which prompted the agent to act in a certain way. (1) exemplifies this usage of motive. In (1), D killed V out of compassion. Surely, compassion is a kind of emotion. What explanatory role does this leave for desire? Notice that where an action is prompted by an emotion, it is always possible to spell out the desiderative element involved. To take the example of (1), we may spell out D's having killed V from compassion as D's having killed V *out of a desire to absolve him of his suffering*. In this context, then, killing someone out of compassion is equivalent to killing someone because one wants to absolve them of pain or suffering. This feature is not unique to compassion. Indeed, any emotion that is capable of acting as the agent's motive can be traced back to a desire of the agent. For example, an agent who acts from admiration may act from a desire to appear praiseworthy in the eyes of a certain someone, an agent who acts out of fear may be acting from a desire to escape a situation she perceives to be dangerous or unwelcome, an agent who acts from a charitable motive may be prompted to do so by a desire to share a good she possessed with those that are in need, and so forth.

Conversely, it is also possible to trace back certain motives to emotion-words. This can be illustrated by example of (2). Recall that on (2), E entered the building with the aim of stealing W's property. If we specify this desire of E's further, we can see how emotions may be involved. If E wanted to steal W's property out of a desire to amass possessions, she would be acting from the motive of greed. If, on the other hand, E regards herself as the legitimate owner of the property that was unjustly removed from her possession, E may take herself to be acting from righteousness.

A clarificatory note is due. It is not the case that all emotions are apt to give rise to motives, nor is it the case that any time an emotion is involved in the commission of an action, said emotion slots in as the motive of the agent. After all, besides constituting the agent's motives for action, emotions can also give rise to an assortment of expressive behaviour. A person who, for example, sobs over the death of a loved one out of grief is not standardly acting from the motive of grief. Her crying is instead an expressive action *given rise to* by grief. Only when, to borrow a term from Lyons, the emotion's 'appetitive aspect' is involved do we consider it a candidate apt to be the agent's motive (Lyons 1976: 508). This is not to say that one categorically cannot act from the motive of grief. Consider only the case of a person burning the clothes of a recently deceased loved one. However, where an action is prompted by the non-appetitive aspect of an emotion—Ryle gives the example of a woman wringing her hands in anguish (Ryle 1949: 97)—we do not standardly refer to said emotion as the agent's motive.

3.4 Motives and 'Focal' Desires

Not just any of the agent's desires is apt to be labelled her motive. Rather, I have claimed that only her *focal* desires are. Yet how exactly an agent's focal desires are to be demarcated is a contentious issue. Before we dive deeper into it, consider a prominent alternative solution. According to what I will term the Popular View, an agent's motives are constituted not by her focal, but by her *ultimate* desires. An agent's 'ultimate' desires, in turn, are those desires which refer to the agent's end in acting, where to desire Z as an end means to desire Z *for its own sake* (Sverdlik 2011: 28–31, see also Korsgaard 1996). Although I will end up rejecting the Popular View, some of its implications are correct. One thing which it gets right, for

instance, is that it correctly identifies that an agent's motives relate to her end, and not to her means.

We can illustrate this with our ice cream example. Recall that in said example, an agent is queuing in front of an ice cream stand with the aim of eating some ice cream. Assume for the sake of argument that having the eating of ice cream as one's end implies wanting ice cream *for its own sake*. On the Popular View, then, the agent's motive is to eat ice cream. Although doing so necessitates her readying her money, readying her money is merely the means to her end of eating ice cream. The Popular View, in pegging the agent's motives to her *ultimate* desires, correctly denies that readying her money is in this case the agent's motive.

We can vivify this point by putting it in syllogistic form. The major premise of the syllogism might read 'I want to treat myself to some ice cream', denoting the agent's ultimate desire and thus her motive. The major premise is then accompanied by certain factual and normative beliefs. On the normative side, the agent may believe that 'Treating myself to ice cream is justified given my hard work and the warm weather', or simply 'There is never a bad time to have ice cream'. On the factual side, the agent may have a perceptive belief that there are two suitable places to get ice cream from: the ice cream stand and the *Gelateria Magnifico*, and the agent may, on this day, prefer the former. Her minor premise would thus be something like 'There is a suitable ice cream stand in front of me'. The practical syllogism would conclude either in an intention to go to the ice cream stand or, on Aristotle's conception, the very act of going to the ice cream stand. Notice how despite the ice cream stand being a suitable means to the agent's end of getting ice cream, going to the stand is not her motive. Her motive corresponds instead to the major premise of the syllogism, her ultimate desire, and comprises of her wanting to eat ice cream.

The Popular View is further able to accommodate for the possibility of mixed motives. Mixed motives are a familiar phenomenon; so familiar, indeed, that Sidgwick considers "complexity of motive the rule rather than the exception" (Sidgwick 1981: 368).⁵ That the Popular View is able to account for them can be illustrated by slight modification of the ice cream example. Imagine the agent to be satisfied with looking at her cash-filled wallet even in the absence of her ice cream flavour of choice. For said agent, readying her money is no longer a means to her end of having ice cream. Instead, it has come to be a second ultimate desire, and thus a second motive, of hers. For an alternative example, consider the agent who walks up to the ice cream stand with not one but two ultimate desires: on the one hand, to eat ice cream, and on the other, to admire the motley assortment of flavours.

The Popular View is able to adequately account for the simple phenomena laid out above. In what follows, however, I want to raise three distinct challenges for it. The first challenge concerns itself with the way the Popular View conceptualises an agent's end in acting. To illustrate, let us again consider what the motive of the agent queuing in front of the ice cream stand might be. A natural answer is to eat ice cream. But is it correct to say that the agent's end—her eating ice cream—is something she wants *for its own sake*, as the Popular View claims?

⁵ Although there is no principled reason as to why one cannot have multiple motives in relation to the same act, we will introduce a constraint on the total number of concurrent motives an agent can have in Section 3.5, when considering the relation between an agent's motives and her intentions.

Or are there further wants—such as the desire to cool down on a hot summer day, or the desire to report to her partner about the new flavours in town—that render her end of eating ice cream a mere means to more ulterior ends? After all, to want something *for its own sake* is an exceedingly rare phenomenon, one usually reserved for especially weighty goods such as one’s happiness or flourishing. It seems mistaken to attach said label to something as trivial as the eating of ice cream. And if this is correct, then the Popular View is forced to deny that the agent’s motive in queuing is to eat ice cream—an implausible result.

Let us assume, for the sake of argument, that the Popular View is able to meet this first challenge. Nevertheless, it is faced with a second one, this time concerning the theory of process-individuation that underlies the Popular View. To illustrate, recall how in the ice cream example, we said that the agent’s motive was to eat ice cream. We further noted that walking to the stand and reaching for her wallet were all means to the agent’s end, and thus not her motive. We can illustrate this schematically in Figure 1.



Fig. 1: A schematisation of the Popular View (single motive).

M_1 (walking to the stand), M_2 (getting out her wallet), and M_3 (paying for the ice cream) are all means to the agent’s end E of eating ice cream. In the mixed motive case—*i.e.* where the agent takes out her wallet (M_2) in order to both pay for the ice cream and relish at the sight of her ample financial means—we can imagine the above chain of practical reasoning to branch into two distinct ends.

The second challenge consists in pointing out that this picture is highly simplified, and reality much more complex. Our practical reasoning is seldom straightforward and linear; most of the time, our network of wants instead form an intricate web of commitments. As Feinberg rightly points out, most persons do not operate with a “supreme ‘end of all ends’ whose achievement is the ‘be all and end all’ of human existence” (Feinberg 1987: 45). Rather, some of our most ulterior ends are better classified as what Stevenson calls ‘focal aims’: aims that are given rise to by our “relatively deep-rooted and stable want[s]” which nevertheless act as “means to many other divergent ends” (Stevenson 1944: 203). For example, an athlete may aspire to win an Olympic medal, yet in the grand scheme of things, this may not be an ultimate, but merely a focal end of hers: an important means to further ends, such as making her parents proud or demonstrating her athletic capabilities to the world. Problematically for the Popular View, it is unable to accommodate for the existence of focal ends. This is because on the Popular View, only those things which the agent desires *for their own sake* qualify as ends, and focal ends, despite their great significance, act as means to yet further, more supreme ends of the agent. The relation between focal ends and what one may call ‘supreme ends’ (the further ends for which the focal ends become means) is schematised in Figure 2.

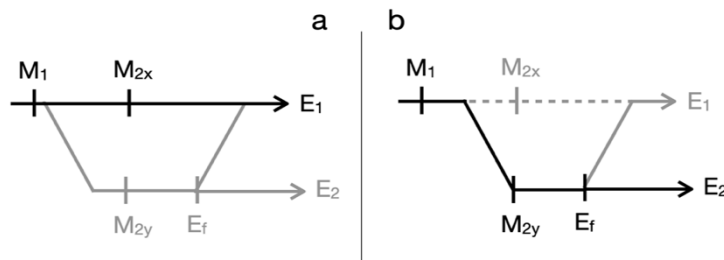


Fig. 2: A schematisation of ‘focal’ ends and ‘supreme’ ends.

Much of the relevance of focal ends derives from the fact that the agent is frequently cognisant of them and consciously aims towards their fulfilment. Focal ends are thus prime candidates for motives. Those ends that stand at the apex of this network, such as one's own well-being or happiness—the agent's 'supreme' ends (E_s)—are, on the other hand, seldom *deliberately* aimed at and scarcely figure into the agent's practical reasoning. And the Popular View gets exactly this backwards: in requiring an end to be valued *for its own sake*, it limits the class of ends to the agent's *supreme* ends, while our motives are most frequently constituted by our *focal* ends. For our focal ends, not our supreme ends, set the aim of our action and guide it to its completion.

The third and final challenge concerns the psychological corollary of the second. To begin, note that for an agent's desire to count as focal—and thus be apt to serve as her motive—it must also be an *operative* desire of hers. Whether or not a desire is operative depends on the agent's psychological constitution, *i.e.* her actual mental states. We would not say of the agent queuing in front of the ice cream stand that her motive is to 'live a happy life': while happiness might be her supreme end, it is not operational in the sense that it plays very little role in causing or directing the agent's action.⁶ An agent's motives are instead pegged to her psychological constitution, into which supreme ends seldom figure.

Let us illustrate this point by returning to our ice cream example. This time, however, imagine that there are not one but two agents, X and Y, queuing in front of the ice cream stand, both wanting to eat ice cream. X and Y reach into their respective purses to get out their wallet. Everything goes smoothly for X, as she finds her wallet, readies her money, and goes on to purchase the ice cream. Things look very different for Y who is, unfortunately, unable to find her wallet. The more she rummages around her bag, the deeper the panic that sets in. Where did her wallet go? Losing it would be catastrophic, as she would have to block her credit cards, reissue her passport, etc. As soon as this realisation sets in, something in her psyche changes: her focal desire, as dictated by her psychological make-up, is no longer directed at purchasing ice cream. Instead, it has shifted such that her end becomes one of finding her wallet. Figures 3a and 3b visualise this schematically.



⁶ This is not to say that supreme ends do not factor into the agent's practical reasoning *at all*—they must be in some very minimal sense operational, else they would cease to be her end in the first place. How then are we to draw the line between focal and supreme ends? The answer may differ between conscious and unconscious motives. In the case of conscious motives, an agent's focal desire is the furthest-out desire on the basis of which the agent took herself to be acting. In the case of unconscious motives, her focal desire would be that desire the (fully reflective) agent would naturally refer to when prompted to say 'why' she acted as she did, tracking her deep-rooted and stable wants. Thanks to Erasmus Mayr and Antony Duff for pressing me to clarify this point.

Fig. 3: A schematisation of the psychological contingency of action-processes.

For X (Figure 3a), everything goes smoothly: she is able to reach into her purse (M_1), find her wallet (M_{2x}), and ultimately, eat ice cream (E_1). For Y, on the other hand, the loss of her wallet has caused an abrupt shift in the action-process she was previously undertaking. Figure 3b displays this shift as a ‘track-change’ in her chain of practical reasoning. Although both X and Y reach into their respective purses with the same initial aim (to ready their wallet as a means to eating ice cream), Y’s motive in rummaging her purse (M_{2y}) no longer concerns the eating of ice cream. Instead, her motive is now one of finding her wallet (E_f). This is so even if she were to resume the purchase of ice cream upon having found her wallet (E_1), or if she were to form some other end (E_2). What this illustrates is that an agent’s motives depend on her psychological constitution and are as malleable as the agent’s psyche is.

Let us take stock. I have mounted three challenges against the Popular View. The first questioned whether the Popular View was really correct in claiming that the agent in our ice cream example wants to eat the ice cream for its own sake. The second challenge criticised the Popular View on the basis of its failing to accommodate for the agent’s focal aims. The third challenge, in turn, pointed out how the Popular View inadequately pegs the agent’s motives to the content of her actual operational desires.

With this, we are now able to propose an alternative to the Popular View—one which is better able to explain what subset of desires amount to the agent’s motive. Although the Popular View rightly illustrates that an agent’s motives are pegged to her ends in acting, the relevant kind of ends are not her ultimate ends, *i.e.* those ends that are desired for their own sake. Instead, the relevant end is fixed by the agent’s focal desire: the outermost desire whose satisfaction marks the completion of the action-process she is undertaking. As our more elaborate ice cream example involving X and Y has shown, these action-processes are individuated on the basis of the agent’s actual psychological constitution. The motive of the agent queuing in front of the ice cream stand *is* to eat ice cream, but not because eating ice cream is something she desires for its own sake. Rather, it is because while queuing, the agent’s desire to eat ice cream is her focal desire, *i.e.* the outermost operative desire demarcating the end of the action-process she is undertaking, which, if all goes well, is to eat ice cream.

3.5 Motives and intentions

What is the relation between an agent’s motives and her intentions? Consider first some differences. Motives are focal desires, and desires and intentions are different psychological states. Just as it is possible for someone to believe it desirable to X and not desire X (*i.e.* have a normative belief without a corresponding desire), it is possible for an agent to desire X and yet not intend to X (Sverdlik 2011: 33–34). Said agent may, for instance, have a stronger, antagonistic desire to Y. Further, as we have seen above, although it is not possible to desire the proposition ‘ p and not- p ’, it is possible for an agent to harbour two distinct desires with contradictory content amounting to p and not- p . There is nothing contradictory about an agent desiring both to have a burger for lunch and not have a burger for lunch. (Anybody who has attempted a diet is well-aware of this fact.) Intentions, on the other hand, are more restrictive: not only is it not possible to intend to ‘ Φ and not-

Φ' , but it is also not possible to hold two intentions that amount to Φ -ing and not- Φ -ing. One cannot *intend* to have the burger for lunch, while at the same time intending *not* to have the burger for lunch. This is because intentions, unlike desires, are all out decisions to act—they ‘settle’ what it is an agent will do (Bratman 1987, 1999).

More interestingly, however, there are several similarities between motives and intentions that merit pointing out. First, the content of an agent’s focal desire—and thus her motive—will, in most cases, be identical to the content of her ultimate intention (as spanning the agent’s end, not means, in acting). This is because in forming an intention, “the agent ratifies or endorses a desire in a distinctively practical way by deciding to bring about what she wants to do” (Hyman 2015: 128). The desire is not thereby replaced by the intention. Rather, the agent forms an intention ‘in order to realise’ that which she desires. The aim or content of the desire transfers and becomes the aim or content of the intention.

Second, as we established above, there is a teleological relationship between desire (understood as a psychological disposition) and action. It follows that the agent’s focal desire, *i.e.* her outermost operative desire, or motive, is what guides intention’s teleological means-end structure. For once the agent has settled on an intention, rationality demands that she identify the suitable means to bring about her desired end (Bratman, 1987). Her motive thus constrains and guides her action. It is for this reason that an agent cannot have indefinitely many (conscious) motives in acting (Velleman 2006: 320–324). For although an agent can act from mixed motives, each of these motives require that she deliberate as to suitable means and monitors the unfolding of her action plan. The more motives the agent has, the more complex her action plan become, which in turn places a limit on the amount of motives an agent can have at any given time.

Third, for an agent’s motive to manifest in action, it is necessary that she intends to act on it. This is because, as we have seen above, for an agent’s focal desire to be operationalised in action, it must get ‘picked up’ by an intention of the agent. Thus, there is a tight connection between an agent’s motives and her intentional actions. Whenever an agent acts with a motive, said agent acts intentionally. The converse—that acting intentionally necessitates acting with a motive—need not hold. Although Grice claimed that an action performed in the absence of a motive would be rendered ‘purposeless’ (Grice 1978: 170), it seems *prima facie* possible to think of purposeless intentional actions. Examples from the debate on whether one can act intentionally without acting for reasons may serve illustrative. Take the example of doodling. “Doodling while listening to a philosophy paper”, Heuer remarks, “is intentional behaviour, but we don’t normally doodle for a reason” (Heuer 2014: 294). So too, we might add, we don’t doodle with a purpose, though it nevertheless is an intentional action of ours. What makes this a case of intentional agency might, for instance, not be its purposive nature but a certain kind of control we exert over our actions.

The possibility of such purposeless intentional actions would aid us in making sense of Cook’s claim that “one can have motive without intent, or intent without motive” (Cook 1916: 660). According to Cook, “the wife of a wealthy but disabled man might have a motive to kill him, and yet never intend to do so”, while “a psychopath [...] may intend to kill and yet have no motive” (660). My theory is straightforwardly able to explain the first example. Since motives are focal desires, and desires do not yet commit oneself to performing an action in the same all-out sense as intentions do, said wife may have a *desire* to kill her

husband without ever forming the all-out decision, *i.e.* intention, to follow through. Cook's second example, however, is harder to make sense of. It requires us to grant the possibility that a psychopath could, when prompted to explain his latest murder spree, truthfully reply that he did so 'With no further desire whatsoever'. Such an action could then, arguably, also be understood as a purposeless intentional action: purposeless, because there is no further object being aimed at, yet intentional, on the assumption that the psychopath exerted a sufficient level of control over his doing.

4. The Unity of Motive

I have argued that an agent's motive for Φ -ing is her focal desire in so Φ -ing. Desires, in turn, are dispositional mental states that manifest in purposive behaviour aimed at the satisfaction of the desire, and an agent's *focal* desire is that desire which establishes her focal end in acting, *i.e.* serves as the last chain of the action-process she is undertaking.

With this explanation in hand, we can return to the introductory examples:

- (1) D's motive in killing her son was compassion. That is, D killed her son V out of compassion.
- (2) E's motive in entering the building was to steal W's property. That is, E entered the building with the aim of stealing W's property.

We can now see how there is a unified explanation to be given for (1) and (2). In both cases, when speaking of the agents' motives, we are referring to their focal desires in acting. Notice that when we speak of an agent's 'desire' we can either be referring to the attitude (the psychological state) or its content. As Hyman points out, "the content of an attitude is an intensional object, an object of thought, and therefore *not* a causal factor" (Hyman 2015: 129). Yet we have seen that an agent's focal desire, when it culminates in intentional action, *is* a causal factor. Thus, when we explain an intentional action in terms of the desire it expresses, our explanation is *both* causal and teleological: it is causal because desires are psychological dispositions, and intentional because they manifest in goal-directed behaviour (Hyman 2015: 130).

We can now see where the debate between the Separation Thesis and the Connection Thesis has gone awry. Both sides highlighted different key features of motives but failed to realise that these features are mediated by and culminate in desire, properly understood. What unifies (1) and (2) is that in both cases, when speaking of agents' motives, we are referring to their focal desires in acting. D's motive in killing V was compassion; that is to say, her focal desire was one of absolving V of his suffering. E's motive in entering the building, in turn, was to steal W's property. Differently put, E's focal aim in entering the building was to steal W's property.

What does this imply for the Irrelevance Thesis? Recall how one of its central claims was that motive is irrelevant because it supplies the *why* of action, while intention supplies the *what*, and that the law cares only about the latter, not the former. We can now see why this is mistaken. First, the argument does not itself give any reason as to why the law ought to care only about the 'what' of action, as opposed to the 'why'. More importantly, however, it is now clear why it would be a mistake to assume that intention gives us the 'what', whereas motive gives us the 'why': not only is there a close correspondence between the content of an

agent's intention and her motive, but an agent's motive can also tell us *what* it is an agent did (*e.g.* in acting from revenge: 'I avenged my brother') and an agent's intention can supply *why* it is she acted (*e.g.* by giving a further intention: 'In order to restore the honour of our family'). Coupled with the fact that intentions and motives are not distinct natural kinds but stand in a contingent relation to one another—a contingency I argued to be grounded in the agent's psychological constitution—we can dismiss the assertion that only intention is relevant to criminal liability and instead put forward the claim that if intention is to be regarded as relevant to criminal liability,⁷ so too must motive.⁸

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⁷ For a further exploration of the legal implications of these findings, as well as the law on motive as it presently stands, see Güver 2024.

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