## Motive

*An idea, belief, or emotion that impels a person to act in accordance with that state of mind.*

Motive is usually used in connection with [**Criminal Law**](https://legal-dictionary.thefreedictionary.com/Criminal+Law) to explain why a person acted or refused to act in a certain way—for example, to support the prosecution's assertion that the accused committed the crime. If a person accused of murder was the beneficiary of a life insurance policy on the deceased, the prosecution might argue that greed was the motive for the killing.

Proof of motive is not required in a criminal prosecution. In determining the guilt of a criminal defendant, courts are generally not concerned with *why* the defendant committed the alleged crime, but *whether* the defendant committed the crime. However, a defendant's motive is important in other stages of a criminal case, such as police investigation and sentencing. Law enforcement personnel often consider potential motives in detecting perpetrators. Judges may consider the motives of a convicted defendant at sentencing and either increase a sentence based on avaricious motives or decrease the sentence if the defendant's motives were honorable—for example, if the accused acted in defense of a family member.

In criminal law, motive is distinct from intent. Criminal intent refers to the mental state of mind possessed by a defendant in committing a crime. With few exceptions the prosecution in a criminal case must prove that the defendant intended to commit the illegal act. The prosecution need not prove the defendant's motive. Nevertheless, prosecutors and defense attorneys alike may make an issue of motive in connection with the case.

For example, if a defendant denies commission of the crime, he may produce evidence showing that he had no motive to commit the crime and argue that the lack of motive supports the proposition that he did not commit the crime. By the same token, the prosecution may produce evidence that the defendant did have the motive to commit the crime and argue that the motive supports the proposition that the defendant committed the crime. Proof of motive, without more evidence tying a defendant to the alleged crime, is insufficient to support a conviction.

A [**Hate Crime**](https://legal-dictionary.thefreedictionary.com/hate+crime) is one crime that requires proof of a certain motive. Generally, a hate crime is motivated by the defendant's belief regarding a protected status of the victim, such as the victim's religion, sex, disability, customs, or national origin. In states that prosecute hate crimes, the prosecution must prove that the defendant was motivated by animosity toward a protected status of the victim. Hate-crime laws are exceptions to the general rule that proof of motive is not required in a criminal prosecution.

In [**Civil Law**](https://legal-dictionary.thefreedictionary.com/civil+law) a plaintiff generally need not prove the respondent's motive in acting or failing to act. One notable exception to this general rule is the tort of [**Malicious Prosecution**](https://legal-dictionary.thefreedictionary.com/malicious+prosecution). In a suit for malicious prosecution, the plaintiff must prove, in part, that the respondent was motivated by malice in subjecting the plaintiff to a civil suit. The same applies for a malicious criminal prosecution.

#### Further readings

Binder, Guyora. 2002. "The Rhetoric of Motive and Intent." *Buffalo Criminal Law Review* 6 (fall).

Candeub, Adam. 1994. "Motive Crimes and Other Minds." *University of Pennsylvania Law Review* 142 (June).

Pillsbury, Samuel H. 1990. "Evil and the Law of Murder." *University of California at Davis Law Review* 24.

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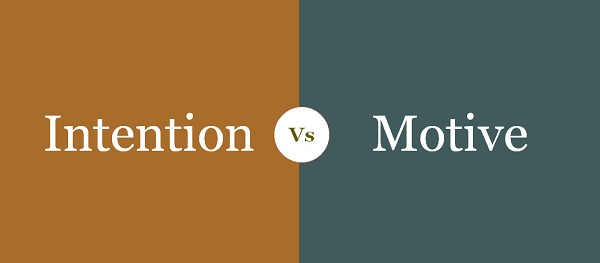
## motive

n. in criminal investigation the probable reason a person committed a crime such as jealousy, greed, revenge, or part of a theft. While evidence of a motive may be admissible at trial, proof of motive is not necessary to prove a crime.

## motive

 the moving cause or desire that induces action. A person's motive may answer the question: ‘Why did he do it?’ It may coincide with intention but may differ. The general approach of the law is to ignore motive, however helpful it may be to those who investigate crime.

Difference Between Intention and Motive

[](https://keydifferences.com/wp-content/uploads/2017/10/intention-vs-motive.jpg)The intention is the basic element for making a person liable for the crime, which is commonly contrasted with motive. Though we often use the two terms interchangeably, these are different in the eyes of law. While **intention** means the purpose of doing something, **motive** determines the reason for committing an act.

The primary difference between intention and motive is that intention specifically indicates the mental state of the accused, i.e. what’s going on in his mind, at the time of the commission of a crime, whereas motive implies the motivation, i.e. what drives a person to do or refrain from doing something. Let’s take a look at the article given below, to understand more differences between the two.

Content: Intention Vs Motive

1. [Comparison Chart](https://keydifferences.com/difference-between-intention-and-motive.html#ComparisonChart)
2. [Definition](https://keydifferences.com/difference-between-intention-and-motive.html#Definition)
3. [Key Differences](https://keydifferences.com/difference-between-intention-and-motive.html#KeyDifferences)
4. [Conclusion](https://keydifferences.com/difference-between-intention-and-motive.html#Conclusion)

Comparison Chart

| **BASIS FOR COMPARISON** | **INTENTION** | **MOTIVE** |
| --- | --- | --- |
| Meaning | Intention refers to a purposeful action and a conscious decision to perform an act, that is forbidden by law. | Motive alludes to the ulterior cause, that induces a person to do or abstain from doing a particular act. |
| What is it? | Objective | Driving force |
| Purpose | Expressed | Implied |
| Criminal liability | It is substantial to determine criminal liability. | It is insubstantial to determine criminal liability. |

Definition of Intention

In criminal law, the intention is defined as the deliberate objective that leads a person to commit a crime, forbidden by the law, or that may result in an unlawful outcome. The use of specific means that resulted in the commission of a crime expresses the intention of the suspect.

In finer terms, intention describes the will or plan of an individual. So, when an action is performed intentionally, it implies the willingness or aim of a person to do so and not an accident or mistake, where he/she is completely known about the consequences, of the act. That is why intention is the primary element to affix the culpability.

No matter whether the act is committed with a good intent or a bad one. If a person does something purposefully and consciously, which is prohibited by the law, it will amount to criminal liability.

Definition of Motive

Motive can be described as the underlying objective behind the commission of an act, that drives a person’s intent. In short, it is the inducement, i.e. the reason, which impels the accused to engage in criminal activity.

The motive behind a criminal offence is regarded as irrelevant, in ascertaining an individual’s guilt, because it only clarifies the accused reasons, for acting or refrained from acting in a specific manner. However, it is required for police investigation and other stages of the case.

Key Differences Between Intention and Motive

The points given below are substantial so far as the difference between intention and motive is concerned:

1. In criminal law, the term intention is explained as the deliberate cause and known effort, to act in a particular manner which is not permitted by law. As against, the motive is defined as the implicit cause, which instigates a person to do or not to do something.
2. The intention of a person can be determined by the use of particular means and the circumstances, that resulted in the criminal offence. Conversely, the motive is the reason, that drives a person to do an act or refrain from acting in a specific manner.
3. While the intention is the expressly defined purpose of the crime, the motive is hidden or implied purpose.
4. When the intention of a person, is the element for affixing criminal liability, it must be proven beyond reasonable doubt. On the contrary, the motive is not the primary element for affixing culpability, so it need not be proven.

Conclusion

While intention determines whether the accused committed the crime purposely or accidentally, motive answers the question, why the accused committed the crime. Simply put, motive impels intention, so, the latter arises out of the former.

In every criminal case, the intention of the defendant is foremost, because, the guilt or innocence can only be proved with it. On the other hand, motive does not play a significant role in determining the guilt or innocence.