

The Role of Motivation in the Unjust Combatants Responsibility

El papel de la motivación en la responsabilidad de los combatientes injustos

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Abstract

Considering that unjust combatants do not have the same rights as the just combatants, I will analyze whether motivation plays a crucial role in the moral responsibility of unjust combatants. 'The motivations' mean the moral reasons for acceding of combatants to war. I will examine the motivations of soldiers and their influence on moral responsibility and indicate whether this has effect on the unjust combatants' justification. I would like to underline the connection between neurobiology and ethics which can help to look at this problem from a different perspective¹.

Keywords: Motivation, Belief, Combatants, McMahan, Moral Responsibility, Justification.

I. In this section I will focus on the issue of motivation. I would like to point out that the focus, in relation to motivation theory, will be how belief, which is based on desire, is an adequate motive for an action. This thesis seems to be explained because of recent neurobiological research conducted by Sam Harris, neuroscientist and philosopher, though Harris is not explicitly researching this question. Also, the earlier articles of philosophy of mind, including Jerry A. Fodor propo-

¹ I am grateful to Joshua David Todd, a student of psychology and criminology at the University of Guelph, in Canada, for his inspirations and support.

sitional attitudes², have provided a convincing support of both perspectives: ethical / philosophical and neurobiological³. My aim here is not either defend or criticize the theory of motivation but rather to establish a reference point to analyze the role of motivation in the moral responsibility of unjust combatants.

Furthermore, it should be noted that neuroscience, psychology and cognitive science have been included because this article is based on my paper from the *Bajo Palabra* Conference on pluralism. This article is, thus, interdisciplinary, demonstrating a richer understanding and analysis of the subject-matter.

A person must fulfil a minimum requirement in order to have a motive. This requirement is to have influence over the selection of means, in order to achieve the purpose at hand. Motive has an impact on our behaviour and actions. When it is said that “action x is made of motive m”, this also means that “the act x was made because of m”⁴. This means that m is a cause of action x⁵. So it can be assumed that there is such a thing as ‘mental causality’⁶.

The first source of motivations are the desires, the second –beliefs that a person feels about the desires that holds (Humeanism). Incentive scheme which takes into account these two sources can be presented, with regard to Fodor⁷, as follows: “Psmith did A because he was convinced by B, and wished C, then it must be that Psmith would not do A, if he would not be convinced by B, or does not want to C”⁸. Desires may be the cause of actions performed, which thus thrusts an objective to its realization.

Rarely can we say that when a person performs an action she does so only under the influence of one particular desire. What can be said is that the offender is to some extent motivated by not just one but more desires. What is interesting to reflect upon is how someone can have access, or influence, on their desires⁹. This is interesting because it is assumed that, in the process of reasoning, people have certain desires to be considered and a person can be conscious of the correct desire to choose¹⁰. This implies the possessing by this person knowledge, which is necessary to carry out the reasoning¹¹. Desires cannot be the subject of rational criticism –they can only if they are based on beliefs.

2 The propositional attitude explanation was composed based on the beliefs and desires, which is the cause of our behaviour (in terms of realism of propositional attitudes).

3 However, Fodor is speaking about of propositional attitudes did not have Sam Harris claims. The position by Fodor would be greatly strengthened by showing the validity of relying on the theory of propositional attitude’s influence our behavior. Fodor lacked examples of neurobiological research that would confirm his position only, and may be the position of realists in propositional attitudes. They claim that mental states cause behaviour.

4 Must be assumed that motives-reasons for pursuit of the activities –may be much more than just one.

5 M. Rutkowski, *Dlaczego potrafimy działać moralnie* (Why we can act morally.), Warszawa, 2010, p. 18.

6 J. A. Fodor, “Jak grać w reprezentacje umysłowe –poradnik Fodora” (“How to play in mental representations -Fodor guide”). [w:] tenże, *Modele umysłu (Models of Mind)*, p. 19.

7 *Ibid.*, p. 38.

8 At this stage, let us assume this pattern, knowing that there are other versions of it.

9 Person makes settlement of all motivations –his desires. He contrasts them by creating a variety of alternative actions and then makes the final selection of desires that motivate him to act.

10 According to the views of Aurelius Augustine of Hippo, both just and unjust combatants do wrong by taking part in the wars, among other things because of bad motives (desires), i.e., when they fight with hatred or just for the pleasure of killing. Augustine says: “In true worshipers of God, even wars are peaceful because they do not conduct them under the influence of greed or cruelty, but for peace: to restrain evil and help the good” and also “the desire to harm, the cruelty of revenge, hard temper, ferocity in the struggle, lust for power and the like, this is what makes war sinful.” See: Word St. Augustine quoted in St. Thomas, *Sum of Theology*, About Love. T. 16 (2-2, Q 23, 46), p. 152, 153rd.

11 These conclusions have quite significant consequences with regard to the issue of moral responsibility of soldiers. It can be said that even a considerable degree of determination of offender will not release him from moral responsibility of their actions taken. About this later in this article.

Beliefs demonstrate the result of judgment made on the willingness to implement the act A. A person may as a result of his judgment determine whether the held beliefs are true or false. It is sometimes the case that the person carries false, incorrect beliefs, which as a result of her actions will lead to the path of fallibility.

Through the reasons we can explain and justify the motives –why someone performed a type of action¹². Answering these questions in the analysis of specific behaviour we can find out whether the person acted in the best possible way. Rations that stimulates a person to act may be subjectively true, despite the fact that de facto they are objectively false. This is so because he or she believes that the reason that prompted her to action is the truly right reason. Thus the rations of offender based on his beliefs, i.e. the judgements, which may motivate him

to action and may prove to be false, not on the moral facts, which are fully reliable source of reason to act¹³.

Sam Harris was the first who used functional magnetic resonance imaging (fMRI) to study the physiological basis of the phenomena of faith, disbelief and uncertainty. During the study¹⁴ he discovered that the process of judging, and thereby holding certain beliefs was associated with greater activity of the medial prefrontal cortex (MPFC)¹⁵. He proved on this basis that persons holding true beliefs according to themselves based on some judgment may not be aware of their actual falsity, making automatic confabulations, i.e. by filling gaps in the reasoning by fabricated data. This is among other things because, says Harris, that we like to believe that our beliefs are true because they fit us into our worldview and the value system. We like when our beliefs are telling us what the world is and how to change it to suit our desires. Later in this article I will try to see if the conclusions presented by Harris have some influence on the issue of moral responsibility of the unjust combatants, because it seems that they have.

II. Usually combatants have two false, subjective moral beliefs that underlie their subsequent actions. The first one is belief that the war in which they participate is a just war, even though in reality it is unjust. The second that even if it is an unjust war, then certainly their participation in it is morally impermissible¹⁶. Below I will present arguments i.e. presented by Jeff McMahan,¹⁷ in favour of attempts to explain these two cases of unjust combatants, namely The Argument from Institutional Commitment, which also includes The Argument from Ignorance –Epistemic Limitations. These arguments will explain the basics of the soldiers held by misleading beliefs, and the consequences of having them on the issues of moral responsibility –issues to justify accession for war of unjust combatants.

In the case of the above two types of beliefs are based on subjective convictions of the rightness to fight and often refer to the ignorance of the unjust. This ignorance stems from the fact that combatants often uncritically believe in justice of institutions they serve, which suspend the reflection and they lend themselves to a system by which the institution is operating. The military

12 M. Rutkowski. *Op. cit.*, p. 41.

13 *Ibid.*, p. 50.

14 Sam Harris scanned the brains of volunteers who made judgments by pressing a right button: “true”, “false”, “undecided” on affirmative sentences given to them. Do not expect to find a suitable place in the brain, which would be responsible for giving judgments, however, thought that this process involves the prefrontal cortex (PFC), which usually deals with controlling the emotions and complex behaviors. Studies have shown that volunteers were more likely to quickly put the judgment: “true” than “false” or “indecision”.

15 It is a place in the brain, which combines actual knowledge, with appropriate emotions, affecting the evaluation of behavior (we strive for that which connects us to a award), as well as “monitoring of ongoing reality and injuries”.

16 There are many other beliefs that fellow the soldiers, and thus motivate them to attend and participate in an unjust war, namely the belief that if they do not take part in it, they will be punished in some severe way –they are simply coerced to participate.

17 J. McMahan, *Killing in War. Op. cit.*

institution serving the interests of the country is militarily important because its function is to inhibit various types of threats faced by its population. If it is unable to stop a threat then combatants must defend this people. To effectively fulfil their duties, persons occupying certain positions, necessarily must comply institutional responsibilities assigned to them, over directing and acting according to their own judgments¹⁸.

Army more than any other institution depends on this kind of work because it is an institution usually large and strongly hierarchical in structure of command, and in moments of crisis, this is very important to the effectiveness of its response¹⁹. Success or failure, which may affect the lives of many people depends on whether the lower position-holders in this structure can effectively fulfil the orders received from their superiors. People standing lower in the hierarchy, in crisis situations, however, may not have time for reflection. They will not be able to properly classify the information received. Under pressure of time can also be completely unable to reach the sources of information needed to conduct conscious considerations –to examine possessed beliefs. This institution can in fact achieve their objectives more efficiently if those involved in the specific roles are obedient. Subordinates reflect issues related to the reflection, at least for *ius ad bellum* –his superiors. Combatants rely on the belief of the rightness of the orders issued by the institution because of certainty that these orders are based on deliberate decisions taken on the basis of deliberate moral judgments. According to Jeff McMahan there is no moral imperative to fulfil the requirements of the institutions, which serves a moral purpose. So *fortiori* there is no order to fulfil the requirements of institutions serving immoral purposes.²⁰

It is interesting what combatants have to do when sent to the unjust war in which they are disinterested. For sure they are in a conflict situation, because on the one hand, their moral sense says that they should not take part in it because it is likely that the war in which they will participate is unjust. On the other hand, they are ordered to fight, and it must be directed, because they are obliged to fulfil their role in the military because of submission of the institution. It seems, therefore, that what previously would have been unacceptable, it becomes morally acceptable due to the fact that the combatants are merely instruments to the institution that govern them. This situation only proves that the military institution which should have epistemic competence in governing in fact does not have it. The military is an institution that is different from the court²¹.

Work of the court and its procedures are based on the assumption of independence of this institution, which was created so that it is more reliable than any individual cognitive judgment. However, the military institution does not have such procedures, which are designed for the court to obtain an unbiased and cognitive well-founded decision, nor is it independent. The military does not have any institutional or procedural mechanisms that would ensure that moral issues are taken into account either less or more severely by soldiers, in the decisions to take part in the war.

Conviction relating to what is morally justified in the case of fighting, is dependent on the type and reliability of evidence and determining the moral status of the war. It also depends on the fact that the combatants beliefs are true: based on reliable information and reflection. These combatants considering whether it would be permissible to kill a person with whom they have no information and to answer this question, they must do the work, analyze the retrieved information and make a reflection about its permissibility: take the right decision. However, it is not that nobody ever knows. The potential combatant wanting to find out whether war is just or not can search this information themselves. However, this knowledge will be limited.

18 M. Rutkowski. *Op. cit.*, p. 388.

19 Unsubordinated individual becomes a broken part of a previously well-oiled institutional machinery.

20 J. McMahan, *Killing in War. Op. cit.*

21 J. McMahan, "On the Moral Equality of Combatants". *Op. cit.*, pp. 387-388.

According to McMahan soldiers taking part in the war often do not know whether it is just or unjust due to their own ignorance. If so desired, they could compare their own beliefs with the historical background of their country and the country of their enemies, revealing the moral character of their war. Also, they could see which motivations guided their superiors, what is their commander's intentions or simply listen to the media. According to Jeff McMahan soldiers are able to, based on statistical grounds, find out what the nature of a war is, in which they participate²². This may lead them to the ground purely sceptical, but it is impossible to hide that it is morally indicated to try and learn something about the nature of the war before they take part in it. Unfortunately it is rare that any fighter found the courage to reflect on moral grounds for which he would not participate in the war²³.

III. False, subjective moral beliefs can often lead to unjust actions, as demonstrated earlier. It can therefore tentatively be said, that the motives which guided the combatants, taking part in an unjust war, serve as an excuse rather than the role of justification of their actions. It is not possible to completely wash away moral responsibility of unjust combatants or use their superiors as a form of scapegoat. It is not that the combatants are 'not thinking instruments' in the hands of commanders. It is not true that fighting becomes a duty, and the soldiers become the property of the state, having no control over their actions. They are not "political instruments" that do not make decisions about size of brutality of war in which they participate. Therefore, one is simply able to create excuses for the actions taken –not a moral justification.

In conclusion, let us consider the Subjectivist Concept of Justification. Is it possible to stand up for combatants subjective beliefs? According to this concept, if a person feeds beliefs (subjective ones), that in the specific circumstance is reasonable, the action would be justified if those beliefs are true, even if they are, objectively, false²⁴. On this basis, if the soldier had grounds to believe that the war in which participates is just, his fight might be justified.

Jeff McMahan admits that this concept is not worth the considerable attention because even if it was acceptable in order to take into account only those who are combatants reasonable feed on their beliefs about war and its justice, it seems that these are a minority. Having justified moral beliefs is an important issue for the soldiers, because of the profession which they do –which is often associated with killing people²⁵. Often the combatants have a lot of reason to believe that the war in which they participate is unjust. The author of the book "Killing in War", draws attention to the fact that people living under the rule of dictators who make use of political propaganda, should know that they are being lied to by the State²⁶. Totalitarian or authoritarian institutions obviously will not send them to just war. Therefore, a case can be used that soldiers were coerced or threatened into the unjust war, rather than partaking in an unjust war due to epistemic limitation. This can only lead to the conclusion that unjust combatants are not guilty of possession of false beliefs about the fairness of the war but rather are possessors of the beliefs through "legitimate" means. I think the best example McMahan gives in support of his thesis is where he says that if we had a moral justification based on the subjective beliefs it would be justified to bomb a children's hospital if combatants believed in the validity of their beliefs.

22 J. McMahan. *Op. cit.*, p. 142.

23 McMahan reviewed the records of some soldiers, who confided to reporters why they decided to take part in the war, etc. Unfortunately he has not found any moral considerations. See. *Op. cit.*, p. 145.

24 Francisco de Vitoria justification supported radically subjective, and subjective admission. He argued that it is impermissible to act in a way that objectively justified if someone who has such act believe that it acts wrongly. He believed that unjust combatants are justified in fighting if sincerely believe that war, in which the they fight is just. See.: *Op. Cit.*, p. 61

25 Jeff McMahan, "Etyka zabijania na wojnie" ("Ethics of Killing in War"). [w:] T. Żuradzki, T. Kuniński, *Etyka wojny (Ethics of War)*. Warszawa PWN 2009, p. 109.

26 *Idem*.

IV. Motivation plays a crucial role in combatants' actions. Because motivations are the basis for these actions, we can say that motivations can lead them to something which is objectively good and in the end they can act permissible as just combatants. But wrong desires and subjective beliefs can lead them to unjust actions and thus, also to impermissible ones which make them unjust combatants. Also for that reason motivations are important in the combatants moral responsibility case.

Ethicists of war are arguing whether responsibility of unjust combatants can be extinguished, or not. For Jeff McMahan they are only a very good excuse. Participation of combatants might be explained because there is defect in deed, not the perpetrator. Some explanation may be strong enough to fully explain unjust combatants actions, but never to the end does not justify them completely. Further he will be responsible for the unjustified threat. Only a lack of moral subjectivity would fully justify the unjust combatant²⁷. Therefore, according to Jeff McMahan there should be an established epistemic guide to assist understanding of the morality of *ius ad bellum*. Writing them in a skilful manner that is understandable to both the ruling and combatants would allow its content to be used in a practical manner. This can enclose the words William Goldwin:

“Governments (...) claim to be the sole authority, which should be only and exclusively the legitimate right. Entities understand the right arguments only through persuasion of other units. The hope of man lies in the opportunities for improvement of human nature. Influences of social forms and forms of governance can be overcome and replaced by a free community of rational beings in which it counts only the beliefs of the educated and objective.”²⁸

At the end I will refer to the involvement of neuroscience in ethics and the example of research carried out by Sam Harris and draw your attention to something. Neuroscience increasingly shows that ethics should take into account the discoveries achieved by this science. Disputes between ethicists on justification and excuses are based on notions of objectivity and subjectivity. These arguments have shown that man is fallible, and his beliefs are often false. However, the more incorrect beliefs a person holds, the more likely that the lessons drawn from these beliefs will be false as well. It is difficult, in certain situations, to maintain a neutral attitude.

The reference to neurobiological research might reveal yet another reason why the matter should be considered as an excuse for combatants who were guided by false beliefs. More understanding is needed, of the relationship between objectivity and subjectivity of moral facts of our thought processes, which have an undeniable impact on the formation of our beliefs and the impact on the valence of our desires, to determine whether the argument from ignorance is a valid argument. Ethics should evolve, in which I agree with David Eagleman, and turn the debate on ethical aspects of neurobiology, which can really help us understand what is right and wrong based on well-being on a neurological basis.

27 [Jeff McMahan, *Is War Evil?* (<http://www.elac.ox.ac.uk/podcasts/>, 10.06.2011.)].

28 Alesdair MacIntyre, *A brief history of ethics. The history of moral philosophy since the days of Homer to the twentieth century*. Chapter 17: “The reformers, utilitarians, idealists,” [in:] *Op. cit.*, p. 292 (Polish version).

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