## Intention in Law and Philosophy

Edited by

NGAIRE NAFFINE
Professor of Law, Adelaide University

ROSEMARY OWENS Senior Lecturer in Law, Adelaide University

JOHN WILLIAMS
Senior Lecturer in Law, Adelaide University

Ashgate DARTMOUTH

Aldershot • Burlington USA • Singapore • Sydney

## Contents

List of Contributors		
Series Preface		
Thanks and Acknowledgements		
1	The Intention Project	
	Ngaire Naffine, Rosemary Owens and John Williams	1
PA	ART I: THE PHILOSOPHY OF INTENTION	
2	How Decision Theory Illuminates Assignments	
	of Moral Responsibility	
	Frank Jackson	19
2	T 1.011 T 1	
3	Irresistible Impulse	
	Michael Smith	37
4	Intention and Agency	
•	Grant Gillett	57
	G, a.i. G. Garage	
PA	RT II: INTENTION AND INDIVIDUAL RESPONSIBILITY	
Cr	imes	
5	Negotiating Intentions in Trials of Guilt and Punishment	
_	Ian D Leader-Elliott	73
	· · · · · · · · · · · · · · · · · · ·	
6	Intention in the Law of Murder	
	Sir Anthony Mason	107

## Torts

7	Mens Rea in Tort Law Peter Cane	129
8	Tales of Intention: Storytelling and the Rhetoricity of Judgment Sandra Berns	16
Coı	ntracts	
9	Intention: Meaning in Relation  Michael J Detmold	187
10	Intention to Contract: Public Act or Private Sentiment?  Margaret Thornton	217
PA	RT III: INTENTION AND THE COLLECTIVE	
Int	ention in Groups	
11	Collective Intentions Philip Pettit	24
12	Bad Faith and Bad Intentions in Corporate Law Suzanne Corcoran	255
Int	ention in Legal Texts	
13	Postulated Authors and Hypothetical Intentions Natalie Stoljar	27
14	Legislative Intent and Democratic Decision Making Tom Campbell	<b>29</b> 1
15	Constitutional Intention: The Limits of Originalism John Williams	32

PART IV: BEYOND INTENTION?			
16	Intention Versus Reactive Fault		
	John Braithwaite	345	
Bibliography		359	
Index		375	

Contents vii