

CONTENTS

<i>Preface</i>	xi
<i>Table of cases</i>	xiii
Introduction	1
PART I The anatomy of attempting	7
1 Attempts and intention	9
1.1 Understandings of intention	10
Intention and reasons for action	10
Intention and planning	16
Intention as being on the way to intentional action	21
1.2 Intentional action as the sole category of intention	26
Intending as an epistemic perspective	31
Constructing intentions	32
Summary	34
1.3 Intention and attempts	34
2 Attempts and action	38
2.1 Attempting as a species of intentional action	39
Basic ‘actions’ are not (intentional) actions and cannot be attempted	40
Internal actions are intentional actions and can be attempted	45
(Descriptions of) attempts are narrower than (descriptions of) intentional actions	48
Intentional action and responsibility	52
The epistemic perspective in attempting	56
The fusion of <i>actus reus</i> and <i>mens rea</i> in attempts	58
2.2 Action in attempts	59
All ‘beings on the way’, however inchoate, are attempts	60
Successful actions as attempts	64
‘Trying to try’ is indistinguishable from trying	65

- 3 Attempts and subjectivity 66**
- 3.1 Agent relative subjectivity 68
 Why there might be no truth of the matter 75
- 3.2 Third-party subjectivity 78
 Intangibility 79
 Invisibility 80
 Multiple application 81
 Multiple accounts 85
- 4 Attempts and possibility 87**
- 4.1 The distinction between what is attempted and what happens in an attempt 88
 Meeting objections 90
 Alternatives 94
 Attempting what is known to be impossible 95
- 4.2 The need for descriptive accuracy: implications for ‘impossibility’ 98
- PART II The implications for criminal law 105**
- 5 Actus reus and mens rea 107**
- 5.1 Acts are not (mere) physical movements: implications for the mens rea/actus reus distinction 109
 Michael Moore on the validity of the mens rea/actus reus distinction 110
 After Moore: the fusion of actus reus and mens rea 117
 Three objections 119
- 5.2 Actus reus and mens rea: when is criminal blame warranted? 123
 Liability based on an equivalence between complete offences and attempts 126
- 6 Impossibility and extraordinariness in criminal attempts 134**
- 6.1 Ex post analysis in criminal attempts: practice and scholarship 135
 Various kinds of ‘impossible attempts’ 138
- 6.2 Blameworthiness for extraordinary attempts 143
 Harmfulness as a rationale for distinguishing extraordinary attempters 146
- 6.3 Legal impossibility 152
- 7 Criminal attempts and moral luck 154**
- 7.1 Equivalence theory 156
 What is right about equivalence theory 156
 What may be wrong with equivalence theory 159

CONTENTS

ix

7.2	An alternative basis for the 'equal blame' thesis	164
7.3	Non-equivalence theory	166
	Argument from risk	166
	Argument from communicative response	168
7.4	Argument from punishment	169
8	Reckless attempts?	176
8.1	Recklessness as a kind of intentional action	176
	Recklessness as a moral term	181
8.2	If an offence can be committed recklessly, should it also be possible to attempt the offence through recklessness?	184
	(Apparent) attempts that are not attempts to bring about the end set	185
8.3	Should there be an inchoate form of recklessness?	188
	Attempts and inchoate recklessness compared	188
	Inchoate recklessness and 'complete' recklessness compared	192
9	Inchoate theft and inchoate rape	194
9.1	The problems that arise in identifying the objects of attempts	195
9.2	Attempted theft and appropriation	197
9.3	Rape and attempting circumstances	204
9.4	What could the inchoate offences look like?	210
	<i>Bibliography</i>	219
	<i>Index</i>	226