

# [We failure to be very clear and precise.](https://assignbuster.com/we-failure-to-be-very-clear-and-precise/)

We generally blame people more fordeliberately doing things rather than for negligently or recklessly doing something. Mens rea in criminal law is concernedwith the state of mind of an individual, which most crimes need proof of. Whenunnecessary to have, it is known as a strict liability. Intention is the mostdominant, it generally asks for the highest degree of fault from the rest, asonly intention will suffice for murder or grievous bodily harm. The actus reusof murder is an act of unlawful killing of an individual, however the mens reafor murder is intention.

Intention is a mental element caused by anindividual’s act that is proven by the surrounding evidence of the outcome. Intention consists of only mens rea and is defined so as to cause an intentionto a specific outcome. Defining the meaning of intention has always been aflexible and difficult concept to be interpreted by courts in murder cases, dueto judiciaries’ failure to be very clear and precise. Therefore, intention issplit into two categories, being direct intention and oblique intention. Firstly, direct intention is the simplest form of intention as the defendant in murdercases usually makes his intention very evident.

Direct intention also existswhen an individual undertakes an act of conduct to achieve an outcome thatindeed occurs. The conduct element usually fulfills the desired result. Indirect intention the individual must execute two main requirements, totantamount to one’s purpose and to have a foresight of certainty. 1On the other hand, the more complex intention is known as oblique intention. Oblique intention exists when undertaking an action to achieve a desiredresult, knowing that the consequences will also bring about another outcome. Contrastingly, it requires foresight of the consequences but does not desire it. As theintention gets more complex, the courts have not satisfactorily found an appropriatetest to refer to in cases.

The courts adapt to two propositions when an obliqueintention occurs, virtual certainty and whether it is highly probable to occur. 21 P. Whelan, ‘ Cartel Criminalization AndThe Challenge Of ‘ Moral Wrongfulness’ (2013) 33 Oxford Journal of Legal Studies2 Itzhak Kugler, ‘ The Definition OfOblique Intention’ (2004) 68 The Journal of Criminal Law