This paper explores themes relating to purpose in the law of obligations. It argues that approaches in common law jurisdictions to ‘purpose’, a ‘protean concept’, are inconsistent and under-developed, partly as the result of uncertainty of the independence of the idea from other concepts such as intention and motive. Indeed, in the recent decision of the United Kingdom Supreme Court in *Hayes v Willoughby*, Lord Sumption observed that ‘there is no general rule as to how purpose can be established when it is relevant to a crime or civil wrong’. The paper will examine that claim.

The approach taken by the Justices in *Hayes*, which concerned the statutory tort of harassment under the Protection from Harassment Act 1997, will be scrutinised, and Lord Sumption’s rationality-based approach will be criticised. Indeed, Lord Sumption can be seen to have form in promoting rationality, as counsel in the Hong Kong case of *Akai Holdings*, in which the Court of Final Appeal accepted rationality in the context of apparent authority in agency law.

Several aspects of the conference theme will be engaged. Does the ‘common law method [tend] to convergence over time’? Recent decisions at the highest level have shown a willingness to draw upon authorities from other common law jurisdictions and other wrongs. So in *Hayes*, the UK Supreme Court refers, amongst others, to the High Court of Australia’s decision in *Williams v Spautz*, a case on abuse of process. In *Williams*, the High Court argued that the improper purpose should be the *predominant* purpose of the claimant. By contrast, the English case law has rejected such an approach, asking whether the claimant has a ‘genuine interest’ or is pursuing at least one ‘legitimate purpose’. Similarly, when the Privy Council re-examined the torts of malicious prosecution and abuse of process in *Crawford Adjusters v Sagicor General Insurance (Cayman) Ltd*, extensive reference was made to Commonwealth (and American) authorities. It is understandable that, with a revival of interest in the more obscure civil wrongs (malicious prosecution’s origins have been described as ‘colourful, archaic and technical’), resort should be had to a wide field of jurisdictions, and it makes the study of the issues all the more urgent.

This convergence of the questions as to purpose being faced by the courts is marked by a divergence in the juristic analysis. The various legislative dynamics in different common law jurisdictions must also be considered: a further criticism of the specific approach in *Hayes* is the need to consider ‘purpose’ within a given statutory context. Overall, this paper will question whether there can be a common approach to purpose in the common law of obligations.