

A young man was walking peacefully along a public street when he encountered a woman he had never seen before. Without provocation or warning, the woman picked up a rock and struck the young man with it. It was later established that the woman was mentally ill and suffered recurrent visual hallucinations.

In an action by the young man against the woman for battery, which of the following, if supported by evidence, will be the woman's best defense?

- A. The woman did not desire to cause harm to the young man.
- B. The woman did not know that she was striking a person.
- C. The woman did not understand that her act was wrongful.
- D. The woman thought the young man was about to attack her.

## Explanation:

**Deficient mental capacity** is not a defense to liability for intentional torts. Instead, mental capacity is considered when determining whether the defendant acted with the requisite **intent**. For **battery**, the defendant must act with the intent to **cause contact** (or imminent apprehension of contact) with the plaintiff.

Although the woman struck the young man with a rock, she is only liable for battery if she did so with the *intent* to strike the young man or cause him apprehension. Therefore, the woman's best defense is that she did not *know* (intent) she was striking a person (eg, her recurrent visual hallucinations caused her to perceive the young man as a tree or wild dog).

**(Choice A)** Battery requires intent to cause *contact* or imminent apprehension of contact—not *harm*. Therefore, it only matters whether the woman intended to cause contact or apprehension, not whether she desired to harm the young man.

**(Choice C)** To meet the intent requirement for battery, the woman only had to understand that she struck the young man with the rock. She did not need to understand that her act was wrongful.

**(Choice D)** Self-defense is only available as a defense if the defendant *reasonably believed* that force was necessary. Here, the woman could not have reasonably believed that the young man was about to attack her because the young man was walking peacefully. Therefore, this defense is not available.

## Educational objective:

Deficient mental capacity is not a defense to liability for intentional torts, but is considered in determining whether the defendant acted with the requisite intent. Battery requires the intent to cause contact or imminent apprehension of contact.

## References

Restatement (Second) of Torts § 895J (Am. Law Inst. 1979) (deficient mental capacity).

Restatement (Second) of Torts § 13 (Am. Law Inst. 1965) (battery by harmful contact).

Restatement (Second) of Torts § 8A (Am. Law Inst. 1965) (definition of intent).

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## Effect of mental deficiency on intent

