

### *The Egg-skull Case,*

In the egg-skull case a husband threw a soft fabric slipper to his wife's head. The lady had a very thin skull which was partly crushed by the hit of the slipper which resulted in paralysis of her left arm and leg. It was proven that a normal skull would not be damaged so severely after a hit like this. The question in this case was if her husband was guilty of this heavy injury although he and his wife had not been aware of her egg- skull.

In this case it is sentenced that to prove intent it is not always necessary that an offender has a real internal intention. This is a way to bypass subjective parts of evidence which are hard to prove. It's hard if not impossible to look in someone's mind and look if the person was really willing to produce the effect he has caused. In law systems it has always been an aspiration to define subjective criteria to more substantial objective standards. Which we can understand if we look at another case where a man hits a heroin addicted lady and she dies because of that. In his defense the man argued that it was not his blow that caused her death, but her drug abuse. She was heavily weakened by her abuse. A normal person would never have died from this blow. It's plausible that the court says that this is manslaughter, because everybody knows that a heavily addicted person is heavily weakened, besides he should

not have hit someone in the first place. You have to accept your victim as you get it.

But in this egg skull case I think the validity of the argument is less convincing. In this case a husband and wife had a domestic quarrel. And as we all know crockery and furniture are often thrown through the air by this kind of marital fights. So I think throwing a soft fabric slipper, as happened in this case, is quite innocent and hard to qualify as heavy battery. In this case this soft fabric slipper crushed the woman's skull and she suffered from serious injury because of that. Both the man and the woman had not been aware of this egg-skull. The man had the intention to throw this soft fabric slipper, but I find it very drastic to assume that he therefore he also had the intention to cause this paralysis. To me it seems more like an unfortunate combination of circumstances.

The '*Hoge Raad*' draws a hard conclusion. The '*Hoge Raad*' says that you have to accept your victim as you get it. You shouldn't throw things at someone's head. The man had the intention to throw the soft fabric slipper and therefore the intention of heavy battery may be assumed. The '*Hoge Raad*' concluded that the man was guilty of heavy battery, and sentenced him to imprisonment of 6 months of which four months conditional and a suspended sentence of two years' probation.