

# Intentional Injury: Are There No Solutions?

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Injury control has gained gradual acceptance as both a public policy concern and the focus of scholarly research during the last decade.<sup>1</sup> Observers have noted the costs to American society of both intentional and unintentional injuries and have sought to identify preventive intervention strategies that can reduce their incidence and impact. Although many of these intervention efforts have just begun, researchers have been far more successful at identifying potential strategies for the prevention of unintentional than for intentional injury. Indeed, many observers have asked whether the majority of intentional injuries can be prevented at all. In this paper I examine the various problems associated with the prevention of intentional injuries such as homicide, assaultive violence, and suicide. Homicide among blacks is used to illustrate the variety of theoretical, ideological and practical concerns that must be confronted in efforts to successfully prevent intentionally induced injury.

Proponents of efforts to designate injury, both intentional and unintentional, as a health concern have suggested that one result of such a designation will be the development of more effective strategies for the prevention of injuries. They have noted that in the past, society has tended to accept injury as inevitable and has remained fatalistic when dealing with its prevention.<sup>2</sup> On the other hand, the gradual acceptance of injury as a health problem has highlighted the actual and perceived uniqueness of intentional injury in comparison to both unintentional injury and non-injury related health problems.

Apart from the intentionality of the act that leads to injury, intentional injuries differ from other forms of injury in other ways. For example, the causal agent for intentional injury is (by definition) a human actor. Except for suicidal behavior, that actor is a person other than the one who suffers the injury. For other forms of

injury, non-human, animate or inanimate objects or substances with which the victim comes into contact are often causal agents. Whereas the prevention of unintentional injury may involve primarily the control of objects and substances and/or the behavior of the victim, the prevention of intentional injury may require the additional regulation of motivated assailants. Unlike most unintentional injuries, intentional injuries are minimally affected by purely technological or environmental remedies.

## The Law and Intentional Injury

Both unintentional and intentional injury traditionally have been targets of legal regulation and remedy, either through the law of torts, criminal law, or both. What some have termed the torts "litigation explosion" of the last several decades is partly the result of an expansion of the duties and obligations owed to those who have suffered injury, whether the harm is the result of intentional or unintentional actions. The current governmental (and private sector) interest in reducing the level of injuries may result partly from the increasing costs of such litigation.

Besides the usually monetary remedies associated with tort claims, most acts that encompass an "intent to do harm" are also regulated by the criminal law. Thus, until relatively recently, such injuries have been regarded as problems of the criminal justice system alone. Even suicide attempts traditionally have been handled by criminal justice agencies. Police actions and the response of other components of the criminal justice system have been seen as the primary means of preventive intervention. The criminal justice system has attempted to deter assaultive behavior and homicide through the apprehension and punishment of offenders.<sup>3</sup>

For the most part, the criminal justice system has

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