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Collateral Damage?

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0   Introduction

Collateral damages are nothing extraordinary or special. They have been around within living memory; if not even, like some suppose, since and through the creation of the world. The term "collateral damage", on the other hand, is fairly new. In 1990, it was introduced during Gulf War I to maximize acceptance; (1999 it was frequently used in the context of our self-legitimisation of the Nato-bombing of former Yugoslavia. Since then, the use of this term has been expanding; today, it relates to much more than just to certain aspects of military interventions.

Utterances with which something is classified as a collateral damage have the primary function of an excuse. If the excuse is accepted, these utterances have fulfilled their main purpose: The damage in questions is looked at as something indeed "collateral", as something at the side of the main action, as something rather accidental or circumstantial, as something – from the point of view of the centre of action – less important, in short: as something secondary – meaning that in relation to this secondary, something else is of primary importance. According to the saying: "If you want to make an omelette, you will have to break some eggs."

"Collateral damage" – that is one of the central terms in semantic warfare. Can we say more about this word-weapon? What is its core meaning? What in it is pure propaganda? What are the criteria for something to be a collateral damage and for something to be not? And finally: Does the collateral-damage-apology really work? In all cases?

In this paper I will only deal with the first half of these questions. I will exclusively focus on conceptual questions. Evaluations will be treated at some other occasion. Questions of evaluation are the main focus of most other papers in this conference. Nevertheless, it is my goal to facilitate better communication about these evaluations by means of giving some clarification on the concept of collateral damages.

1 What are collateral damages?

1.1 A material answer

What are collateral damages? For example this:

(picture 1)

Another terrible example, now from the counter-factual world of philosophers' fantasies: I hate spiders. On the bold head of the man in front of me, a spider is sitting. I pull out a sledgehammer and kill the spider. … I also broke the skull of Mr. Egghead, but so what! I did not intend to do that. A typical case of collateral damage, sorry!

Those among us who are still sane, do not want to see these pictures or picture these examples. And our usual talk and the usual presentation of "mere" collateral damage suits these inhibitions of ours. Pictures of primary damages, that is: those we actually get to see of the damages caused by our side are usually far more bearable:

(picture 2)

None the less: If we want to understand collateral damages with some clarity, we will have to look at them closely, no matter how terribly that might hurt. Such a close examination hasn't been done frequently until now.

So, look closely! We start our inquiry:

1.2. First conceptual answer

What are collateral damages? This:

(CD)   A collateral damage is a damage which, in contrast to the intended aim of the action that brought this damage about, was not intended.

Even this first, very broad explanation shows that in talking about collateral damages we will have to distinguish the following elements of a situation:

Elements:	*In the example:*
Act/action f	use of the sledgehammer
Agent X	me
Target-object Z	the spider
Intention,	
in the sense of intended aim $A_{[Z]}$	the spider is killed
CD-victim Y	Mr. Egghead
Collateral Damage $\Omega_{[Y]}$	splitting the brain of Mr. Egghead

(Equivalent to Omega, one should read the intended aim A as the Greek "Alpha")

1.3   Possible Substitutions

Let us abstract from this spider-example, now – and look only at the left column of the different elements. Which substitutions for the variables are allowed? For the damage Ω done to Y? For the victim of the collateral damage Y? For the collateral-damage-agent X? For the action f as a collateral-damage-inducing action? For the primary target-object Z? The definition (CD) alone does not address these questions – other than the specification of the Ω-definition as the factual damage done to Y. The other elements remain unspecified.

The many divers possible substitutions would have to be spelled out for every single element in detail. We cannot do this, now; all I can do is give some hints as to what the questions most in need of clarification would be and how I would answer them, in brief:

Ad Ω: Should "damage" be defined in a subjective sense according to which everything that Y himself (or herself) regards as a damage to himself (or herself), counts as an actual damage? I would advise against this definition. CD-attributions should be objectifiable: They ask for an

objective collateral-damage term – which can be defined easiest in relation to the legitimate and long-term interests of the subject in question. (See W. Lenzen, Liebe, Leben, Tod, p.20, and concerning a simple suggestion to define worst cases of damages as destruction or prevention of a good life, see Ted Honderich, After the Terror, pp.89 and passim.)

Ad X,Y,Z: These can be individuals, on the one hand; but, on the other hand, also groups of individuals or collectives or (state or non-state) institutions. And, even if you do not want to believe me right away, sometimes it can be that X=Z=Y.

It is rather obvious what the favourable concrete substitutions in a conference on "Civilian Immunity in War" are:

X is for us a component of the worldly military apparatus, a combatant, a military unit, a whole army or its leading commanders;

The same goes for the primary target-aim Z – just on the enemy side, that is in addition to the enemy armed forces also their equipment, as well as the institutions or systems supporting the enemy warfare, in short and dangerously variable: the infrastructure of the enemy.

The most important candidates for the role of CD-victim Y are civilians. That is, mostly civilians on the other side; they could be civilians on our side, too; as well as "friendly forces".

In the rubric of $\Omega_{[Y]}$, one would have to distinguish further between direct and indirect damages or victims; that is, i.e., between the children killed by a bomb deviating from its original flight trajectory on the one hand, and the members of their families who possibly will be grieving for the rest of their lives, on the other.

In our conference, the CD-action f of X is a military action, starting with a single use of weapons, including the operations of a single battle, ending with the kind of warfare in question as a whole. The realm of damages under consideration will vary accordingly, and include more or less, depending on whether it refers to tactical, operational or strategic, or even the world political strategies.

Ad A$_{[Z]}$: By now, the talk of CD is so loose that the collateral damage could be the only involved damage one is referring to, while the fact of A for Z (even from the perspective of the CD-agent or perpetrator) refers to a gain or to something indifferent. According to this extremely wide use of the term, collateral damages and not intended negative side effects would be the same thing. In the context of our conference, this is not the case. Usually, for us the primary aim A will be the damage inflicted upon the enemy Z.

Yet, we do not need to include all these restrictions into our CD-definition. It is sufficient for our applications to think of the term CD and just these specific concrete substitutions. But that's what we do in our conference, anyway.

Here, only this much can be said on the elements of the collateral damage; but back to the CD-relation itself. How can we make our first definition –

(CD)   A collateral damage is a damage which, in contrast to the actual (intended) aim of the action that brought this damage about, was not intended.

– A little more transparent? What is its logical structure? This, and only this, is my paper's central question.

1.4   Our Basic Terms

We need to force ourselves to really look closely – and for this purpose I want to introduce the following basic terms and their symbolic short-cuts:

D(X,f)	for:	X does / performs the action f
A $\Rightarrow$ B	for:	A brings about B
W(X,A)	for:	X wants that A
B(X,A)	for:	X (strongly) believes / is convinced that A

Derivative Concepts:

P(X,A)   for: X believes it to be possible that A

K(X,A)   for: X knows that A

These derivatives can be defined as follows:

B(X,A) :=   ¬P(X, ¬A); therefore P(X,A) iff ¬B(X,¬A)

K(X,A):=   B(X,A) & A; knowledge is conviction which is correct.

A few minimal explanations: D(X,f) means that X shows a behaviour of type f and that X could have refrained from producing this behaviour. In other words: The doing of f is an intentional and deliberate one; i.e., for D(X,f) it holds also that W(X,D(X,f)) & K(X,D(X,f)). Now, insofar as forbearances can be intentional and deliberate as well, they will be doings, too.

The relation of A bringing about B (short: A $\Rightarrow$ B) is to be transitive, including a direct and indirect causation. B(X,A) stands for the strong rational *B*elief (for convictions as opposed to mere assumptions, i.e. beliefs in a week sense). W(X,A), "X wants that A" is to be read: X has a rational and strong Preference for A, while W(X,A) follows the same rationality postulates as B(X,A). Thus, in W(X,A) and B(X,A) we have implanted very strong idealisations. These idealisations are necessary, especially in the beginning, while we are trying to survey this so far unmapped territory of Collateral Damages (CDs).

Collateral damages should be distinguished from primary damages by the following: the latter are intended, the former not. If we want more clarity about these different kinds of damages, we need to know what it means to intend something, or to not intend something. Especially our philosopher colleagues in medieval times had thought a lot about these questions – especially in the context of the doctrine of the double effect; and we, today, can still learn a lot from their thought. To make things easier, I will pretend that we can start afresh. Instead of an exegesis of the highly complicated medieval texts, what follows are some simple, but necessary distinctions:

1.5   Intentions

Intentions have many facets. There is a whole spectrum of different concepts of intentions. And most of them are systematically ambiguous. "Intention" may refer to the state of affair intended (the intent, the aim of the intention) or to the fact that X is having such an intention. For W(X,A), our most general concept of intention, this ambiguity relates to the difference between A itself on the one hand and W(X,A) on the other.

Of all the different intention-concepts, in order to get a working explication of collateral damages, the most important one is the so called *intention with*:

(I)   By doing f, X intends to bring it about A

E.g.: By throwing a stone I_X intend to bring it about that the windowpane will brake.

D1 $I(X,f,A) := D(X,f) \& W(X,A) \& B(X,D(X,f) \Rightarrow A)$

By doing f, X intends to bring about that A, iff X does f, wants that A, and believes that his doing f will bring about A

E.g.: By throwing a stone, I_X intend to bring about that the windowpane brakes iff (i) I throw the stone, (ii) I want that the windowpane will be broken, and (iii) I believe, that this aim (the windowpane's being broken) will be brought about by my throwing the stone.

The proposition that, by doing f, I intend to bring about my aim A, does not imply that A is the only aim I am trying to achieve by my doing action f. There may be many aims I am trying to achieve by means of one and the same action. So we have to differentiate between **an** *aim of my action* on the one hand and **the** *aim of my action* on the other hand. The aim may mean two different things again: Either *the overall aim of my action*, i.e. the sum of all states of affairs I am trying to achieve by means of my action; or my primary aim, i.e. the aim, for which it holds that: Would I not have had this aim, I would not have the other aims as well. In the following, primary aims will be marked by adding a star . I X, by doing f, is intending to bring about both A_1 and A_2,

with only A_1 being (one of his primary) aim (aims), then we will write for that: $I(X,f,A_1{*})$ & $I(X,f,A_2)$; or, restricted to his wantings, as $W(X,A_1{*})$ & $W(X,A_2)$.

This difference is of importance mainly in the context of the principle, already mentioned by KANT, that, who wants the ends, will rationally have to want also the (supposed) necessary means:

(KANT) $W(X, A_1)$ & $B(X, A_1 \supset A_2) \rightarrow W(X, A_2)$

If one does, as I do, accept (KANT), does one also have to subscribe to (KANT*-?):

(KANT*-?) $W(X, A_1{*})$ & $B(X, A_1 \supset A_2) \rightarrow W(X, A_2{*})$

No, one does not. On the contrary: If in addition to $W(X, A_1{*})$ it also holds that $B(X, A_1{*} \Rightarrow A_2)$, this will be – in accordance with (KANT) – one of the strongest reasons for $W(X, A_2{*})$ being not true. Instead, only the following weaker (KANT)-Specification is valid.

(KANT*) $W(X, A_1{*})$ & $B(X, A_1 \supset A_2) \rightarrow W(X, A_2)$

This principle – or this distinction between $A_1{*}$ or A_2, respectively – relates to the center of many distinctions available in ordinary language when we try to differentiate between states of affairs as really, directly or primary wanted, aimed at, intended on the one side and the not really, only indirectly or secondary wanted ones on the other. Most of the investigations made in the Middle Ages were in some way or the other related to that center. The whole doctrine of double effect is relying on it.

Now, our attempts to achieve something by doing something are not by necessity successful ones. The involved belief that our action will bring it about that A may be false. In order to be successful, the agent's belief about how to attain the respective ends has to be true. In other words: In addition to $B(X,D(X,f) \Rightarrow A)$ it must also hold that $D(X,f) \Rightarrow A$. For an Action done with such an Intention being Successful let's write $IS(X,f,A)$ for short.

Then it might be the case that my action is successful with respect to the aim A_1, but not with respect to A_2. In this case my action is only partially successful. In order to be overall successful my action would have to successful with respect to *all* of its aims. By definition, the success of an attempt most important for it's agent consists in his or her primary aim being achieved.

Now, after these preliminaries let's come to the point: To the special actions resulting in Collateral Damage, to our *CD-Actions* for short.

1.6   CD-Definition made precise

Let's reserve $\Omega_{[Y]}$ for a *Collateral Damage state of affairs* – with Y being it's victim. Thus, by means of our basic concepts introduced so far, our general CD-concept

(CD)   A collateral damage is a damage which, in contrast to the intended aim of the action that brought this damage about, was not intended.

Can be explained precisely this way:

(CD.1) $CD(\Omega,Y,X,f,A,Z) :=$ (1) $I(X,f,A_{[Z]})$ &

(2) $(D(X,f) \Rightarrow \Omega_{[Y]})$ &

3    $\neg I(X,f,\Omega_{[Y]})$

Ω is a Collateral Damage to Y brought about by X' action f, by means of which X was intending / attempting to bring about that A is true for Z.

What in consequence of definition D.1 amounts to:

(CD.1*) $CD(\Omega,Y,X,f,A,Z) \leftrightarrow$ (1a) $D(X,f)$ &

(1b) $W(X,A_{[Z]})$ &

(1c) $B(X, D(X,f) \Rightarrow A_{[Z]})$ &

$$(2) \quad (D(X,f) \Rightarrow \Omega_{[Y]}) \ \&$$

$$3 \quad \neg I(X,f, \Omega_{[Y]})$$

Ω is a Collateral Damage to Y brought about by X' action f, by means of which X intends / attempts to bring about that A is true for Y iff

(1a) X does f

(1b) X wants, that, for Z (the target object) it holds that A $(= A_{[Z]})$

(1c) X believes that his doing f brings about that $A_{[Z]}$

3 $D(X,f)$ brings about that $\Omega_{[Y]}$) – that Y has to suffer damage Ω

(3) It is not the case that X, by doing f, intends to bring about $\Omega_{[Y]}$

1.7 CD's differentia specifica

Now, the essential difference between CD-Actions and Damage-Inducing Actions (D-Actions) in general is exactly the difference between the defining conditions (1) and (3):

3 $I(X,f, A_{[Z]})$

(2) $(D(X,f) \Rightarrow \Omega_{[Y]}) \ \&$

(3) $\neg I(X,f, \Omega_{[Y]})$

Whereas $A_{[Z]}$ is an aim of X's doing f, $\Omega_{[Y]}$ not – though, re (2), $\Omega_{[Y]}$ is brought about by X's doing f. By my swinging the sledgehammer I intended to kill the spider; I did not intend by performing this action to brake the skull of Mr. Egghead – though this very action did bring about just that.

2. Direct versus indirect collateral damages

2.1. Explanations

Keeping the condition (2) in mind, there are two main types of collateral-damages, or rather two main types of CD-Actions to be distinguished: *action-direct* versus *action-indirect* actions – depending on whether $\Omega_{[Y]}$ is caused directly of indirectly by the f-action of X. One example for the first kind could be, and I am sorry to have to go back to it, the terrible spider-example from the beginning, in which I try to kill the spider on the head of Mr. Egghead with the strike of a sledgehammer. The damage would also have been caused, if my action concerning the spider would *not* have been successful, if the spider would have been much faster than my strike and would have escaped. In other words: action-directed CD-Actions do not require the action itself to be successful in relation to its primary aim: (T.1) and it's relatives do *not* hold *in general*:
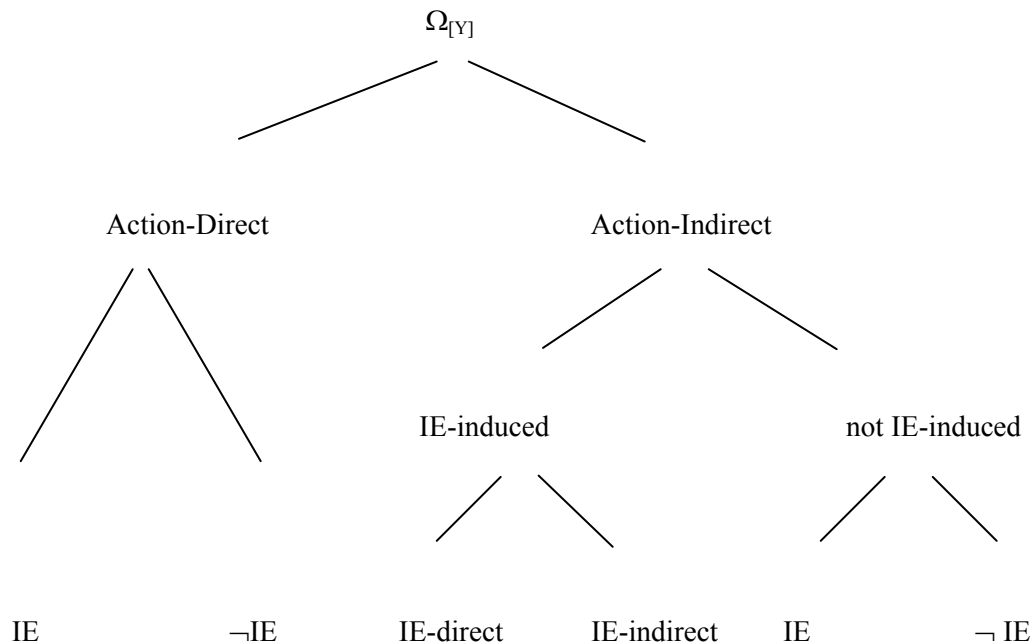
$$(T.1?) \qquad CD(\Omega, Y, X, f, A, Z) \rightarrow IS(X, f, A_{[Z]})$$

$$(T.1.1?) \qquad CD(\Omega, Y, X, f, A, Z) \rightarrow (D(X, f) \Rightarrow A_{[Z]})$$

$$(T.1.2?) \qquad CD(\Omega, Y, X, f, A, Z) \rightarrow A_{[Z]}$$

These principles does not hold *generally* for action-indirect CD-actions, either. Because the intermediary result which was caused by the action and is damage-causing does not have to be the intended target $A_{[Z]}$ itself. Is the latter the case, $\Omega_{[Y]}$ is a collateral damage induced by the intention-succes (IS-induced CD). And here, again, it can be an IS-direct or an IS-indirect collateral damage. (According to condition (2) all collateral damages are action-induced.) A collateral damage which is not-IS-induced can be trivially the case if the specific action did not succeed to reach its goal (that is: $\neg IS(X, f, A_{[Z]})$) ; or it can be the case that the goal was reached (that is: $IS(X, f, A_{[Z]})$), but the damage was not caused by the reaching of this goal.

Let us look at these distinctions in an overview:

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                              Ω[Y]
                             /    \
                            /      \
                           /        \
              Action-Direct          Action-Indirect
                   /  \                   /      \
                  /    \                  /        \
                 /      \              IE-induced    not IE-induced
                /        \               /  \           /  \
               /          \             /    \         /    \
          IE         ¬IE      IE-direct   IE-indirect  IE      ¬ IE
```

2.2   Examples

I $\Omega_{[Y]}$ action-direct & IS (intention-success) CD:

The ministry of war in the capital of the enemy is being destroyed by a bomb of such a size that in the radius of 1,5 kilometres of the surrounding land all life is being destroyed, including a kindergarten with, at the time of the dropping of the bomb, approximately 50 children, one kilometre away from the ministry. (The destruction of the kindergarten is not the effect of the destruction of the ministry; both damages are directly induced by the dropping of the bomb.)

II $\Omega_{[Y]}$ action-direct & ¬IS-D:

(a) A missile directed at the enemy ministry of war hits a nearby kindergarten, instead.

(b) A torpedo hits the ship NN which it was supposed to hit; but the ship is not, as expected, an enemy battle-ship, but a luxury cruise-liner.

To make this difference clear: The Torpedo hit the ship which it was aimed at; the missile, on the other hand, does not hit the target-building, but another one. (a) A technical mistake in the function of the missile versus (a failure) (b) a mistake in identification (an error).

III $\Omega_{[Y]}$ action-indirect & IS-direct induced CD:

The missile hits the target it was programmed to hit: the ministry of war. But in this building, there is an immense amount of explosives being stored. The hit results in an explosion which also blows up a nearby hospital.

IV $\Omega_{[Y]}$ action-indirect & IS-indirect induced CD:

Like III, but in addition: Many of the seriously injured victims of the bomb coming from the further vicinity cannot be helped because the hospital has been destroyed. They die.

V $\Omega_{[Y]}$ action-indirect & not IS induced CD:

The beginning of the Nato-bombing of the war in Kosovo which (allegedly) was supposed to prevent further massacres by the Serbs (= IS= $A_{[Z]}$) resulted in large numbers of Albanian Kosovars fleeing from their homes (intermediary cause B), which in turn led (and probably wasn't intended to do so) to streams of refugees escaping across the border. This damage is independent of whether $A_{[Z]}$ was (later) reached or not.

3   CDM: The Matrix of Collateral Damages

3.1   Let's repeat

When is a collateral damage the case? Our answer is clear: A collateral damage is the case iff the defining conditions for such a damage are fulfilled. But when are these conditions fulfilled? Let's look at our explicative theorem again:

In (1) and (2) this is no problem. But what all is included in (3)?

(3) $\neg I(X, f, \Omega_{[Y]})$

It is not the case that X intended to induce the damage Ω in Y with his f-action.

When is this condition fulfilled? It can be fulfilled for many and rather different reasons. These *different reasons* correspond to the *divers variants* of possible cases of collateral damage. Because collateral damage does not equal collateral damage. The differences can be substantial; substantial, too, for our judging these cases. Than CD to the system of precise terms introduced above we can now differentiate between these cases in a matrix of collateral damages (or short CDM). The arrows in these graphs correspond, again, to "logically follows that":

(CD.1*) $CD(\Omega, Y, X, f, A, Z)$ $\leftrightarrow$ (1a) $D(X, f)$ &

(1b) $W(X, A_{[Z]})$ &

(1c) $B(X, D(X, f) \Rightarrow A_{[Z]})$ &

(2) $(D(X, f) \Rightarrow \Omega_{[Y]})$ &

(3) $\neg I(X, f, \Omega_{[Y]})$

But when are these defining conditions themselves fulfilled? With respect to (1) and (2) there are no problems. But what is hiding behind (3)?

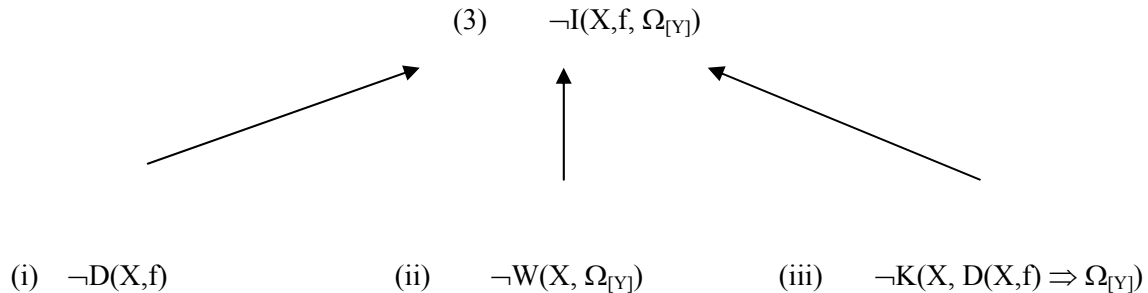## 3.2   Reasons for not Intending

For (3) being true, there might be several reasons. The differences between the various reasons in question are corresponding to the differences between the various sorts of possible Collateral Damages. By means of the explications introduced so far we are now in the position to present theses sorts in a systematic way.

It's quite a lot which is covered by (3). The differences between the various CDs may be enormous. And so our evaluations of CDs may differ enormously, too. But, as I said before, there will be no room for that, here.

As already shown by the general intention-definition

D1 $I(X,f,A) :=$ $D(X,f)$ & $W(X,A)$ & $B(X,D(X,f) \Rightarrow A)$

it holds that (3), if at least one of the three defining D1-conditions is not fulfilled. And thus also, if two or all of these three conditions are not fulfilled. (In the following picture the arrows are representing logically valid implications.)

$$(3) \qquad \neg I(X,f, \Omega_{[Y]})$$

(i) $\neg D(X,f)$ \qquad\qquad (ii) $\neg W(X, \Omega_{[Y]})$ \qquad\qquad (iii) $\neg K(X, D(X,f) \Rightarrow \Omega_{[Y]})$

We need not care about the first case, in which (3) holds already in consequence of (i) alone. In the case of a CD-Action, for the very reason of condition (1a) – $D(X,f)$ – (i) just cannot be true. We have to come to terms only with the other two cases (ii) and (iii). There are four possible combinations.

[1] $\neg$(ii) & $\neg$(iii)
[2]   (ii) & $\neg$(iii)
[3] $\neg$(ii) &   (iii)
[4]   (ii) &   (iii)

From these combinations, again, we can leave out the first one – for the reason just mentioned. (In the combination [1] , for (3) being true, (i) would have to true – again contrary to condition (1a).) So we are left with [2] to [4].

What about combination [2]?

[2] $\neg W(X, \Omega_{[Y]})$ & $K(X, D(X,f) \Rightarrow \Omega_{[Y]})$

Is this combination really a possible one? Is there not, given (1b) – $W(X,A_{[Z]})$, already a contradiction to (KANT)? Yes, indeed: If X does f, his action is (as presupposed since § 1.4 above) a deliberate one; i.e., it holds both $W(X,D(X,f))$ and $K(X,D(X,f))$. Given ¬(iii), i.e., given $K(X,D(X,f) \Rightarrow \Omega_{[Y]})$, we will get via (KANT) also $W(X,\Omega_{[Y]})$ – contrary to (ii) $\neg W(X,\Omega_{[Y]})$.

Thus, case [2] *would* have to be impossible for logical reasons already – *if* both of the volitions $W(X,A_{[Z]})$ und $W(X,\Omega_{[Y]})$ would be at the same level. But they are not. At least not, if for aim $A_{[Z]}$ it also holds that $A^*_{[Z]}$, i.e., if it is the primary aim of X's action f (at least primary with respect to $\Omega_{[Y]}$). For in this case the relevant principle is not (KANT), but only (KANT*).

To put it short: In order for damage $\Omega_{[Y]}$, given case [2], to be a CD at all, there must be presupposed that the primary aim of action has not been $\Omega_{[Y]}$ itself, but $A_{[Z]}$, i.e. that it holds that $A^*_{[Z]}$. (NB: This would also be a necessary condition for the principle of double effect to be relevant.) In the following, let's take this presupposition as being given.

Next, (ii) $\neg W(X, \Omega_{[Y]})$, too, can be true for various reasons: (ii.1) With respect to $\Omega_{[Y]}$ agent X is voluntatively *indifferent* – i.e.: $\neg W(X, \Omega_{[Y]})$ & $\neg W(X, \neg\Omega_{[Y]})$; or (ii.2) X even wanted the contrary to be true, namely, that damage $\neg\Omega_{[Y]}$ should *not* come about, i.e. $W(X, \neg\Omega_{[Y]})$. Thus, the two situations corresponding to these two (by the way: contrary) reasons would be:

[2.1] $\neg W(X, \Omega_{[Y]})$ & $\neg W(X,\neg \Omega_{[Y]})$ & $K(X, D(X,f) \Rightarrow \Omega_{[Y]})$
[2.2] $W(X,\neg \Omega_{[Y]})$ & $K(X, D(X,f) \Rightarrow \Omega_{[Y]})$

[2.1] means, that, with respect to the negative consequences of his own actions, X is indifferent – at least as far as it is (only) Y himself who is will be affected by these consequences. That is more than only logically possible, as we all have reason to know. It's happening – more often than not.

This holds at least, if we are looking at the deeds of the perpetrators, and let their actions speak louder than their words.

What about the possibility of [2.2]? Again, this possibility clearly is in need of explanation. How could it be, that X, if he really would care about $\Omega_{[Y]}$ *not* being brought about, nonetheless is performing the very action by which this damage will, to his full knowledge, be brought about? In this case, to introduce our distinction between primary and secondary aims of actions would not help (as it did in [2] before.) For $W(X, \neg\Omega_{[Y]})$ is in any case stronger than $\neg W(X,\Omega_{[Y]})$. Thus, [2.2] is, in comparison with [2], even more problematic. The cure, by means of which we could heal problem [2], namely our distinction A* versus A, will not help us here.

What would have to be the case, in order for X, though being involved in [2.2], to get off the hook? A glance at real life will help again. There are two – maybe three – ways open; and they are chosen regularly. (α) You have to deny, that your behaviour f has been an action of your's at all (the button, whose function was to start the cruise missile, was pushed by you only by accident) or that, what you did, has been really an action of type f. Or (β) you agree to have done it, but you plead, as far as the inconsistency between D(X,f) and the situation [2.2] is concerned, for *non compos mentis,* maybe even for sheer insanity.

Both versions of route (α) bring in the same problem that we've already seen in (i): They contradict (1a) D(X,f). Remains (β). D(X,f) is an deliberate action. Thus, by means of (KANT), in [2.2] we would have both $W(X, \Omega_{[Y]})$ and $W(X, \neg\Omega_{[Y]})$ – the last one implying $\neg W(X, \Omega_{[Y]})$: a clear contradiction! A contradiction – *if* X in situation [2.2] is taken to be *rational*. Route (β) is denying just that. Such cases of rationality-blackouts are, as we know, not uncommon. In contexts of war and violence, many people just get mad and freak out. And this is true not only for the victims of violence.

Let's summarize. Our problem has been: How is it possible for X, that he does not want the $\Omega_{[Y]}$-damage to come about, but nevertheless does perform the very action which he knows will bring about that very damage? There are three ‚solutions' to our problem. First: For him, achieving his primary aim $A_{[Z]},$ is much more important than this damage; he not only accepts that this damage

will happen to Y – his acceptance of it is fully deliberate. Second: As far as this damage to Y is concerned, he is indifferent. And third: In the situation in question, he is not a person *compos mentis*.
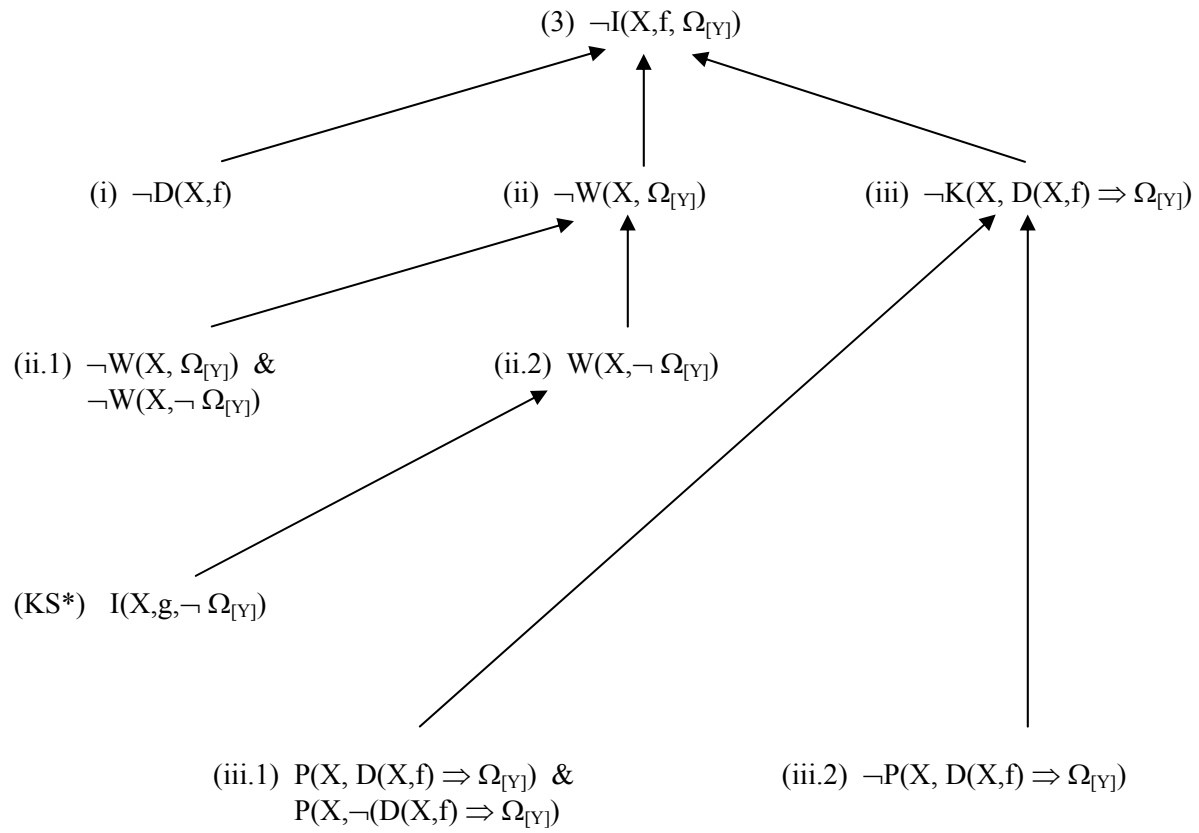
All three cases are implying the CD-condition (3). And so, as in all three cases X's damage $\Omega_{[Y]}$ is being brought about by means of the very action, by which he is trying to achieve his primary aim $A^*_{[Z]}$, this action counts indeed as a CD-Action or $\Omega_{[Y]}$ as itself being a Collateral Damage, respectively. But would we really wish to accept even one of these three reasons as plausible reasons for an excuse? Would you? But again, that's not my topic today.

Notice, that our ugly spider and Mr. Egghead example has been exactly a CD-action of this sort. The perpetrator had been stupid to such an incredible degree, that some of our colleagues (including Tony, I think) would even prefer not to include it into the wide CD-action category at all. But by this they commit themselves to the mistake of not separating the following three questions clear enough: What is a CD? What kinds of CDs may be excused? And which ones might even be justifiable?

Only so much with respect to [2], the first line of backing the supposition that – and for what reason – condition (3), the *differentia specifica* condition for CDs, may be taken to be true.

Now, both of the other two lines [3] und [4], again with their several special cases, would have to be discussed. I do not have the time to do this, now. So, let me just confront you with the logical structure of the whole field, the matrix of all the possible ramifications (§ 3.3). Then, let's have a glance at the resulting chart of all the possible special-case-combinations (in § 3.4), add (in § 3.5) some further other distinctions for the subcases [3] und [4] , which results in the possibility of identifying the type of each CD-case in standard form for further inquiries – and the evaluations to come (§ 3.8).

3.3   CDM: The Centre

(3) $\neg I(X, f, \Omega_{[Y]})$

(i) $\neg D(X, f)$ (ii) $\neg W(X, \Omega_{[Y]})$ (iii) $\neg K(X, D(X, f) \Rightarrow \Omega_{[Y]})$

(ii.1) $\neg W(X, \Omega_{[Y]})$ & $\neg W(X, \neg \Omega_{[Y]})$ (ii.2) $W(X, \neg \Omega_{[Y]})$

(KS*) $I(X, g, \neg \Omega_{[Y]})$

(iii.1) $P(X, D(X, f) \Rightarrow \Omega_{[Y]})$ & $P(X, \neg(D(X, f) \Rightarrow \Omega_{[Y]}))$ (iii.2) $\neg P(X, D(X, f) \Rightarrow \Omega_{[Y]})$

3.4   The possible Combinations

Combination			Preference	Knowledge / Belief
[1]	$\neg$(ii) & $\neg$(iii)		$W(X, \Omega_{[Y]})$	$K(X, \Rightarrow)$
[2]	(ii) & $\neg$(iii)		$\neg W(X, \Omega_{[Y]})$	
[2.1]	(ii.1) & $\neg$(iii)		$\neg W(X, \Omega_{[Y]})$ & $\neg W(X, \neg \Omega_{[Y]})$	$K(X, \Rightarrow)$
[2.2]	(ii.2) & $\neg$(iii)		$W(X, \neg \Omega_{[Y]})$	
[3]	$\neg$(ii) & (iii)	⎫		$\neg K(X, \Rightarrow)$
[3.1]	$\neg$(ii) & (iii.1)	⎬ $W(X, \Omega_{[Y]})$		$P(X, \Rightarrow)$ & $P(X, \neg \Rightarrow)$
[3.2]	$\neg$(ii) & (iii.2)	⎭		$B(X, \neg \Rightarrow)$
[4]	(ii) & (iii)		$W(X, \Omega_{[Y]})$	$\neg K(X, \Rightarrow)$
[4.1]	(ii.1) & (iii.1)	⎫		$P(X, \Rightarrow)$ & $P(X, \neg \Rightarrow)$
[4.2]	(ii.1) & (iii.2)	⎬ $\neg W(X, \Omega_{[Y]})$ & $\neg W(\neg \Omega_{[Y]})$		$B(X, \neg \Rightarrow)$

- -

[4.3]	(ii.2) & (iii.1)	⎫		$P(X, \Rightarrow)$ & $P(X, \neg \Rightarrow)$
[4.4]	(ii.2) & (iii.2)	⎬ $W(X, \neg \Omega_{[Y]})$		$B(X, \neg \Rightarrow)$
(CD*)			**$I(X, g, \neg \Omega_{[Y]})$** für irgendein g	**$B(X, D(X,g) \Rightarrow \neg \Omega_{[Y]})$**

3.5   Addendum

One of the most important CDM-distinctions relates to the question, whether X did know about the damaging consequences of his deed or not. ([1] and [2] versus [3] and [4].) Not having known it, is no excuse by itself – only in some special cases. That is a fact in criminal law; and it could be nice if the same would be true for our CD-contexts. The corresponding specifications will be relevant for our CD-evaluations, in any case.

Given, that X really did not know, that his action will bring about $\Omega_{[Y]}$. Then, before letting him off the hook, we should ask him some further questions, shouldn't we? In particular: Could he have known it? And, if so, should or even ought he have known it? Was it, either in general or following from the responsibilities of the role he played in the situation, even his duty to inform himself beforehand?

$$\text{(iii)} \quad \neg K(X, D(X,f) \Rightarrow \Omega_{[Y]})$$

$$P(K(X, D(X,f) \Rightarrow \Omega_{[Y]})) \qquad \neg P(K(X, D(X,f) \Rightarrow \Omega_{[Y]}))$$

$$O(X,K(X, D(X,f) \Rightarrow \Omega_{[Y]})) \vee K(X,\neg(D(X,f) \Rightarrow \Omega_{[Y]})) \qquad \neg \text{ (dito)}$$
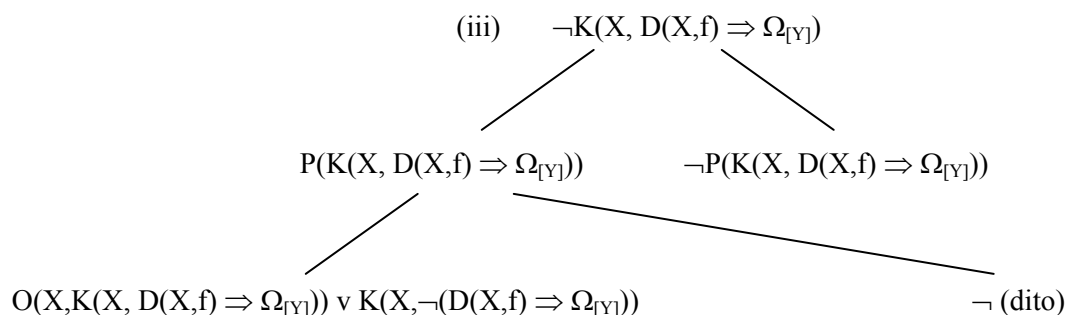
3.6   Completion of CDM

The CDM offers us a logical looking glass for searching better about the respective type of particular collateral damages, before we enter the field of moral or even legal judgement. One of the most relevant features on which such judgement should be based will be the distinction between direct vs. indirect action (or intention-success induced) collateral damages, as introduced in § 2.

Thus, to complete CDM, one has to combine the cases-combination spelled out so far with these distinctions between direct-, indirect-, IS-, ¬IS-induced damages. In § 2 we distinguished six different cases; combined with the 12 subcases of the center of the matrix, we would have to consider 72 not identical case-types, all this while the dimensions of know-ability or obligation of knowing are not in the equation, yet.

Because the question of know-ability is only an open question in the cases [3] and [4] – i.e., cases in which (iii) $\neg K(X, \Rightarrow)$ holds – and because, as a special case of *ought implies can*, the Obligation of knowing (or OK) presupposes the possibility of knowing (short: PK), we count on the basis of a completed matrix of collateral damages no less than more than 150 cases which we can and need to distinguish.

3.7   Identification of CD-Type

We can refer to each of these cases fairly easily with a 4-directional vector, the components of which refer to the standardized order of the 4 kinds of types introduced above.

For Example with the aid of

<[4], III,PK,OK>

as short for

[4] $(\neg W(X,\Omega_{[Y]})) \& \neg K(X,D(X,f) \Rightarrow \Omega_{[Y]}) \&$

(III) $\Omega_{[Y]}$ action-indirect & IS-direct-induced &

PK & OK: The $\Omega_{[Y]}$-causation could & should have been known

The relevant III-example (standing for: $\Omega_{[Y]}$ action-direct & IS-direct induced) in paragraph 2.2 was:

The missile hits the target it was programmed to hit: the ministry of war. But in this building, there is an immense amount of explosives being stored. The hit results in an explosion which also blows up a nearby hospital.

To completely describe this case (in the sense that all vector-components <[4], III,PK,OK> are being considered), we would have to add:

X did not want the additional destruction of the hospital – further, X did not know that the use of the missile would cause this damage (i.e. because X did not know that there was such an immense amount of explosives stored in the ministry of war that it caused the explosion of the hospital); but X could have known (i.e. in paying attention to the recent reports of the military secret agency submitting the information that the ministry of war had been used to store explosives); and because the ministry of war was situated close to a hospital, it would have been the duty of X to calculate this information into the equation, before giving the order to launch the missile.

4.   The Lesson

Did Tomas Aquinus and our other medieval colleagues reach a similar matrix with their terminological distinctions, or would they have reached it if they used their systematic approach? I do not know. But this is of all the questions which this talk cannot answer, probably not the most important one. More important would be the next step: to check whether the CD-matrix really fulfils its purpose and can thereby serve as the basis for a systematic approach of the moral evaluation of collateral-damage-inducing actions. This is open to the experts to decide.

This contribution concerning collateral damages was purely conceptual. What follows from the CD-matrix on this level alone?
Simply this: To the utterance "Sorry, this is a collateral damage!" we can only reply reasonably with another question: "Sorry, and a collateral damage of what kind?"
Without a clear answer to this question of ours, we cannot evaluate the excuse proposed by referring to a collateral damage. And without the readiness of enlightening this matter and the

active help and cooperation of the person bringing forward the excuse, the suspicion is justified that the excuse itself is rather shallow, or else: only a propagandistic euphemism and a glossing over. A euphemism which so far owed much of its convincing powers largely to the confusion concerning the use of the term "collateral damage" and the confusion about what should be counted as such a damage. This confusion has come to an end!