

From: [Matthew Garland](#)
To: [Peg Crowe](#); [Paul Condon](#); [Amanda Linehan](#); [Ryan O'Malley](#); [Ari Taylor](#); [Stephen Winslow](#); [Chris Simonelli](#); [Jadeane Sica](#); [Craig Spadafora](#); [Carey McDonald](#); [Karen Colón Hayes](#)
Cc: [Mayor Christenson](#); [Carol Ann Desiderio](#)
Subject: One more important point regarding 271-24
Date: Tuesday, June 18, 2024 12:07:39 AM

Dear Councillors,

Thank you for your patience with my multiple communications. There is one important point I must address to provide clarity on the situation.

When assigning liability for the consequences of actions, there are two types of causes to consider: proximate and actual (or "but-for") causes. A proximate cause is a direct action with a foreseeable link to a consequence. An actual cause is an action without which the final consequence would not have occurred.

There can be multiple proximate causes. For example, if a storekeeper leaves a pallet in an aisle and a texting customer trips over it, both the storekeeper's action and the customer's distraction are proximate causes of the fall.

In the context of the Gaza conflict, Israel's military operations are a proximate cause of Gazan casualties. However, another proximate cause is Hamas' strategy of operating from within civilian and protected areas. Yet another proximate cause is Hamas' repeated promises to commit more October 7s, and continuous indiscriminate firing of rockets at Israeli civilians - Israel has an obligation to protect its citizens, so its military response is a foreseeable consequence of Hamas' actions.

Furthermore, there are several but-for causes of this conflict. If Hamas had not brutally massacred 1,200 Israelis on October 7, this war would not have started. If Hamas would release hostages, surrender, or accept any of the numerous ceasefire offers from Israel, the fighting would stop immediately. Yet, Hamas refuses to surrender, release hostages, or accept ceasefires.

As compassionate, fair-minded individuals, we have a tendency to seek a balanced viewpoint, suggesting that the world is shades of grey. While generally true, failing to distinguish between these shades leads to false equivalency. We recognize the Nazis as evil and the Allies as the good guys in WWII, despite the tragic loss of innocent German lives. The essence of civilization is the ability to distinguish between deliberate and purposeful killing of civilians, and the taking of civilian lives that is undesired, unintended, and unavoidable.

Whatever language you end up with, please do not fall into the trap of false equivalency.

Many thanks,

Matthew Garland
108 Hawthorne Street
Representing Malden's Orthodox Jewish Community, founded in 1904

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