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August 4, 2004

Professor Haim Rabinowitch  
Rector, Hebrew University

CC: Professor Magidor, President

Dear Rector Rabinowitch:

Recently (July 12, 2004), Maariv, the Israeli newspaper with the second largest circulation in the country, published an op-ed entitled, "Shame on the Hebrew University." Its sub-heading elaborates:

Invoking academic freedom, the heads of Israeli academe defend venomous rhetoric against Israel. But the Rector of the Hebrew University has mustered his authority to silence criticism of the venom spreaders.

It is recommended that you look at the op-ed before continuing to read this letter. The op-ed is archived on Maariv's web-site (click on one of the following URLs to go there): Hebrew: <http://www.nrg.co.il/online/1/ART/753/909.html>  
English: <http://www.maarivintl.com/index.cfm?fuseaction=article&articleID=9768>  
The English version can be reached also by searching in Google for "Hebrew University Rector".

The op-ed relies partially on Justice Yehudit Shevakh's March 25, 2004 court ruling that rejected Prof. Zimmermann's<sup>1</sup> libel suit against Haaretz newspaper and against the author of the op-ed, Ms. Anat Perry. Some excerpts from the

<sup>1</sup> The following is an excerpt from "The End of Zionism?" by Yoram Hazony, *Azure* No. 1 Summer 5756 / 1996; Publication of the The Jewish Agency for Israel; <http://www.jafi.org.il/education/azure/1/1-hazony.html>

While literary figures have long led the effort to create a post-Zionist consciousness in Israel, recent years have seen an even more pronounced effort on the part of academics. The 1967 Six Day War immediately inspired attacks by opponents of nationalism such as Prof. Yeshayahu Leibowitz, who claimed that Israel was undergoing nazification, that Israel's soldiers had become "Judeo-Nazis," and that Israel would soon be setting up concentration camps—a leitmotif soon mimicked and elaborated upon by others [ ] such as [ ] the historian Moshe Zimmermann.

enlightening court ruling are therefore in order.

It has been established that the plaintiff [Prof. Zimmermann] indeed makes comparisons — analytic and professional, as he claims — between Israeli and Nazi entities. Inter alia, he compares<sup>2</sup> between the youth of Hebron and the Hitler Youth; between the motivation and service conditions of the Israeli soldiers in the IDF elite units, on the one hand, and those of the Waffen SS, on the other hand; between Israeli soccer fans and racists of the Third Reich; [and] between the Bible and Mein Kampf. [ ]

I have been satisfied that in his publications and discourse, the plaintiff [Zimmermann] has indeed made comparisons between Israeli entities and Nazi entities, both in the sense of comparison for the purpose of finding the similarities and the differences, and in the sense of equating between the two through finding of factors that are parallel and/or identical. [ ]

The plaintiff [Zimmermann], who, as has been established, expresses anomalous views and sharp criticism—and nobody questions his right to do so—refuses at the same time to accept criticism of his own criticism. [ ]

The plaintiff's [Zimmermann] arrogant attitude towards others and their views, I am sorry to remark, was very noticeable during the deliberations in court, so that it became clear that the plaintiff [Zimmermann] doubts whether ordinary people are capable of fathoming the depth of his views and of perceiving the academic/analytic/moral value of the lesson that comes out of his mouth. [ ]

— *Tel Aviv District Justice Yehudit Shevakh*  
*Ruling in Zimmermann vs Haaretz and Perry*

What the editors of Maariv newspaper think about your role in this affair, Rector Rabinowitch, is clear from the title of the op-ed, “Shame on the Hebrew University,” and from its contents. But your response to it is unclear. It raises several questions about your letter to the head of the Berlin Jewish community, Dr. Alexander Brenner, and the circumstances surrounding its sending that need your clarification.

To facilitate my questions, I am producing here a literal translation into English of your Hebrew letter to Dr. Brenner, of which he gave me a copy. Underlines are mine.

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<sup>2</sup> Justice Shevakh uses *compare* in both its senses: 1. To examine in order to note the similarities or differences of. 2. To consider or describe as similar, equal, or analogous; liken. (From the American Heritage Dictionary). See the excerpt in the next paragraph.

Professor Haim D. Rabinowitch  
Hebrew University Rector  
March 14, 2004

To: Charlotte Goldfarb, Representative of the Hebrew University R&D Authority in Germany

From: The Rector

In consultation with the legal counsel, we drafted a short sentence that suggests an apology.

In the interview with Ben Meller, words were said in error, without an intent to harm any of the Hebrew University professors.

I hereby apologize before the Rector for any offense, if committed, against any of the professors of the University.

I will be happy to assist.

Sincerely,

— Haim Rabinowitch

Here are my questions:

1. You wrote your letter, Rector Rabinowitch, so you told Maariv newspaper, because you received information that “Dr. Alexander Brenner was interested in apologizing to professors of the Hebrew University.” This sounds odd, because Dr. Brenner has never harbored any intentions to apologize to you or to anybody else at the Hebrew University, and he still does not. So he told me.

In fact, Dr. Brenner was very much offended by your letter. As head of the Berlin Jewish community he has always seen a paramount duty in fending off frequent anti-Semitic attacks in Germany on his community and on Israel; attacks that have been on the rise in recent years. He expected that the Hebrew University—the “University of the Jewish People” as it is often called—would support him in his important struggle. Instead, he got the opposite from that university. So he told me.

- (a) Had Dr. Brenner decided to apologize, why would he have appealed to you for help with drafting his apology? Could Dr. Brenner not draft an apology by himself? This puzzlement is underscored by the fact that in his letter, Prof. Zimmermann has already instructed Dr. Brenner how he should apologize.
- (b) But suppose that Dr. Brenner needed your help in drafting his apology, would he not have written to you directly to ask for it?
- (c) Given these puzzlements, should it not have been obvious that, before sending off your letter, you needed to verify with Dr. Brenner

himself the validity of that odd piece of information—that he needed your help in drafting his apology—which according to what you told Maariv, was the sole reason for sending your letter?

- (d) Who could have informed you so falsely about Dr. Brenner's intentions? It would significantly increase the credibility of your explanation, if that person would come forth and admit that he or she gave you that wrong information, and also explain why they did that.

2. The text of your letter is very unusual in several respects.

- (a) Instead of opening with the natural salutation, "Dear Dr. Brenner," you surprisingly did not address your letter to Dr. Brenner at all. Instead, you addressed it "To: Charlotte Goldfarb, Representative of the Hebrew University R&D Authority in Germany." Why did you not address your letter directly to Dr. Brenner, the head of the Berlin Jewish community?
- (b) Even more strangely, you did not mention in your letter Dr. Brenner's name even once. How can that be?
- (c) This letter was the first message that Dr. Brenner has ever received from you. It is reasonable to expect that you would have opened your letter with a sentence of introduction like, "I have been told that you are willing to apologize to me for what you told Mr. Ben Melekh in your radio interview." This would also have supported what you told Maariv, that having received that information, as odd as it sounds, was the sole reason for your writing (via Ms. Goldfarb) to Dr. Brenner. Why did you not open your letter with the very much needed introduction?
- (d) Instead, out of any context or introduction, your letter opens with the words, "In consultation with the legal counsel," implying a threat to litigate, if an apology does not come forth. Why did you need to implicitly threaten in this way the head of the Berlin Jewish community?

3. Prof. Zimmermann's complaint against Dr. Brenner was identical to his libel lawsuit complaint against the other major Israeli newspaper, Haaretz, and against the author of Maariv's "Shame on the Hebrew University," Ms. Anat Perry. In both cases, Prof. Zimmermann complained that he has been alleged to have made comparisons and to have equated between Israelis and Nazis.

When Prof. Zimmermann approached you, Rector Rabinowitch, to ask that you demand of Dr. Brenner, the head of the Berlin Jewish community, an apology, Zimmermann must have told you that his two year old libel lawsuit is drawing to a close; that court hearings were over already; and that a ruling is expected any day then. Indeed, you wrote your letter to Dr. Brenner on March 14, 2004, and Justice Shevakh handed down her court ruling on March 25, 2004; a mere eleven days later.

But Justice Shevakh has listened to the testimonies of both sides and to cross examinations of the witnesses during several intensive court sessions that spanned a period of two years, before she reached her decision to reject Zimmermann's libel lawsuit altogether. By contrast, Rector Rabinowitch, you reached your opposite decision—that Dr. Brenner ought to apologize for claiming the same as the winning defendants—in a matter of a few days, after having heard only Zimmermann's complaint, but without as much as asking the head of the Berlin Jewish Community, Dr. Brenner, what he had to say.

Moreover, in his July 27, 2004 letter to the editor of Maariv, Prof. Zimmermann responded to the "Shame on the Hebrew University" op-ed. In that response Zimmermann wrote, "I am sorry for the Rector of my university, who did not bother to verify with me the details of the matter." In other words, Prof. Zimmermann accuses you, Rector Rabinowitch, of acting recklessly when writing your letter to the head of the Berlin Jewish community, Dr. Alexander Brenner.

Can you explain how you reached a conclusion that was opposite to the court ruling without hearing Dr. Brenner and without examining the details of the grave matter presented to you?

"Shame on the Hebrew University" is a unique event in the history of the University of the Jewish People. The explanation you gave to Maariv is inadequate for how it came to pass that the head of the Berlin Jewish community feels betrayed by the Hebrew University. It leaves much to be clarified. Clearly, saying that you wish you had not sent the letter to Dr. Brenner, as you told Maariv, is no substitute for your much needed clarifications. The Hebrew University community and the Jewish people, to whom the Hebrew University and its officials like yourself are accountable, deserve your honest answers to my three questions. If you provide them, which I believe you should, I shall append your answers to my open letter about this unique event, when I send it out soon to many Jewish newspapers and periodicals, Jewish organizations, and Jewish scholars around the world. Otherwise, I will have to write that you refused to answer my questions.

I hope my forthcoming letter would help reinstate accountability of the Hebrew University to the Jewish people; accountability that is now barely existent.

Sincerely,

— *Yaacov Bergman*