

# SUBMISSION TO PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

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The need to repeal 18C and 18D of the Racial Discrimination Act

Includes a genuine Jewish perspective

## INTRODUCTION

We note that on 8 November 2016, pursuant to the section 7(c) of the *Human Rights (Parliamentary Scrutiny) Act 2011*, the Attorney-General referred to the Parliamentary Joint Committee on Human Rights the following two matters for inquiry and report:

- whether the operation of Part IIA of the *Racial Discrimination Act 1975* (Cth) (including sections 18C and 18D) impose unreasonable restrictions on freedom of speech; and
- whether the complaints-handling procedures of the Australian Human Rights Commission should be reformed.

This submission essentially addresses the **first of the Terms of Reference**, namely:

1. **Whether the operation of Part IIA of the Racial Discrimination Act 1975 (Cth) imposes unreasonable restrictions upon freedom of speech, and in particular whether, and if so how, ss. 18C and 18D should be reformed.**

This submission supports the complete repeal of ss. 18C and 18D for the reasons outlined below.

We are aware that there has been vigorous lobbying by some secular Jewish communal representatives for the retention of these sections of the RDA. As active members of the orthodox Jewish community we therefore present a more genuine Jewish perspective

consistent with Torah (biblical) principles. It is our submission that 18C is contrary to the interests and values of the Jewish community.

It is blatantly untrue that there is a consensus of support for 18C within the Jewish community. Simply reading the various Jewish publications will demonstrate this is a hotly contested subject.

In brief, under 18C free speech is restricted - it is a breach of the Act to say things which may "insult or offend or humiliate or intimidate" based on race, ethnicity, gender etc. There are certain defenses available under 18D. It is administered by the Human Rights Commission but this submission does not primarily focus on its administration other than noting:

- The Jewish community bodies which actively lobbies for its retention have very rarely used it despite increasing incidents of anti-Semitism. It has never been used by the major Jewish bodies against severe anti-Semitic preaching by certain Islamic clerics despite several examples.
- We support the contention by others that there have been numerous inappropriate cases brought to the HRC causing harm and expense to the subjects of those complaints.

Some reasons why 18C should be repealed:

## 1. Free speech is a foundation democratic principle

The essential foundational democratic principle "*I may disagree with what you say, but I will fight for your right to say it*" was not actively undermined in Australia until relatively recently. In this principle, there is no requirement to be correct or even reasonable. Most civilised peoples have as a separate and distinct principle not inciting physical harm to others or damage to property. The latter is addressed by laws outside the RDA including State and Federal Crimes Acts.

Thus, it was ok to criticise or insult or offend someone, but it was not ok to advocate that a person be bashed or killed or property damaged.

So why should all this matter? Well, it matters a lot for numerous reasons. Free expression is needed for personal fulfillment and for personal potential to be pursued. Free expression with its exchange and competition of ideas is needed for the advancement of society, and for accountability of its institutions. Free speech is fundamental to and encourages freedom of thought.

## 2. Jewish academic development and scripture

It is a considerable embarrassment that we have some Jewish secular communal leaders advocating support for restrictions on free speech and the maintenance of Part IIA of the RDA in its current form. This is demonstrably inconsistent with Torah (biblical) values, Jewish tradition and principles.

It is blatantly untrue that there is a consensus of support for 18C within the Jewish community. Simply reading the various Jewish publications will demonstrate this is a hotly contested subject.

Additionally, many prominent members of the Jewish community have published articles in support of free speech and supporting the repeal of S18C of the RDA or amendment (by deleting the criteria of insult and offend). These include the following examples:

- The Rabbinical Council of NSW, has publicly made statements in support of free speech expressing reservations about 18C and possibly inhibiting rabbis speaking out on moral issues if such speech may insult or offend someone. See article published in the Australian Jewish News (AJN) titled "*NSW Rabbis clash with leaders over 18C*", April 2014, **Appendix A**.

- Geoffrey Bloch, a prominent Jewish barrister in Melbourne, in an article published in the online Jewish journal J-Wire comments on some of the political debate around 18C cites a prominent international Jewish expert, Professor Michael Berenbaum who was involved in establishing the renowned Holocaust Museum in Washington DC and was selected by Steven Spielberg to be the person in charge of the extensive Spielberg Holocaust remembrance archive. Even in the case of Holocaust deniers it is far preferable that they NOT be silenced, but rather be discredited and have their anti-Semitism publicly exposed. See **Appendix B**.
- As recently as 1 December, 2016 in the Australian Jewish News, Robert Magid, the owner and publisher of the AJN wrote *“When Jews act to restrict freedom of speech they undermine their argument against people like Jake Lynch and his cohort, who prevented supporters of Israel from presenting their point of view at Sydney University”*. In other words, it is a dangerous two-edged sword. Magid has also published views in specific opposition to 18C.
- The authors of this submission have published articles in favour of free speech and opposed to 18C which has attracted many hundreds of expressions of support within the Jewish community.

We see the principle of free speech is entrenched and practiced over many centuries in Jewish academic tradition. The Talmud is full of vigorous and volatile arguments. There are certainly examples which would be in breach of Australia's 18C law as it would insult, offend and even potentially humiliate in some cases. Would Jewish sages and/or prophets be in breach of 18C?

**Example:** We bring as a proof from a high-level source from the Jewish scriptures, *Haftarah of Parsha Ki Tisa (Book of Prophets – Melachim Alef [Kings 1], Ch 18)* see complete version **Appendix C** – a brief extract is below.

Eliyahu ha’Navi, in English Elijah the Prophet no less, deals with the false prophets of Ba’al by setting up a public competition which requires each side to call for a miraculous lighting of an altar. After the false prophets of Ba’al have been calling to their supposed God for some hours Elijah’s response in the following occurs (see particularly paragraph 27):

**26**They took the bull that he gave them and prepared [it]. And they called in the name of the Baal from the morning until noon, saying, "O Baal, answer us!" But there was no voice and no answer, and they hopped on the altar that they had made.

כּוּוֹיִקְחוּ אֶת הַפָּר אֲשֶׁר נָתַן לָהֶם  
וַיַּעֲשׂוּ וַיִּקְרְאוּ בְּשֵׁם הַבַּעַל מִהַבְּקָר  
וְעַד הַצֶּהֳרָיִם לֵאמֹר הַבַּעַל עֲנֵנוּ וְאִין  
קוֹל וְאִין עֲנָה וַיִּפְסְחוּ עַל הַמִּזְבֵּחַ  
אֲשֶׁר עָשָׂה:

**27**And it was at noon that Elijah scoffed at them, and he said, "Call with a loud voice, for he is a god. [Perhaps] he is talking or he is pursuing [enemies] or he is on a journey; perhaps he is sleeping and will awaken.

כְּזוֹיָהּ בַצְהָרִים וַיְהִתֵּל בָּהֶם אֵלֵיהֶוּ  
וַיֹּאמֶר קְרְאוּ בְקוֹל גָּדוֹל כִּי אֱלֹהִים  
הוּא כִּי שִׁיחַ וְכִי שִׁיג לוֹ וְכִי דֶרֶךְ לוֹ  
אוֹלֵי יִשָּׁן הוּא וַיִּקְצֹץ:

**28**And they called with a loud voice and gashed themselves as was their custom, with swords and lances, until blood gushed on them.

כַּחֲוֵי־קְרָאוּ בְקוֹל גָּדוֹל וַיִּתְגַּדְדוּ  
כַּמְשַׁפְּטִים בַּחֲרָבוֹת וּבַרְמָחִים עַד  
שִׁפְךָ דָם עֲלֵיהֶם:

Here is one of the greatest biblical prophets, Elijah, mocking the so-called prophets of Ba'al and their God. Could Elijah have done so in Australia without being exposed to legal jeopardy? Such words expressed publicly, as they were, may well be classified as insulting, offensive or even humiliating under 18C. Whether Elijah could mount a successful defense under 18D and would have the time and considerable resources required to do so, we can only speculate.

These are not just historical stories for historical purposes or curiosity. These are to teach how we should conduct our lives and to provide moral, ethical and legal frameworks. A Jewish organization supporting 18C does so in clear breach of Jewish theology.

### 3. Inhibiting Free speech does NOT address anti-Semitism

It is argued by some Jewish secular bodies that 18C is needed to deal with anti-Semitism. **There is not a single place on earth where this has actually worked.** There is no location where such laws have solved the problem of anti-Semitism or even reversed the trend of anti-Semitic incidents.

We only need to look to Europe where there is now the most anti-Semitism since WWII. Many European countries have laws similar to 18C, a few go further.

Even the most recent Executive Council of Australian Jewry (ECAJ) Report on Antisemitism in Australia for the 12 months to 30 September 2016, shows about a 10% rise in anti-Semitic events during the last year. Paradoxically, this is evidence that 18C is INEFFECTIVE in dealing with anti-Semitism. There is NO EVIDENCE that 18C constrains a general problem with anti-Semitism in Australia. Indeed, the various Jewish secular communal bodies have very rarely used 18C against prominent anti-Semites.

It is hypocritical to ask for the retention of a measure which is not only demonstrably ineffective against anti-Semitism but is so rarely used, despite a rising incidence. Such

organisations would be better served to embark on a vigorous campaign of “naming and shaming” together with governments ensuring school education includes teaching of historical events such as the Holocaust.

**Example 1:** Anti-Semitism in Australia is generally unaffected by 18C of the RDA and recent reports show an ongoing rise of incidents.

**Example 2:** France in addition to 18C type laws has had a law for over 20 years to address a specific form of anti-Semitism, namely Holocaust denial. However, there is now more Holocaust denial across France than when the law was introduced!

There is no compelling evidence that 18C is an effective tool.

#### **4. Jewish organisations arguing for the RDA to remain, rarely use it**

It is argued by some Jewish secular bodies that 18C is needed to deal with anti-Semitism yet predominantly they fail to use it even when presented with strong evidence.

It is preposterous we should undermine free speech for such little utility.

We are not aware of substantial 18C cases brought by either of the largest Jewish secular bodies – the Executive Council of Australian Jewry (ECAJ) and the Australia-Israel and Jewish Affairs Council (AIJAC) in the last three years despite no shortage of material.

In many parts of Europe, the principal source of anti-Semitism is young immigrant and second generation Muslims and there is evidence this is provoked by Islamic hate preaching. Anti-Semitism is embedded in much Islamic writings and features prominently in sermons by various Muslim clerics.

You would have thought that ECAJ and AIJAC, fully aware of European experience which is driving Jews from some parts of Europe, would have as a high priority using all methods to prevent a similar trend in Australia.

Despite numerous instances of Islamic anti-Semitic hate preaching in Australia, there has not been a single case brought by ECAJ or AIJAC against anti-Semitic talks by an Islamic cleric in Australia.

**Example:** In August 2014, one of the authors of this submission provided both ECAJ and AIJAC with a video which featured prominent Hizb ut-Tahrir cleric Ismail al-Wahwah. This was followed by telephone discussions and other emails to members of the secretariat of both organisations. In the infamous video al-Wahwah’s racist and hateful tirade has included calling Jews “*the most evil creature of Allah*” who have “*corrupted*

*the world” and will “pay for blood with blood”. He called for the death of Jews, mass slaughter and declared “Who will set the world free from the Children of Israel so that the world will be able to say that it has rid itself of this hidden evil”. “This mission will be accomplished by none but you, O Muslims ... The ember of jihad against the Jews will continue to burn.”*

**The above was apparently not sufficient for either ECAJ or AIJAC to file a complaint pursuant to 18C on behalf of the community they purport to represent. Inexplicably, both organisations refused to act.**

## **5. Restricting free speech has caused serious harm**

**A problem which has not received enough attention is that creating an environment in which free speech is inhibited can have disastrous and tragic unintended consequences.**

There have been examples of severe indirect harm when there is a general environment of inhibition of free speech. Certainly, the law would not prevent people reporting such matters but in an environment of inhibition it inevitably occurs:

**Example 1:** In Rotherham (UK) Pakistani Muslim rape gangs operated for years and accumulated 1400 victims! An investigation found one of the reasons action to intervene was delayed for years was because many people, including those in various authorities and health workers didn't feel they could speak out for fear of being labelled racists or Islamophobes.

Professor Alexis Jay who in 2014 published the report commissioned by Rotherham Borough Council noted “...**staff described their nervousness about identifying the ethnic origins of perpetrators for fear of being thought as racist**”.

It therefore is clear that many hundreds of devastating sexual assaults were perpetrated on young girls as a result of numerous people feeling they could not clearly speak out to assist in identifying causation.

**Example 2:** The neighbours of the San Bernardino Islamic jihadists who killed 14 people on 2 December 2015, had noticed suspicious activity at the home of the jihadists next door, but felt inhibited in speaking out, also for fear of being criticised. Other locals had also observed suspicious activity. Many news reports carried interviews with neighbours and locals.

For instance CBS reported “A man who has been working in the area said he noticed a half-dozen Middle Eastern men in the area in recent weeks, but decided not to report anything **since he did not wish to racially profile those people.**”

“We sat around lunch thinking, ‘What were they doing around the neighborhood?’” he said. **“We’d see them leave where they’re raiding the (jihadists’) apartment.”**

It is conceivable that had neighbours and/or other locals reported suspicious activity to authorities then Syed Farook may have been prevented carrying out the murderous Islamic jihad.

Of course, legislation like 18C does not directly prevent citizens from reporting suspicious activity to police. However, what it does do is contribute to a general environment of inhibition of speech which might be linked to religion and/or ethnicity and therefore indirectly to the suppression of the willingness of people to report to authorities. The Rotherham and San Bernardino examples should weigh on the minds of those conducting this enquiry.

It is also arguable that in an environment which inhibits free speech certain groups will be emboldened to threaten with the objective of shutting down legitimate forums which might be perceived as discussing issues of religion and ethnicity. Perhaps we saw an example of this in December 2016 when a Jewish community meeting being organised by one of the authors of this submission to be addressed by Senators Pauline Hanson and Malcolm Roberts had to be abandoned.

## **6. 18C is being severely abused and causes harm**

This is true even for those who have been found not to have been in breach of 18C. Recent examples include the case of the QUT students who were subsequently exonerated but not until after almost 3 years of trauma and massive costs. The Bill Leak cartoon example is not yet finalized but most are predicting a similar outcome. There are many examples. We are aware these matters are being comprehensively addressed in other submissions.

# **SUMMARY AND CONCLUSION**

**We recommend repeal of Sections 18C and 18D of the Racial Discrimination Act.**

**Free speech is an essential foundation of a healthy democracy and promotes personal potential and advancement (section 1)**

**18C is inconsistent with Jewish theology, academic development and values. There are significant numbers within the Jewish community opposed to 18C (section 2)**

**Laws similar to 18C have proved ineffective in addressing anti-Semitism generally (section 3)**

**18C has been very rarely used as a tool to oppose anti-Semitism and NEVER against the Islamic hate preaching despite this being a major source in Western Europe and to a lesser extent in Australia (section 4)**

**An environment in which free speech is inhibited has contributed to great harm to innocent people. Although laws like 18C do not prohibit reporting suspicions to authorities, that is what may occur in practice (section 5)**

**18C is being abused and causes harm to those who are subject to inappropriate complaints (section 6)**

# APPENDICES

## APPENDIX A:

Friday, April 11, 2014

NEWS 3  
The Australian Jewish News - jewishnews.net.au

# NSW rabbis clash with leaders over 18C

GARETH NARUNSKY

THE Executive Council of Australian Jewry (ECAJ) and Rabbinical Council of NSW (RCNSW) are at odds over the federal government's proposed changes to racial discrimination laws.

The NSW peak rabbinical body expressed concern last week that it was not consulted prior to the NSW Jewish Board of Deputies (JBOD) – an ECAJ constituent – officially opposing the mooted legislation, saying “it is not a black and white issue”.

In an email to JBOD president Yair Miller, RCNSW secretary Rabbi Chaim Ingram said the rabbinate appreciated JBOD's work in the community but questioned whether its views were “representative of the Jewish community as a whole”.

“We the Rabbinate of NSW do not necessarily agree that the amending of Section 18C and 18D is entirely a bad thing,” he wrote.

“It would be in all our interests were you to consult with the NSW rabbinate and others about these delicate moral and ethical issues before adopting a position on behalf of the Sydney Jewish community.”

Rabbi Ingram told *The AJN* the RCNSW “would have very much welcomed a free and frank discussion on why we feel that certain sections [of the existing legislation] are preventative of free speech in as much as rabbis can't get up and make a pronouncement on certain moral issues, that might insult [someone]”.

“If rabbis are prevented from speaking on certain moral issues

because of the Act, then it would be good to change that Act,” he said.

“Judaism is not confined to kashrut and Shabbat. It encompasses the whole gamut of moral and ethical behaviour both for individuals and in society. And to that extent consult us.”

The RCNSW's viewpoint is not shared by its interstate colleagues in the Rabbinical Council of Victoria (RCV). “We were consulted by the Jewish Community Council of Victoria in relation to the racial discrimination laws and we support them,” RCV president Rabbi Meir Shlomo Klugant said.

ECAJ president Robert Goot said the national lay roof organisation – from whom both JBOD and JCCV take their position – had “developed

an expertise in the jurisdiction and in respect of the issues involving this legislation”.

“[The ECAJ] has instituted and successfully concluded a number of very important court cases pursuant to Section 18C,” he said.

“As soon as the Opposition as it then was, announced that it proposed to repeal Section 18C, the ECAJ consulted extensively and made known very publicly over many months that it would oppose any repeal of Section 18C.”

“The ECAJ has as amongst its consultants, who attend committee of management meetings of the ECAJ, a number of rabbis. All of them agreed with the approach adopted by the ECAJ at all times.”

He added: “The ECAJ had no rea-

son to believe, nor does it now have any reason to believe, that the position it has adopted is not generally representative of the Jewish community as a whole.”

Specifically addressing Rabbi Ingram's concern that the existing Act restricted rabbis from speaking on moral issues, Goot said: “The existing law is clear. Public statements that humiliate, offend or insult on the grounds of race, not made in good faith or reasonably, are restricted.”

“That legislation has served the Jewish community very well over 20 years and should continue to do so. And the legislation should remain intact.”

“There should be no occasion for any rabbi, or anyone else, to wish to breach it.”

## APPENDIX B

### A Conservative's View of Section 18C

September 8, 2016 by Geoff Bloch

On 5 September, 2016 on this site, Australia's Federal Shadow Attorney-General Mark Dreyfus QC wrote an article in praise of section 18C of the *Racial Discrimination Act* which makes it unlawful to offend, insult, humiliate or intimidate another person or a group of people because of their race, colour or national or ethnic origin. Dreyfus failed to address my main objection to section 18C.



Geoff Bloch

Many Australians, especially those of us who lament the progressive decline in the quality of political discourse in this country, do not want the Government and the Judiciary to be the moral arbiters of how we should speak and relate to each other. Instead, we have more faith in the good sense of our fellow Australians than we have in our politicians and judges and would therefore prefer that our social conventions, rather than laws and regulations, set the parameters for such a fundamental right as the right to speak and communicate freely.

The Government's role should be limited to helping us only where we cannot help ourselves and no more. Only Government can maintain an army and a police force, build roads and provide other fundamentally important public services. But passing laws regulating how we speak to each other? Surely that is a matter best left to us. Do we really need to be infantilised by our Government and warned against offending and insulting each other under threat of being taken to court?

Dreyfus referred to the current initiative by members of the Government and the cross benches to modify section 18C by removing the words "offend" and "insult" from the section (the words "humiliate" and "intimidate" would be retained). What is proposed is a very modest reform indeed. I would also hope that the applicable legal test as to what constitutes acts which contravene the section will also be modified.

That test is currently based on the effect objectionable acts are likely to have on the sensibilities of a reasonable member of the offended class rather than of a reasonable member of the general Australian community. It is unsatisfactory that an offensive or insulting epithet or formula of words may be unobjectionable if directed to one group of persons but may be actionable if directed to another. Justice Sackville of the Federal Court of Australia has recently agreed that the test should be changed in this way. Australia's Jewish communal leadership agrees with Dreyfus that section 18C should not be modified. I believe they are wrong. Their primary objection to the proposed modification of the section is, understandably, based on the desire to prevent hateful Holocaust denial.

Many decent people who abhor Holocaust denial nevertheless consider the section, as presently enacted, to be an illiberal intrusion on our right to free speech. Professor Michael Berenbaum is the Professor of Jewish Studies at the American University in Los Angeles, director of the Los Angeles Holocaust Museum and the person in charge of the Spielberg archive which he established (he was selected by Steven Spielberg). He was also intimately involved in establishing the renowned Holocaust Museum in Washington. Professor Berenbaum is a man who has spent most of his adult life studying and lecturing on the Holocaust.

**Professor Berenbaum recently agreed with me that it is far preferable that Holocaust deniers not be silenced but instead out themselves, discredit themselves and expose their**

**own anti-Semitism** so that they can be judged in the court of public opinion. He opposes invoking illiberal laws which regulate what can and cannot be said or written in a free society.

Many in the Islamic community share the Jewish communal leadership's view that the section should not be modified. While the Jewish community's rationale for retaining the section might be considered laudable, the Islamic community's objection is primarily calculated to insulate sections of that community from legitimate critical comment. It is therefore somewhat ironic that both communities are bracketed together as fellow travellers on the subject and that their respective positions are treated as morally equivalent. For example, senator Nick Xenophon justified his opposition to modifying the section on the fact that "the Jewish and Arab communities" are of one mind on the issue.

Dreyfus did address a number of matters and reached conclusions with which I disagree –

1. Dreyfus is wrong that "section 18C... has only recently become contentious.... for no obvious reason." The Bolt case and, more recently, the case involving the unobjectionable Facebook posts of three students at the Queensland University of Technology, have galvanised wide community objection to the section. One wonders whether the complainants' real agenda in such cases has more to do with silencing unwanted opinion than with redressing any genuine hurt.
2. Dreyfus is wrong in suggesting that when Attorney-General George Brandis told the Senate that "people have a right to be bigots" Brandis was "seeking to justify giving a green light to racist hate speech." To the contrary, by correctly characterising those indulging in offensive or insulting acts as bigots, Brandis left no doubt that he disapproved of their views. Brandis was simply expressing, perhaps in a politically incorrect way, the distinction between expressing objectionable views and the right in a free society to do so.
3. Dreyfus is wrong in concluding that "the Abbott Government eventually saw sense and abandoned its divisive proposal (to reform section 18C)" because it came to agree with the Labor party's support of the section. The Abbott Government regrettably did abandon its proposal to reform section 18C, but not because it came to support the Labor party's views on the section. It abandoned the proposal as they were "a needless complication" in the Government's relationship with the Australian Muslim community. Significantly, Tony Abbott has recently expressed his regret at having abandoned the reform.
4. Dreyfus is wrong in justifying section 18C on the basis that we already have defamation laws which constrain free speech. There should indeed be laws which redress monetary or commercial loss unduly caused by objectionable behaviour in all its forms, whether that be a breach of consumer protection law, contract law, or tort law which includes defamatory (false) speech or other publication. Yes, the false spoken word can indeed cause monetary loss and, in that sense, the false spoken word is no different from any other kind of actionable wrong. But there is a huge distinction to be drawn between monetary loss and hurt feelings. The former justifies a law suit. The latter does not. There is also a huge distinction to be drawn in that the former always involves falsity whereas hurting someone's feelings often involves the mere expression of an opinion albeit offensive or insulting.
5. Dreyfus' statement that "it is Labor's unequivocal view that racism has no place in modern Australia" is a statement of the obvious as it is a sentiment shared by all Australians of goodwill. The statement does not, however, lead to the inevitable conclusion that section 18C is a logical imperative.

Those who support the modest modification of section 18C by the deletion of the words "offend" and "insult" should not be painted as supporting racism. To do so is intellectually shallow. The real question which ought to be grappled with is the point Dreyfus did not address: Why is it the Government's business to buy into this issue at all? Ever expanding government and its intrusion into almost every aspect of our lives by imposing laws and regulations as the cure for every ill in our society, is not necessarily a good thing.

In the case of persons who offend or insult others, I believe they ought to be tried in the court of public opinion rather than in a court of law.

## APPENDIX C

(This biblical text with English translation is sourced from Chabad.org Chabad is the world's largest Jewish outreach organization)

### Haftora of Parshat Ki Tisa – Melachim Alef (Kings 1 ) Chapter 18

**20**And Ahab sent among all of the Children of Israel, and he gathered the prophets to Mount Carmel.

**21**And Elijah drew near to all the people and said, "Until when are you hopping between two ideas? If the Lord is God, go after Him, and if the Baal, go after him." And the people did not answer him a word.

**22**And Elijah spoke to the people, "I have remained a prophet to the Lord by myself, and the prophets of the Baal are four hundred and fifty men.

**23**And let them give us two bulls and let them choose one bull for themselves and cut it up and place it on the wood, but fire they shall not put, and I will prepare one bull, and I will put it on the wood, and fire will I not place.

**24**And you will call in the name of your deity, and I will call in the name of the Lord, and it will be the God that will answer with fire, he is God." And all of the people answered and said, "The thing is good."

**25**And Elijah said to the prophets of the Baal, "Choose for yourselves the one bull and prepare it first since you are the majority, and call in the name of your deity, and fire place not."

**26**They took the bull that he gave them and prepared [it]. And they called in the name of the Baal from the morning until noon, saying, "O Baal,

כּוֹיִשְׁלַח אַחָאָב בְּכָל בְּנֵי יִשְׂרָאֵל  
וַיִּקְבְּצוּ אֶת הַנְּבִיאִים אֶל הַר הַכַּרְמֶל:

כּאֹיִגֵּשׁ אֵלָיְהוּ אֶל כָּל הָעָם וַיֹּאמֶר  
עַד מַתִּי אַתֶּם פּוֹסְחִים עַל שְׁתֵּי  
הַסֹּעֲפִים אִם יְהוָה הָאֱלֹהִים לְכוּ  
אַחֲרָיו וְאִם הַבַּעַל לְכוּ אַחֲרָיו וְלֹא  
עֲנוּ הָעָם אֹתוֹ דְבָר:

כּבּוֹיִאמֶר אֵלָיְהוּ אֶל הָעָם אֲנִי  
נוֹתֵרֵתִי נְבִיא לַיהוָה לְבַדִּי וַנְּבִיאֵי  
הַבַּעַל אַרְבַּע מֵאוֹת וַחֲמִשִּׁים אִישׁ:

כּגּוֹיִתְנוּ לָנוּ שְׁנַיִם פָּרִים וַיִּבְחָרוּ לָהֶם  
הַפָּר הָאֶחָד וַיִּנְתְּחֵהוּ וַיִּשְׂימוּ עַל  
הָעֵצִים וְאִשׁ לֹא יִשְׂימוּ וְאֲנִי אֶעֱשֶׂה |  
אֶת הַפָּר הָאֶחָד וַנְּתַתִּי עַל הָעֵצִים  
וְאִשׁ לֹא אֲשִׂים:

כּדּוֹקְרַתֶּם בְּשֵׁם אֱלֹהֵיכֶם וְאֲנִי  
אֶקְרָא בְּשֵׁם יְהוָה וְהָיָה הָאֱלֹהִים  
אֲשֶׁר יַעֲנֶה בְּאִשׁ הוּא הָאֱלֹהִים וַיַּעַן  
כָּל הָעָם וַיֹּאמְרוּ טוֹב הַדְּבָר:

כּהּוֹיִאמֶר אֵלָיְהוּ לְנְבִיאֵי הַבַּעַל בְּחָרוּ  
לָכֶם הַפָּר הָאֶחָד וַעֲשׂוּ רֵאשִׁינָה כִּי  
אַתֶּם הַרְבִּים וַקְּרָאוּ בְּשֵׁם אֱלֹהֵיכֶם  
וְאִשׁ לֹא תִשְׂימוּ:

כּוֹיִקְחוּ אֶת הַפָּר אֲשֶׁר נָתַן לָהֶם  
וַיַּעֲשׂוּ וַיִּקְרָאוּ בְּשֵׁם הַבַּעַל מִהַבְּקָר  
וְעַד הַצֹּהֲרִים לֵאמֹר הַבַּעַל עֲנֵנוּ וְאִין

answer us!" But there was no voice and no answer, and they hopped on the altar that they had made.

**27**And it was at noon that Elijah scoffed at them, and he said, "Call with a loud voice, for he is a god. [Perhaps] he is talking or he is pursuing [enemies] or he is on a journey; perhaps he is sleeping and will awaken.

**28**And they called with a loud voice and gashed themselves as was their custom, with swords and lances, until blood gushed on them.

**29**And as the afternoon passed and they feined to prophesy until the time of the sacrifice of the [evening] offering, and there was no voice and no answer and no one was listening.

**30**And Elijah said to all the people, "Come near to me," and all the people came near to him and he repaired the torn down altar of the Lord.

**31**Elijah took twelve stones, corresponding to the number of the tribes of the sons of Jacob, to whom the word of the Lord came, saying, "Israel shall be your name."

**32**He built the stones into an altar in the name of the Lord and he made a trench as great as would contain two se'ah of seed, around the altar.

**33**And he arranged the wood, and he cut up the bull and placed [it] upon the wood.

**34**And he said, "Fill me four pitchers of water and pour them on the burnt-offerings and on the wood." And he said, "Repeat it," and they repeated it. And he said, "Do it a third time," and they did it a third time.

**35**And the water went around the altar, and also the trench he filled with water.

קול ואין ענה ויפסחו על המזבח  
אשר עשה:

כזויהי בצהרים ויהתל בהם אליהו  
ויאמר קראו בקול גדול כי אלהים  
הוא כי שיח וכי שייג לו וכי דרך לו  
אולי ישן הוא ויקץ:

כחויקראו בקול גדול ויתגדדו  
כמשפטם בחרבות ובקמחים עד  
שפך דם עליהם:

כטויהי כעבר הצהרים ויתנבאו עד  
לעלות המנחה ואין קול ואין ענה  
ואין קשב:

לויאמר אליהו לכל העם גשו אלי  
ויגשו כל העם אליו וירפא את  
מזבח יהוה ההרוס:

לאויקח אליהו שתים עשרה אבנים  
כמספר שבטי בני יעקב אשר היה  
דבר יהוה אליו לאמר ישראל יהיה  
שמך:

לבויבנה את האבנים מזבח בשם  
יהוה ויעש תעלה כבית סאתים זרע  
סביב למזבח:

לגויערה את העצים וינתח את הפר  
וישם על העצים:

לדויאמר מלאו ארבעה כדים מים  
ויצקו על העלה ועל העצים ויאמר  
שנו וישנו ויאמר שלשו וישלשו:

להוילכו המים סביב למזבח וגם  
את התעלה מלא מים:

**36**And it was when the evening sacrifice was offered that Elijah the prophet came near and said, "Lord, the God of Abraham, Isaac and Israel, today let it be known that You are God in Israel and that I am Your servant, and at Your word have I done all these things.

לוֹוִיָּהּ | בַּעֲלוֹת הַמִּנְחָה וַיִּגַּשׁ אֵלָיָהּ  
הַנָּבִיא וַיֹּאמֶר יְהוָה אֱלֹהֵי אַבְרָהָם  
יִצְחָק וְיִשְׂרָאֵל הַיּוֹם יִדְעוּ כִּי אַתָּה  
אֱלֹהִים בְּיִשְׂרָאֵל וְאֲנִי עַבְדְּךָ  
וּבְדְבָרְךָ (כְּתִיב וּבְדְבָרֶיךָ) עָשִׂיתִי אֵת  
כָּל הַדְּבָרִים הָאֵלֶּה:

**37**Answer me, O Lord, answer me, and this people shall know that You are the Lord God, and You have turned their hearts backwards."

לְזַעֲנֵנִי יְהוָה עֲנֵנִי וַיִּדְעוּ הָעָם הַזֶּה כִּי  
אַתָּה יְהוָה הָאֱלֹהִים וְאַתָּה הַסֹּבֵת  
אֵת לְבָבָם אַחֲרָנִית:

**38**And the fire of the Lord fell and consumed the burnt offerings and the wood and the stones and the earth, and the water which was in the trench it licked up.

לְחַוֹּתְפֹל אֵשׁ יְהוָה וַתֹּאכַל אֵת הָעֹלָה  
וְאֵת הָעֵצִים וְאֵת הָאֲבָנִים וְאֵת  
הָעֶפְרָר וְאֵת הַמַּיִם אֲשֶׁר בַּתְּעֹלָה  
לְחֹכָה:

**39**And all the people saw and fell on their faces, and they said, "The Lord is God, the Lord is God."

לְטוֹוִירָא כָּל הָעָם וַיִּפְּלוּ עַל פְּנֵיהֶם  
וַיֹּאמְרוּ יְהוָה הוּא הָאֱלֹהִים יְהוָה  
הוּא הָאֱלֹהִים: