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**WHAT DID JESUS DO? : ANSWERING RELIGIOUS CONSERVATIVES WHO OPPOSE BULLYING
PREVENTION LEGISLATION**

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I. Introduction

Anti-bullying programs are nothing more than a stealth effort by gay activists to introduce into American schools an aggressive lesbian, gay, bisexual, transgender (LGBT) agenda. By insisting that legislation and bullying prevention programs specifically mention gays, these groups are attempting to indoctrinate our children to embrace homosexual lifestyles; tolerate homosexual behavior; and celebrate homosexuality, bisexuality, and transgender identity.¹ Those Christians who, in a rational defense of traditional morals, oppose such efforts by gay zealots are unfairly painted as bigots.²

So say groups like Focus on the Family, a conservative Christian organization devoted to bringing a Christian perspective to family issues.³ In similar fashion, the West Virginia Family Foundation has condemned West Virginia's anti-bullying school program, the Civil Rights Team Project, as an effort to promote a "gay agenda."⁴ Andrea Lafferty, Executive Director of The Traditional Values Coalition, warned in 2009 that the Federal Safe Schools Improvement Act "is designed to promote the LGBT agenda in our nation's public schools"⁵ and that "[s]chool safety and bullying are only smokescreens to impose the LGBT agenda on our children."⁶

Are these voices having an impact in the nation's legislatures? In Missouri, the answer is unquestionably "yes." Conservative Christians there were able, not only to block any mention of sexual orientation in the state's anti-bullying statute, but also to include an explicit prohibition of any such mention in school bullying prevention programs: "[e]ach district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat students equally and shall not contain specific lists of protected classes of students who are to receive special treatment."⁷

The architect of this legislation is Missouri Representative Jane Cunningham, who believes that gays intended to use the Missouri legislature to advance their agenda in Missouri's public schools by creating a protected class consisting of LGBT students, who would thereafter have special rights and protections other students would not have.⁸ Although she argued that a successful anti-bullying program must target all students and that an enumerated list would focus efforts on specially protected students, she made clear to a conservative Christian group that her strongest motivation was to stop an insidious gay agenda from finding its way into Missouri schools.⁹

Speaking before the Eagle Forum in January of 2007, Representative Cunningham lamented the presence of Gay-Straight Alliance clubs in Missouri schools, finding it "weird" to have to even speak the words lesbian, gay, bisexual, and transgender in the context of schooling.¹⁰ She told the audience that the legislature needed to step in to protect children from anti-bullying programs that specifically mentioned LGBT students.¹¹ She also claimed that schools that

“passed these types of policies giving special protections to certain groups” would be exposed to legal liability and that, as a result of such comprehensive or enumerated policies, schools' insurance costs would rise.¹²

To her satisfaction, she was able to stop these dangers in her capacity as a Missouri legislator.¹³ She explained that “advancement of gay and lesbian lifestyles in local schools are [sic] being promoted in legislatures through bullying policies.”¹⁴ Therefore, as chair of the Missouri legislature's education committee, she stopped every bill that listed classes of students who should receive “special protection”--until a bill appeared when she and others “had a plan.”

¹⁵ She “reworded [the new bill] from a seven-page specific gay and lesbian promotion bullying policy to two paragraphs,”¹⁶ inserting the prohibition on enumeration.¹⁷ The bill became law, and Missouri schools are now safe from bullying policies that would explicitly protect LGBT or other minority students from abuse.

The damage done by Rep. Cunningham, Focus on the Family, and others like them is immense. Educational research has made clear the devastating effects of bullying upon children, and LGBT students are among the most often targeted and least protected students of all.¹⁸ Given that schools are already failing to address bullying effectively and have little incentive to do so, efforts to thwart protection of any group of students--especially one that is routinely targeted by bullies--is completely unconscionable.

Yet these devoted Christians zealously interfere with those who would protect LGBT students from abuse by their peers and believe, apparently wholeheartedly, that they are doing children and Christ a great service.¹⁹ How can they be so certain that they have taken the right position in the face of brutality against LGBT students? We believe that they fundamentally misunderstand three things: the dynamics of bullying, the law pertaining to student-on-student abuse, and the example and teachings of Christ and his apostles.

The remainder of this Article will address these misunderstandings. We propose a response to the distortions that some have used to promote what is, frankly, an anti-gay agenda that represents neither the teachings of the Bible nor the position of most Christians or even most evangelicals, whom these individuals and organizations purport to represent. Our hope is that, once the distortions are debunked, thinking Christians will reject the misguided efforts of a relatively few but very influential individuals and organizations. If new voices can confront the misleading claims of anti-gay zealots explicitly with informed educational, legal, and Biblical responses, perhaps the distortions will be seen for what they are by Christians and non-Christians alike.

Not least among those distortions are those based upon the Bible. For that reason, a significant portion of this essay provides a biblical response to those who assume that the Bible compels opposition to bullying prevention plans lest a “gay agenda” overtake the schools. Such a response may not convince the zealots, but it can defeat their influence upon others who genuinely wish to follow Christ's teachings and example and who do not fully understand the realities of bullying in schools. In addition, if that response can be made increasingly public, it may give political cover to legislators otherwise terrified of offending the religious right. First, however, the Article briefly addresses the special plight of LGBT students and the liability that plight gives rise to for inattentive school officials.

II. Bullied LGBT Students and School Liability

Representative Cunningham's assertion that enumerated statutes and comprehensive bullying prevention programs grant LGBT students special treatment while exposing schools to lawsuits is misguided in at least two critical ways. First, LGBT students already receive special treatment: they are much more frequently targeted for harassment and bullying than are their straight peers, and administrators are significantly less likely to come to their aid than to the aid of straight students who are being harassed.²⁰ Second, administrators' notorious unwillingness to curb bullying of LGBT students can expose schools to serious liability under both Title IX and the Equal Protection Clause, as well as negligent supervision theories.²¹

A. The Plight of LGBT Students

Bullying of LGBT students is “a particular problem within the larger challenge of creating safe schools,”²² because LGBT students suffer harassment at much higher rates than do other students. In a 2010 survey, researchers found that 61.1% of LGBT students reported they “felt unsafe at school because of their sexual orientation.”²³ Their fears seem justified. Just over 84% of LGBT students reported that they “were verbally harassed (e.g., called names or threatened) at school because of their sexual orientation.”²⁴

One need only read some of the reported cases premised upon such harassment to get a sense of what these students mean by harassment. In *Theno v. Tonganoxie Unified School District No. 464*, Dylan Theno, who was in fact not gay,²⁵ had spent five years regularly being called “flamer,” “gay,” “queer,” “masturbator,” “jackoff kid,” and “faggot” by his peers.²⁶ He was at least weekly subjected to “crude gestures, teasing, and name calling with sexual innuendos and undertones in an effort to debase and derogate his masculinity.”²⁷ In *Flores v. Morgan Hill Unified School District*, a female plaintiff “[o]n several occasions . . . found pornography and notes to the effect of ‘Die, dyke bitch’ inside her locker. Similar messages were scrawled on the outside of her locker.”²⁸ Verbal harassment of that severity and duration is something most adults would not tolerate at all; LGBT students, however, face it daily in schools they are by law required to attend.

Though it is common, even vicious verbal harassment is hardly the most serious abuse these children face. The plaintiff in *Nabozny v. Podlesny* was subjected to a “mock rape” in which two boys held him down in front of twenty other students and pretended to have sex with him, saying that he “should enjoy it.”²⁹ At other times students struck him and spat on him and even pushed him into a urinal and urinated on him.³⁰ Students would also throw nuts and bolts and other dangerous objects at him, and eight students once surrounded him while another student kicked him in the stomach for “five or ten minutes.”³¹ A plaintiff in *Flores* was “beaten by six other students who said, ‘[f]aggot, you don't belong here.’ He was hospitalized and treated for ‘severely bruised ribs.’”³²

These experiences are not uncommon for LGBT students. In the National School Climate Survey, approximately 40% of LGBT students reported that they were “physically harassed (e.g., pushed or shoved) at school in the past year because of their sexual orientation,”³³ while 18.8% reported having been “physically assaulted (e.g., punched, kicked, injured with a weapon) because of their sexual orientation.”³⁴

Outrageous as it is to imagine a child having to attend school every day while enduring such ongoing abuse, even more outrageous is the fact that school administrators are providing little help to these students. In schools where generic policies existed--i.e., policies that did not explicitly forbid harassment based upon identity characteristics such as sexual orientation--school officials intervened to stop gay slurs less than 16% of the time, even though they heard the slurs.³⁵ Where no anti-bullying policy of any kind existed, that intervention dropped to 10%.³⁶ According to one researcher, "It is likely that educators may be particularly reluctant to endorse practices that appear to welcome or offer special protection for LGBT students."³⁷

It is hardly surprising then that according to the National School Climate Survey, "62.4% of students who were harassed or assaulted in school did not report the incident to school staff, believing little to no action would be taken or the situation could become worse if reported."³⁸ Even where students did make reports, "33.8% . . . said that school staff did nothing in response."³⁹

Their experience is consistent with school officials' treatment of plaintiffs in cases brought as a result of harassment on the basis of sexual orientation. Teachers and coaches actually heard Dylan Theno being harassed but did nothing to stop the harassers.⁴⁰ In fact, a gym teacher laughed in response when a student interrupted the coach's conversation with Theno and said, "Watch out, Mr. Bond. You might want to make sure Dylan doesn't go jack off."⁴¹

When Jamie Nabozny ran to the principal's office after the mock rape, Principal Mary Podlesny "said that 'boys will be boys' and told Nabozny that if he was 'going to be so openly gay,' he should 'expect' such behavior from his fellow students."⁴² After that exchange,

Nabozny ran home. The next day Nabozny was forced to speak with a counselor, not because he was subjected to a mock rape in a classroom, but because he left the school without obtaining the proper permission. No action was taken against the students involved. Nabozny was forced to return to his regular schedule.⁴³

After the assault in which Nabozny was kicked for several minutes, he reported the incident to the school's resource officer, who dissuaded him from pressing charges and told him that he "deserved such treatment because he is gay."⁴⁴

A school principal in Flores responded to the hospitalization of one of the plaintiffs by disciplining only one of the students involved in the beating and then moving the plaintiff to another school.⁴⁵ When Flores showed the pornography and threatening notes she had received to an assistant principal, the assistant principal told her not to bring her such "trash" anymore because it was "disgusting."⁴⁶ The school ignored Flores's requests to be moved to another locker even though the messages continued to be placed in her locker.⁴⁷

Anti-bullying statutes and bullying prevention programs that explicitly forbid harassment based on sexual orientation are needed because without them, even well-educated administrators cannot seem to see the evil in such behavior. In fact, the campaigns by Focus on the Family, Representative Cunningham, and others encourage administrators to ignore the plights of their LGBT students, even though those students receive an inordinate share of the bullying dished out in schools.

B. The Role of the Law in Reducing the Bullying of LGBT Students

Representative Cunningham suggests that enumerated statutes and policies will direct attention away from the majority of bullied students because administrators will focus on the enumerated categories.⁴⁸ In addition, she argues that schools will incur liability as they try to

implement these policies at the expense of Christian students' free speech rights.⁴⁹ Her assertions ignore the history and uses of enumeration in federal and state law and distort the liability risks associated with bullying prevention.

1. Enumerated anti-bullying statutes and bullying prevention programs

Objections to enumeration of protected classes can sound quite logical when they are made as appeals to equal treatment of all students. Enumeration, the argument goes, focuses attention on the listed categories at the expense of students who do not belong to a protected group.⁵⁰ Put in those terms, the argument seems a logical plea to protect all students, not just those in the listed categories. That argument would make sense if enumeration actually had the effect of limiting the policy to the enumerated groups. The fact is that enumeration does not have that effect.

Enumeration debates in the United States date back to the Constitutional Convention, with the founding fathers debating over whether to include an enumerated bill of rights.⁵¹ Anti-Federalists, including Patrick Henry, argued that the only way to protect rights was to explicitly reserve fundamental human liberties.⁵² Federalists, on the other hand, including Alexander Hamilton, argued that enumeration was not necessary if the Constitution granted the federal government no power to interfere with those rights, and some even argued that enumeration could effectively limit the rights of the people to only those explicitly listed.⁵³ Ultimately, the Ninth Amendment was enacted to alleviate concerns that enumerating specific rights would preclude others: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”⁵⁴ The fears of the Federalists have not materialized.

In fact, enumeration is pervasive in both federal and state laws, examples of which can be found in everything from the statute creating the Department of Homeland Security to the federal tax code.⁵⁵ These explicit protections within legislation create clarity, designate known categories for protection, and with appropriate reservation clauses, still offer protection for areas not explicitly listed. Importantly, the Supreme Court has recognized, in the specific context of protections for homosexuals, that “[e]numeration is the essential device used to make the duty not to discriminate concrete and to provide guidance for those who must comply.”⁵⁶

In the same way that the Bill of Rights was enumerated “to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles,”⁵⁷ enumerating classes of students who are historically likely to be bullied elevates that protection above the reach of local politics, individual bias, and administrative discretion.

Comprehensively enumerated anti-bullying legislation and bullying prevention policies demonstrably improve the intervention rate by staff against anti-gay slurs. Whereas schools with generic policies showed rates of such intervention at just under 16%, intervention rose to 26.6% when bullying on the basis of sexual orientation was explicitly forbidden by a bullying prevention policy.⁵⁸ While an intervention rate of 26.6% is hardly something to be proud of, it beats the much lower rates associated with generic policies.

Currently, states vary widely in providing explicit protections for students who are being bullied on the basis of identity characteristics such as sexual orientation. Illinois--having found that bullying leads to a host of other disruptive behaviors, including shoplifting, poor attendance, fighting, and other forms of violence--explicitly prohibits bullying in any school environment

on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic.⁵⁹

At the other end of the spectrum is Missouri, which explicitly prohibits enumeration of classes of students, calling enumeration “special treatment.”⁶⁰ Between these two points on the spectrum are numerous states that simply require school boards to institute policies concerning bullying, but neither require nor forbid enumeration.

Tennessee, for example, requires school districts to prohibit bullying, define bullying, have procedures for reporting and punishing bullying, and have procedures for discouraging and reporting bullying conduct.⁶¹ This approach leaves bullying procedures, policies, and discipline up to individual school boards, administrators, and teachers. While the approach does nothing to discourage enumeration, it does leave it to the discretion of local officials who may have little inclination to protect LGBT students from bullying. Rather than provide equal treatment to all students, unenumerated policies provide an identical level of protection to students facing very different levels of bullying.

Special treatment in the form of heightened abuse deserves special attention by those charged with supervising students. The ignorance and passivity frequently exhibited by administrators in the face of bullying directed at LGBT students demands explicit instruction to be vigilant to discover and prevent that particular type of bullying, even in the midst of a strong anti-bullying efforts. Otherwise, LGBT students will continue to suffer more and worse bullying than their peers while receiving less protection. To oppose vigilance against anti-LGBT bullying, therefore, is worse than being misinformed or even misguided--it is cruel.

2. Liability for failing to protect LGBT students from bullying

Failing to protect LGBT students from bullying also ignores the law. Representative Cunningham's suggestion that special vigilance to prevent harassment of LGBT students will subject school officials to liability is simply uninformed. Comment D to section 320 of the First and Second Restatement of Torts provides that a schoolmaster who knows that a group of older boys are in the habit of bullying the younger pupils to an extent likely to do them actual harm, is not only required to interfere when he sees the bullying going on, but also to be reasonably vigilant in his supervision of his pupils so as to ascertain when such conduct is about to occur.⁶²

This comment was included in the Restatement (First) of Torts in 1934 and carried over into the Restatement (Second) of Torts⁶³ in 1965. When school officials become aware of such harassment of LGBT students and turn a blind eye, they expose themselves to liability under a theory of negligent supervision that was recognized in the Restatement as early as the 1930s.

In addition, under both the Equal Protection Clause and Title IX, some courts are quite willing to impose liability for failing to intervene effectively to protect LGBT students. For example, applying an equal protection analysis in *Nabozny*, the Seventh Circuit was “unable to garner any rational basis for permitting one student to assault another based on the victim's sexual orientation.”⁶⁴ Also under the Equal Protection Clause, the *Flores* court found school officials to be deliberately indifferent because their responses to the known harassment of the plaintiffs was “clearly unreasonable” in that what little response took place was ineffective.⁶⁵ Protection under a rational basis approach may not seem particularly strong, especially compared

to heightened scrutiny for discrimination against suspect classes, but it is strong enough in the face of unjustifiable indifference to abuse.

While the majority view seems to be that Title IX does not protect against discrimination based upon sexual orientation,⁶⁶ some courts have held that harassment based upon sexual orientation is, in fact, directly actionable under Title IX,⁶⁷ while others have held that to the extent the harassment is based upon gender stereotypes, it is prohibited under Title IX.⁶⁸ In *Ray v. Antioch Unified School District*, for example, the court explicitly held that where a student “was targeted by his classmates due to his perceived sexual status as a homosexual, and was harassed based on those perceptions . . . [the] Plaintiff was harassed on the basis of sex.”⁶⁹ The court concluded that it could perceive no material difference between the instance in which a female student is subject to unwelcome sexual comments and advances due to her harasser's perception that she is a sexual object, and the instance in which a male student is insulted and abused due to his harasser's perception that he is a homosexual, and therefor [sic] a subject of prey.⁷⁰

Other courts have treated such harassment similarly under Title IX, although they are often not as explicit as the court in *Ray*. In *Martin v. Swartz Creek Community Schools*, for example, the court simply assumed without discussion that a school's failure to address harassment of a student based on his sexual orientation was actionable.⁷¹ The court described several instances of abuse by the student's peers,⁷² abuse that was motivated by his perceived sexual orientation,⁷³ and focused its analysis on the severity of the harassment,⁷⁴ on actual knowledge of the harassment by school officials,⁷⁵ and on the school's deliberate indifference to the harassment.⁷⁶ The court's denial of the school's motion for summary judgment carries an implicit acceptance of the student's position that harassment motivated by anti-gay animus falls under Title IX's proscriptions.⁷⁷

In *Theno*, the court took a different approach, grounding Title IX liability in the fact that Dylan *Theno's* “harassers were motivated by his failure to conform to stereotypical gender expectations.”⁷⁸ Because the harassment was saturated with “crude gestures, teasing, and name calling with sexual innuendos and undertones in an effort to debase and derogate his masculinity,”⁷⁹ “a sexually charged hostile environment”⁸⁰ existed. The environment existed because of “his peers' belief that he failed to conform to stereotypical gender expectations for a teenage boy in their community.”⁸¹

In other words, even though the court did not root its holding directly in a theory of harassment based upon sexual orientation, it nevertheless found the harassment a violation of Title IX because the anti-gay slurs were motivated by gender stereotyping and therefore a form of sex-based discrimination.

In that case, the *Tonganoxie School District* found out what ignoring harassment loaded with anti-gay slurs and actions could cost under Title IX: \$250,000 in damages and nearly \$270,000 in attorneys fees and expenses.⁸²

Contrary to Representative *Cunningham's* assertion, when it comes to liability for protecting LGBT students, schools are actually more likely to incur liability for failing to respond to bullying based upon sexual orientation than they are for intervening to protect students. In fact, failing to respond to bullying of LGBT students is riskier than failing to respond to bullying of straight students. Current liability theories are difficult to satisfy where no identifiable class is affected, given problems with establishing duty and causation, among other obstacles.⁸³ Where an identifiable class such as homosexuals is the target of the bullying, however, liability can be established under the Equal Protection Clause or Title IX if school officials have ignored that

harassment. LGBT students are an identifiable class for purposes of the Equal Protection Clause,⁸⁴ and harassment based upon sexual orientation may be held to be harassment based on sex under Title IX.⁸⁵ To claim that the best legal course is to avoid the “special treatment” of extra vigilance ignores legal reality.

School officials, legislators, and parents should therefore reject calls to water down anti-bullying efforts for fear that protecting LGBT students exposes schools to greater liability. Nor should states or schools refuse to implement comprehensive, enumerated plans for fear that some lurking “gay agenda” is driving those efforts. The agenda behind bullying prevention efforts is nothing more than an attempt to make schoolchildren safe from peer-on-peer abuse, whatever the motivation of the bullies. Refusing to address the heightened vulnerability of LGBT students to bullying is not only immoral, it is legally foolish. It may come as a surprise to some religious conservatives that it is also ungodly.

III. A Biblical Response to Those Who Oppose Comprehensive Anti-Bullying Approaches

To thwart the impact of those who oppose bullying prevention on religious grounds, supporters of bullying prevention programs and anti-bullying legislation must answer the opposition with arguments that are informed not only from an educational and legal standpoint, but from a Biblical standpoint as well. Because these so-called experts on scripture have based their opposition on scripture, their arguments carry significant weight with evangelical and other theologically conservative Christians. To answer their arguments and appeal to the devotion of Christians who seek to follow the Bible, proponents of bullying prevention must use the same Bible and the same language of devotion to show that, in fact, Jesus and his followers would actually stand between an LGBT student and her persecutors to protect her.

The political activism of contemporary evangelicals ought to be laudable, given their responsibilities as members of a democratic society. Unfortunately, their faith has been co-opted by political and social conservatives, producing significant blind spots as faith and politics have blended in ways that do violence to the modern American Christian's understanding of the Bible. Reading the Bible through the interpretive lens of modern conservative U.S. political thought, too many Christians have strayed from the precepts of their own faith, supremely confident that they are doing God a favor by loudly condemning homosexuals and blocking anything that might be perceived as granting homosexuals special protections.

To answer Christians who feel compelled by their faith and by the scriptures to worry more about the spread of homosexual behavior than the brutalizing of school children, supporters of anti-bullying efforts must answer in the language of that faith with the authority of scripture, despite the natural desire to answer in anger and outrage. Nothing could be more counterproductive than condemning these Christians' views as phobic or unenlightened, because they believe that whatever is contrary to the teachings of the Bible is by definition itself unenlightened. Thus, the reproaches fall on deaf ears.

The key, rather, is to uncouple the scriptures from political agendas and religious self-righteousness. The best response to harsh judgmentalism based upon scripture is a proper reading of scripture. Serious Christians who place a high value on the Bible's teachings respond to such approaches because whatever their current prejudices, their desire to be faithful to Christ and their awareness of their own failings can trump their prejudices.

The true “phobia” for a devoted Christian is an honest fear of being deceived into betraying Jesus' teachings. A Christian is substantially more likely to abandon a flawed position if, instead of being called homophobic, he can be made to see the position as contrary to the teachings and examples of Christ and his apostles. That today's Christians fail to see the disconnect between some of their positions and their faith is a problem as old as the faith--and, by the way, common to all faiths--but does not mean Christians cannot or will not open their eyes. Like all people, however, Christians are not likely to respond positively to personal attacks, deserved or not.

In other words, answering the flawed thinking of devout Christians requires avoiding the same flawed thinking. To confuse the scriptures with their misinterpretation is to fall into the same trap as the misguided Christians. To label as “phobic” the disapproval of homosexual behavior is to repeat the sin of judging another and to subvert the argument that directly addresses the real problem. Attacks that strike at the rationality, faith, or character of Christians who would let LGBT students suffer bullying may be satisfying and even justified; but they will not move those Christians to change their minds or their behavior--in other words, to repent--and repentance, after all, is the goal because their flawed thinking is having a real impact upon the law and upon schools. If repentance is the goal, it would seem far better to follow Paul's advice to the church in Galatia: “Brothers, if someone is caught in a sin, you who are spiritual should restore him gently. But watch yourself, or you also may be tempted.”⁸⁶

An important starting point in that “gentle restoration” would be the story of the woman caught in adultery, recounted in the Gospel of John. The account of the incident is relatively short:

At dawn he appeared again in the temple courts, where all the people gathered around him, and he sat down to teach them. The teachers of the law and the Pharisees brought in a woman caught in adultery. They made her stand before the group and said to Jesus, “Teacher, this woman was caught in the act of adultery. In the Law Moses commanded us to stone such women. Now what do you say?” They were using this question as a trap, in order to have a basis for accusing him.

But Jesus bent down and started to write on the ground with his finger. When they kept on questioning him, he straightened up and said to them, “If any one of you is without sin, let him be the first to throw a stone at her.” Again he stooped down and wrote on the ground.

At this, those who heard began to go away one at a time, the older ones first, until only Jesus was left, with the woman still standing there. Jesus straightened up and asked her, “Woman, where are they? Has no one condemned you?”

“No one, sir,” she said.

“Then neither do I condemn you,” Jesus declared. “Go now and leave your life of sin.”⁸⁷

Conservative Christians would readily admit that the Gospel's account condemns their judging another, given Jesus' powerful rebuke of religious leaders ready to stone the woman caught in adultery. Every Christian who takes the Bible seriously would know by heart Jesus' famous response: “If any one of you is without sin, let him be the first to throw a stone at her.”⁸⁸

What seems to be lost on many Christians is the model Jesus provides of how one responds to another's accusers. If Christians are to imitate Christ,⁸⁹ they must pay attention to the entire story, not simply the admonishment not to condemn others. Christ does more than rebuke the accusers and offer the woman forgiveness: he places himself between the accused woman and those who would stone her, and faces them down. In other words, the story requires the Christian to do more than refrain from condemning others; it requires the Christian to actively intervene on behalf of the “sinner” against the “righteous” who would punish her for her sins.

Viewed from that perspective, the story speaks directly to the plight of students bullied on the basis of sexual orientation. If a devout Christian believes that homosexual practices are sinful--and arguments to the contrary are not likely to be accepted by theologically conservative Christians--then the LGBT student attacked by bullies is today's woman caught in adultery; and Jesus' example for the Christian is to intervene to protect that student. Thus, a powerful story of God's forgiveness carries an obligation to extend that forgiveness by actively protecting others from the judgment and punishment some would self-righteously inflict.

This particular story provides a compelling response to the Christian who believes he is serving God by opposing bullying prevention efforts directed at protecting LGBT students. Christians find great comfort in the ready forgiveness that Jesus extends to a woman unquestionably guilty of a sin the Mosaic Law would treat as an offense worthy of death.⁹⁰ They revere this story in much the same way they revere the parable of the Prodigal Son, in which a son--who has demanded his inheritance early, left home without any further contact, and has wasted his inheritance in debauchery--is nevertheless received by his father with a joyous party.⁹¹ Like the forgiving father, the devout Christian understands that somehow he must "hate the sin, but love the sinner," as the cliché goes.

The adage "hate the sin, but love the sinner," however, hardly does justice to Jesus' actions in front of these powerful religious leaders. The leaders, caring little about the woman and her sin, were looking for an excuse to stone Jesus, believing his message of forgiveness would force him to set aside the Law of Moses. Jesus, of course, abandons neither forgiveness nor the Law. In maintaining that faithfulness to both, however, Jesus defines "love the sinner" in a way that far transcends any cheap emotional gesture. Facing the lethal anger of a powerful and violent group of accusers, Jesus places himself at risk of the very same lethal violence in an affirmative defense of the woman.

After all, Jesus might easily have left her to her fate, refusing to defend a woman "caught in the act of adultery." He might have said that his kingdom is not of this world and that he had nothing to do with their disputes. He might have responded that forgiveness triumphs over judgment.

Instead, Jesus affirmatively defended her by facing them down and forcing them to withdraw and leave her unmolested. Strikingly, under both the Law of Moses and Jesus' own standard, Jesus could have condemned her. Because, according to the Bible, Jesus is himself without sin,⁹² his rebuke is full of irony that escapes the religious leaders; he himself could have thrown that stone but refused to do so.

Also apparently lost on her accusers--as it is on their modern counterparts--was the fact that her lover should have been thrown in front of Jesus, as well. The Law requires no less punishment of the man than it does of the woman: "If a man is found sleeping with another man's wife, both the man who slept with her and the woman must die. You must purge the evil from Israel."⁹³ Not only could they not see their own sin sufficiently to deter them from calling for her death, they could not even see the sin of her accomplice, even though she was caught "in the act of adultery." They must have seen it, of course; but they blithely applied a double standard and turned a blind eye.

Contemporary Christians who focus so vehemently on fighting the so-called "gay agenda" seem to suffer a similar blindness. The same Law used by the religious leaders in John's Gospel to condemn the adulteress is the very Law used by Christians today to justify refusing to protect LGBT students from bullying. After all, it is the same Mosaic Law that condemns the adulteress

that condemns homosexual practice: “If a man lies with a man as one lies with a woman . . . [t]hey must be put to death.”⁹⁴

Therefore, if the Law of Moses justifies leaving sinful students to the brutality of bullies, bullies should be given free rein to punish all sinful behavior. Among the sins worthy of death under Mosaic Law are cursing one's father or mother,⁹⁵ committing blasphemy against God's name,⁹⁶ stubbornness and rebellion toward one's parents,⁹⁷ losing one's virginity before marriage,⁹⁸ and sleeping with another man's fiancée.⁹⁹ Jesus, of course, upped the ante on sexual sins when he proclaimed that “anyone who looks at a woman lustfully has already committed adultery with her in his heart.”¹⁰⁰

Contemporary Christians, therefore, are as guilty as the Pharisees who condemned the woman caught in adultery. Contemporary Christians pick and choose among sins to deem worthy of punishment and persecution, ignoring the sins plaguing straight students--including Christian students--and focusing their condemnation and wrath on children who, in many cases, may not even profess faith in Christ. Not only are these Christians blind to their own hypocrisy, they are violating key principles that should govern the Christian response to sin.

Jesus himself said, in the verse following the one that became so prominent at sporting events,¹⁰¹ “For God did not send his Son into the world to condemn the world, but to save the world through him.”¹⁰² Repeatedly, he warned his disciples not to judge others, lest they be judged in the same way.¹⁰³ After all, he asked, “Why do you look at the speck of sawdust in your brother's eye and pay no attention to the plank in your own eye?”¹⁰⁴

The Epistles carry that theme throughout. James proclaims that “[a]nyone who speaks against his brother or judges him speaks against the law and judges it.”¹⁰⁵ “When you judge the law,” says James, “you are not keeping it but sitting in judgment on it. There is only one Lawgiver and Judge, the one who is able to save and destroy. But you,” he asks, “who are you to judge your neighbor?”¹⁰⁶

As for how Christians are to treat non-Christian “sinners,” Paul asks simply, “What business is it of mine to judge those outside the church?”¹⁰⁷ In fact, Paul clarifies for the Corinthians that their worry should be the immoral members of their own church, not immoral nonbelievers:

I have written you in my letter not to associate with sexually immoral people-- not at all meaning the people of this world who are immoral, or the greedy and swindlers, or idolaters. In that case you would have to leave this world. But now I am writing you that you must not associate with anyone who calls himself a brother but is sexually immoral or greedy, or an idolater or a slanderer, a drunkard or a swindler.¹⁰⁸

It seems, then, even more wrong to vehemently condemn non-believing LGBT students because to do so is to judge those outside the church, taking God's place as the only law-giver and judge. Going further and obstructing those who would protect those students from bullies is nothing less than condemning the children to torment and condoning--even encouraging--their self-righteous tormentors. More to the point, opposing protections for LGBT students ignores the clear example of Jesus, who affirmatively protected the guilty sinner from those who would condemn her. Not only did Jesus refuse to judge her; he refused to allow others to do so at his own peril.

In addition, Christians who say that they care about the plight of abused LGBT students, but oppose steps directed at protecting them, ignore the Bible's explicit commands to love through actions and not simply through good intentions. The Apostle John, for example, defines Christian love as deeds rather than thoughts:

If anyone has material possessions and sees his brother in need but has no pity on him, how can the love of God be in him? Dear children, let us not love with words or tongue but with actions and in truth.¹⁰⁹

The Apostle James makes the same point but casts it in terms of faith:

Suppose a brother or sister is without clothes and daily food. If one of you says to him, “Go, I wish you well; keep warm and well fed,” but does nothing about his physical needs, what good is it? In the same way, faith by itself, if it is not accompanied by action, is dead.”¹¹⁰

Biblically literate Christians know these passages well and understand that Christ's followers are to feed and clothe those in need. They need to see as well that these precepts apply just as strongly to addressing the plight of persecuted and bullied LGBT students. If Christians maintain they must “love the sinner,” they must do so not “with words or tongue but with actions and in truth.”¹¹¹ No room exists for acknowledging the plight of LGBT students on the one hand and ignoring it on the other.

Ironically, modern American evangelicals deeply admire those Christians who risked their lives to aid their Jewish neighbors during the Holocaust.¹¹² Today's Christians hope they would show a similar bravery if the need arose, especially in defense of the Jews, with whom they share deep spiritual bonds. That need exists, of course; but like first-year law students who cannot see analogous facts without exact parallels, these same Christians, in effect, keep waiting for a Holocaust from which to save their Jewish neighbors.

Perhaps the Parable of the Good Samaritan can help them make the leap. Jesus, having just told a crowd that they must love their neighbors, was asked, “[a]nd who is my neighbor?” by someone hoping to narrow the field of those to whom he might be obligated.¹¹³ Jesus responded with the Parable of the Good Samaritan:

A man was going down from Jerusalem to Jericho, when he fell into the hands of robbers. They stripped him of his clothes, beat him and went away, leaving him half dead. A priest happened to be going down the same road, and when he saw the man, he passed by on the other side. So too, a Levite, when he came to the place and saw him, passed by on the other side. But a Samaritan, as he traveled, came where the man was; and when he saw him, he took pity on him. He went to him and bandaged his wounds, pouring on oil and wine. Then he put the man on his own donkey, took him to an inn and took care of him. The next day he took out two silver coins and gave them to the innkeeper. “Look after him,” he said, “and when I return, I will reimburse you for any extra expense you may have.”

“Which of these three do you think was a neighbor to the man who fell into the hands of robbers?”

The expert in the law replied, “The one who had mercy on him.”

Jesus told him, “Go and do likewise.”¹¹⁴

The parable contains two important concepts. The first, and most often preached upon, is the central point of the parable: our “neighbor” is anyone who is in need. Jesus creates an exceptionally challenging irony for the “expert in the law” by forcing him to acknowledge that the true neighbor to the wounded man was a Samaritan, a person Jews of the day considered spiritual and physical “half-breeds.”¹¹⁵ A Samaritan would certainly have known of the antipathy a man from Jerusalem would hold toward such a “half-breed” foreigner; yet the foreigner not only helps the man, but goes to great lengths and personal expense to be sure he is well cared for. Pointedly, the man's natural neighbors, a Jewish priest and a Levite, leave him on the side of the road, not even stopping to check on him.

Christians who oppose protecting LGBT students with “special treatment” have unwittingly taken the position of the priest and the Levite, passing by on the other side of the road lest they be somehow tainted by rallying to the aid of “sinners.” The persecuted LGBT student is their neighbor--and that of their Christian children--and they should cross the road and come to that student's aid.

The second, more important point of the parable, for the purposes of talking to evangelicals about LGBT students, is that the Samaritan responded without hesitation to the man's injuries and vulnerability. Not only did he bandage and treat the man's immediate injuries, he went out of his way to protect him from further harm by getting him off the road and taking him to an inn. Even then, he promised to follow up on his care.

In the same way, Christians should respond to the plight of persecuted LGBT students with the immediacy and tangible action that the Samaritan demonstrated. While some religious leaders may urge Christians to leave LGBT students to their tormentors lest the Christians be seen as promoting the LGBT lifestyle, Christians should resist such hypocrisy.

V. Conclusion

The conscientious Christian should shake off the temptation to give in to her self-righteousness, and put the bullied LGBT students' needs ahead of her own pseudo-spiritual concerns. The Christian must remember that “[b]lessed is he who has regard for the weak,”¹¹⁶ and that his regard must be manifested in action, not mere words. For the persecuted LGBT students, that action includes affirmatively opposing their persecution because they are the Christian's true neighbor, and the Christian should be first to jump to their defense and offer real protection against the injuries they suffer daily at school.

Encouraging Christians to take such a position asks them to put themselves at odds with what may be the mainstream thinking of their churches. Jesus, however, repeatedly--pointedly, in fact--infuriated the religious leaders of his day by cutting through their half-truths and self-righteous refusal to put into action God's great command to “love your neighbor as yourself.”¹¹⁷

Christians know these principles; they have simply failed to apply them to themselves when considering the plight of LGBT students. The good news is that they also sincerely want to apply the Bible's teachings accurately and honestly. Appealing to that sincere desire is the surest way to expose the hypocrisy of religious refusals to protect LGBT students. Whatever stake religious and political leaders may have in sticking to their guns on this issue, the average Christian has no such compulsion. The average Christian wants to follow the teachings and example of Christ as revealed in the Bible. In those teachings and that example lies the best and most compelling argument for protecting LGBT students from their bullying peers.

Therefore, those who wish to protect LGBT students have in Christ and his example their most powerful ally against religious opposition. The best strategy to defeat religious opposition to stopping anti-gay bullying and to enlist the aid of Christians is to encourage Christians to stop asking, “What would Jesus do?” and start asking “What did Jesus do?” They may find the answer startling.

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1. See Russell Goldman, Some School Anti-bullying Programs Push Gay Agenda, Christian Group Says, ABC News (Sept. 1, 2010), [http:// abcnews.go.com/US/school-anti-bullying-programs-push-gay-agenda-christian/story?id=11527833](http://abcnews.go.com/US/school-anti-bullying-programs-push-gay-agenda-christian/story?id=11527833).

2. Id.

3. Focus on the Family, <http://www.focusonthefamily.com> (last visited May 30, 2011).

4. Bryan Robinson, Anti-Bully Program Accused of Gay Agenda, ABC News (Oct. 9, 2002), <http://abcnews.go.com/US/story?id=90085&page=1>.

5. Andrea Lafferty, Anti-Bullying Hearing to Push LGBT Agenda, The Traditional Values Coalition (July 9, 2009), [http:// traditionalvalues.org/read/3699/antibullying-hearing-to-push-lgbt-agenda](http://traditionalvalues.org/read/3699/antibullying-hearing-to-push-lgbt-agenda).

6. Id.

7. Mo. Rev. Stat. § 160.775(3) (2010) (emphasis added).

8. See Audio CD: Educational Policy Conference 22: The Clash of Civilizations (The Constitutional Coalition Jan. 25-27, 2007) (statements by Missouri Rep. Jane Cunningham concerning how to handle bullying) (CD on file with author).

9. See id.

10. Id.

11. Id.

12. Id.

13. Id.

14. Id.

15. Id.

16. Id.

17. See id.

18. See *infra* notes 20-47 and accompanying text.

19. See, e.g., Candi Cushman, *The Problem with Politicized Bullying Policies* 5 (2010), <http://truetolerance.org/politicizedbullyingpolicies.pdf>. Cushman, on behalf of Focus on the Family, explained why gay activism in bullying prevention must be resisted:

Think for a moment about the fact that a majority of the nation's school-aged children--about 90 percent--attend government-funded schools. Clearly, the messages those children receive about sexuality and values will play a large part in shaping the next generation. So make no mistake about it: This is a battle for the hearts and minds of our nation's children.

We can also consider this issue from a spiritual and Biblical perspective. Take, for instance, the verses in the Bible that talk about our responsibility to protect the innocent. The Bible specifically talks about rescuing those who are being led way to harm or death. (Consider Proverbs 24:11 or the strong words Jesus had to say about those who lead children astray in Matthew 18:6).

There are also crucial emotional and physical factors to take into account. For instance, according to a study published in the scientific journal *Pediatrics*, about 25 percent of 12-year-olds are unsure about their sexuality. As they get older, that uncertainty diminishes. But what this tells us is that the middle and high school years are a very vulnerable time period for a significant portion of youth, who are still developing emotionally and physically. So it seems irresponsible--and possibly even emotionally damaging--for schools to open their doors to adult messages that may prematurely push youth into embracing a sexual identity.

Id. (footnote omitted).

20. See *infra* notes 21-46 and accompanying text.

21. See *infra* notes 61-84 and accompanying text.

22. Jane Close Conoley, *Sticks and Stones Can Break My Bones and Words Can Really Hurt Me*, 37 *Sch. Psychol. Rev.* 217, 219 (2008).

23. Joseph G. Kosciw et al., *Gay, Lesbian & Straight Educ. Network, The 2009 National School Climate Survey: The Experience of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools* xvi (2010), http://www.audacityofpride.com/audacity_of_pride/Educational_Resources_files/GLSEN%202009%C20National%C20School%C20Climate%20Survey.pdf.

24. *Id.*

25. Caroline Trowbridge, *Student Reaches \$440,000 Settlement in Sex Harassment Case*, *LJWorld.com* (Dec. 24, 2005), http://www2.ljworld.com/news/2005/dec/24/student_reaches_440000_settlement_sex_harassment_c/?city_local.

26. *Theno v. Tonganoxie Unified Sch. Dist. No. 464*, 394 F. Supp. 2d 1299, 1305-06 (D. Kan. 2005).

27. Id. at 1307.
28. Flores v. Morgan Hill Unified Sch. Dist., 324 F.3d 1130, 1133 (9th Cir. 2003).
29. Nabozny v. Podlesny, 92 F.3d 446, 451 (7th Cir. 1996).
30. Id. at 451-52.
31. Id. at 452.
32. Flores, 324 F.3d at 1133.
33. Kosciw et al., supra note 22.
34. Id.
35. Id. at xix.
36. Id.
37. Conoley, supra note 21, at 219.
38. Kosciw et al., supra note 22.
39. Id.
40. Theno v. Tonganoxie Unified Sch. Dist. No. 464, 394 F. Supp. 2d 1299, 1310 (D. Kan. 2005).
41. Id. at 1306.
42. Nabozny v. Podlesny, 92 F.3d 446, 451 (7th Cir. 1996).
43. Id.
44. Id. at 452.
45. Flores v. Morgan Hill Unified Sch. Dist., 324 F.3d 1130, 1133 (9th Cir. 2003).
46. Id.
47. Id.
48. See Educational Policy Conference 22: The Clash of Civilizations, supra note 7.
49. Id.

50. See Fast Facts & Talking Pts on Bullying in the Schools, Focus on the Family (2010), <http://www.truetolerance.org/fastfactsbullyingpolicies.pdf> (“Listing certain categories creates a system ripe for reverse discrimination, sending the message that certain characteristics are more worthy of protection than others.”).

51. Thomas B. McAfee, Restoring the Lost World of Classical Legal Thought: The Presumption in Favor of Liberty Over Law and the Court Over the Constitution, 75 U. Cin. L. Rev. 1499, 1561-64 (2007).

52. Anti-Federalist No. 4 (Patrick Henry).

53. The Federalist No. 84 (Alexander Hamilton).

54. U.S. Const. amend. IX.

55. See, e.g., 26 U.S.C. § 61(a) (2006) (“[G]ross income means all income from whatever source derived, including ... (1) Compensation for services, including fees, commissions, fringe benefits, and similar items; (2) Gross income derived from business; ... (4) Interest; (5) Rents; (6) Royalties; (7) Dividends”).

56. *Romer v. Evans*, 517 U.S. 620, 628 (1996); see also Julie Sacks & Robert S. Salem, Victims Without Legal Remedies: Why Kids Need Schools to Develop Comprehensive Anti-Bullying Policies, 72 Alb. L. Rev. 147, 190 (2009) (“[Bullying prevention] policies should: (1) explicitly enumerate protected traits or characteristics, particularly those subject to community prejudices such as sexual orientation and gender expression; (2) change school norms by promoting school-wide respect for diversity; and (3) require all personnel, including non-decision makers, to intervene.”).

57. *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 638 (1943).

58. *Kosciw et al.*, *supra* note 22, at xix.

59. 105 Ill. Comp. Stat. 5 / 27-23.7(West 2010).

60. Mo. Rev. Stat. § 160.775 (2010).

61. Tenn. Code Ann. § 49-6-1016 (2009).

62. 2 Restatement (First) of Torts § 320, cmt. d (1934).

63. 2 Restatement (Second) of Torts § 320, cmt. d (1965).

64. *Nabozny v. Podlesny*, 92 F.3d 446, 458 (7th Cir. 1996).

65. *Flores v. Morgan Hill Unified Sch. Dist.*, 324 F.3d 1130, 1135 (9th Cir. 2003); *Kosciw et al.*, *supra* note 22.

66. See, e.g., *Montgomery v. Indep. Sch. Dist. No. 709*, 109 F. Supp. 2d 1081, 1089-90 (D. Minn. 2000); see also, *Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, 62 Fed. Reg. 49, 12,033, 12,036 (Mar. 13, 1997) (“The Guidance has been clarified to indicate that if harassment is based on conduct of a sexual nature, it may be sexual harassment prohibited by Title IX even if the harasser and the harassed are the same sex or the victim of harassment is gay or lesbian. If, for example, harassing conduct of a sexual nature is directed at gay or lesbian students, it may create a sexually hostile environment and may constitute a violation of Title IX in the same way that it may for heterosexual students. The Guidance provides examples to illustrate the difference between this type of conduct, which may be prohibited by Title IX, and conduct constituting discrimination on the basis of sexual orientation, which is not prohibited by Title IX. The Guidance also indicates that some State or local laws or other Federal authority may prohibit discrimination on the basis of sexual orientation.”).

67. See, e.g., *Ray v. Antioch Unified Sch. Dist.*, 107 F. Supp. 2d 1165, 1170 (N.D. Cal. 2000).

68. *Theno v. Tonganoxie Unified Sch. Dist. No. 464*, 394 F. Supp. 2d 1299, 1302-03 (D. Kan. 2005).

69. *Ray*, 107 F. Supp. 2d at 1170.

70. *Id.*

71. *Martin v. Swartz Creek Cmty. Schs.*, 419 F. Supp. 2d 967, 972-73 (E.D. Mich. 2006).

72. *Id.* at 968-71.

73. *Id.* (describing nearly every incident of harassment as involving anti-gay slurs directed at the plaintiff).

74. *Id.* at 973-74.

75. *Id.* at 974.

76. *Id.* at 974-75.

77. See *id.* at 975.

78. *Theno v. Tonganoxie Unified Sch. Dist. No. 464*, 394 F. Supp. 2d 1299, 1307 (D. Kan. 2005).

79. *Id.*

80. *Id.* at 1308.

81. *Id.*

82. *Theno v. Tonganoxie Unified Sch. Dist. No. 464*, 404 F. Supp. 2d 1281, 1283 (D. Kan. 2005).

83. See Daniel B. Weddle, *Brutality and Blindness: Bullying in Schools and Negligent Supervision by School Officials*, in *Our Promise: Achieving Educational Equality for America's Children* 426-27 (Maurice Dyson & Daniel B. Weddle, eds., 2009); Daniel B. Weddle, *Bullying in Schools: The Disconnect Between Empirical Research and Constitutional, Statutory, and Tort Duties to Supervise*, 77 *Temp. L. Rev.* 641, 658-95 (2004).

84. See *Nabozny v. Podlesny*, 92 F.3d 446, 458 & n.12 (7th Cir. 1996) (citing *Romer v. Evans*, 517 U.S. 620, 620-21 (1996)).

85. *Ray v. Antioch Unified Sch. Dist.*, 107 F. Supp. 2d 1165, 1170 (N.D. Cal. 2000).

86. Galatians 6:1.

87. John 8:2-11.

88. *Id.* 8:7.

89. See 1 Corinthians 11:1.

90. Leviticus 20:10.

91. Luke 15:11-32.

92. 2 Corinthians 5:21.

93. Deuteronomy 22:22.

94. Leviticus 20:13.

95. *Id.* at 20:9.

96. *Id.* at 24:16.

97. Deuteronomy 21:18-21.

98. *Id.* at 22:20-21.

99. *Id.* at 22:23-24.

100. Matthew 5:28.

101. See Monte Burke, The Resurrection of John 3:16, *Forbes* (Nov. 12, 2009), <http://www.forbes.com/2009/11/12/john-316-sign-lifestyles-sports-rainbow-man.html> (explaining how a banner or sign with John 3:16 written on it was a common occurrence at sporting events throughout the 1980s); John 3:16 (“For God so loved the world that he gave his one and only Son, that whoever believes in him shall not perish but have eternal life.”).

102. John 3:17.

103. Matthew 7:1-2.

104. *Id.* at 7:3.

105. James 4:11.

106. *Id.* at 4:11-12.

107. 1 Corinthians 5:12.

108. *Id.* at 5:9-11.

109. 1 John 3:17-18.

110. James 2:15-17.

111. 1 John 3:18.

112. Yaakov Ariel, The Faithful in a Time of Trial: The Evangelical Understanding of the Holocaust, 3 *J. Religion & Soc’y* 3, 3-4 (2001), <http://moses.creighton.edu/JRS/pdf/2001-8.pdf>.

113. Luke 10:25-29.

114. *Id.* at 10:30-37.

115. *Id.* at 10:30-37 & nn. 10:31-33.

116. Psalm 41:1.

117. Leviticus 19:18. When asked to name the greatest commandment, Jesus responded, “‘Love the Lord your God with all your heart ... and with all your mind.’ This is the first and greatest commandment. And the second is like it: ‘Love your neighbor as yourself.’ All the Law and the Prophets hang on these two commandments.” Matthew 22:36-40.