Paper on Bartley’s Stand on Issues on 377A and Homosexuality

A. Understanding the Issues

i. Section 377A was retained when the original section 377 of the Penal Code of Singapore was amended in Oct 2007 by Parliament.

ii. Section 377 states under category: ‘Offences Affecting the Human Body’: "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animals, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 10 years, and shall also be liable to fine. (Explanation. Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.)"

iii. Section 377 was repealed in 2007 and replaced with section 377A under the category ‘Outrages on Decency’, which states: “Any male person who, in public or private, commits, or abets the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be punished with imprisonment for a term which may extend to 2 years.”

iv. The provisions of the original 377 against bestiality (sex with animals etc) and incest is now covered under section 377B.G

B. Historical Perspective

i. In Nov 2003 a police officer arrested for consensual oral sex with a teenager and convicted under section 377. The decision caused a public debate in the media as to whether oral sex should be treated as an offence under the Penal Code and whether our Penal Code was outdated (Singapore’s Penal Code mirrored the Indian Penal Code of 1871 which was enacted under colonial times.)

ii. Arising out of this case the MHA (Ministry of Home Affairs) began a comprehensive review of the Penal Code of Singapore and proposed 70 amendments & repealed 4 provisions. One of the repealed sections is 377 which was to decriminalize oral and anal sex between a male and a female. However 377A was retained.

iii. This kicked off a debate and an online petition website was set up called Repeal377a.com which collected 2,341 signatures. This was submitted to the Singapore Government by NMP Siew Kum Hong on 22 October 2007, supported by PAP MP Baey Yam Keng. The petition stated that retaining 377A discriminates against homosexuals and bi-sexuals (since anal
intercourse between heterosexual is no longer criminalized). The NMP argued that 377A therefore violates section 12(1) of the Constitution of Singapore which states: ‘All persons are equal before the law and entitled to the equal protection of the law.’ He also argued that a private consensual sex act between two homosexuals should not be treated as a criminal act as it did not ‘harm’ others.

iv. The Christian community then rallied a counter petition to the government to retain 377A collecting 15,531 signatures, substantially more than the Repeal 377A group.


a. 377A would be retained, since the majority of the population viewed homo-sexuality as unacceptable. To repeal the provision might mistakenly signal the government’s endorsement of homosexuality. It reaffirmed the conservative nature of Singapore’s society and the importance of family values. The Government also rejected the argument of Repeal 377A activists that retaining it is akin to discriminating against a ‘sexual minority’ similar to discrimination against religious or racial minorities. It also expresses its view that homosexuals should not set the tone for mainstream society and that the ‘homosexual agenda’ as espoused in other western societies is not for Singapore.

b. The government however, also stated that while it is wise to let it remain in the Penal Code, 377A would not be pro-actively enforced against consensual private acts not involving minors.

c. The government also acknowledged that the gay community should be given space in Singapore and opened up the prospect of continued evolution in the future. It also avoided harsh moral condemnation of homosexuality, in view of its perceived view that it could be an inborn nature.

vi In March 2009. The AWARE saga developed which brought to light again the culture war between Christian conservatives and liberal secular section of Singapore’s society. A group of Christians from Church of Our Saviour, who were concerned that Aware was promoting a liberal homosexual agenda in the schools organized a takeover of the leadership of Aware at its AGM. A public outcry erupted and the LGBT movement was mobilized in an EOGM to oust the new ‘Christian’ leadership. 3,000 members of the public including LGBT activists attended the EOGM. The Christian group was thrown out after a heated exchange of views and the
The incident highlighted the acrimonious nature of the debate between Christian conservatives and liberal section of society who are supportive of gay rights. The Singapore government as well as the National Council of Churches had to step in to calm matters. NCCS had to issue a statement that churches should not be dragged into affairs of other secular organisations. Senior Pastor Derek Hong of Church of Our Saviour who used the pulpit to mobilize his church to support the group led by Josie and gang to take over Aware had to make a public apology that he had wrongly tried to use the pulpit to politicize the matter.

In March 2010, Tan Eng Hong was arrested by police for performing oral sex on his male partner in a public toilet in Citylink Mall. He was initially charged under 377A of the Penal Code but the Attorney General Chambers (AGC) subsequently replaced the charge to one as committing an obscene act in public. Both Tan Eng Hong and his partner Ching Chee Shyong were convicted and fined $3,000 each under the new charge.

Their lawyer M Ravi then filed a constitutional challenge to section 377A arguing that it violates article 12(1) of the constitution which states that there should be equal treatment for all. The DPP argued that since the two men who not prosecuted under 377A, they could not argue that his constitutional rights are being violated by that particular law. The high court then disallowed the constitutional challenge of section 377A. The lawyer appealed against the high court decision which went to the Court of Appeal to decide if they can be allowed to challenge the constitutionality of section 377A.

On 21 August 2012, the Court of Appeal in its written judgment said the court was not deciding on the merits of Tan Eng Hong’s claim but that he should be allowed his day in court to challenge the constitutionality of 377A. The Appeal Judge stated: ‘We want to acknowledge that in so far as Section 377A in it current form extends to private consensual sexual conduct between adult males, this provision affects the lives of a not insignificant portion of our community in a very real and intimate way. Such persons might plausibly assert that the continued existence of Section 377A in our statute books causes them to be unapprehended felons in the privacy of their homes. The constitutionality or otherwise of Section 377A is thus of real public interest.’ Justice V.K. Rajah.

The case on the constitutionality of section 377A as filed by M Ravi will be heard in early February 2013.
viii. On 7 January 2013, I was invited to attend the Love Singapore for Prayer Summit in Melaka. Ps Lawrence Khong announced on the first day of the summit that he is calling for a concerted stand against the LGBT activists in Singapore who has, in his view, a LGBT agenda and the first step in that agenda is to repeal section 377A of the Penal Code. It will descend the slippery slope to gay marriages, child rights etc. He wanted all Christians to stand as one and to petition the government not to repeal section 377A. He also announced that he intends to put a petition to ESM Goh Chok Tong when he visits his church at Touch Community at Marine Parade. Ps Lawrence will be calling for a meeting of all senior pastors on 11 & 12 March 2013 to seek for a concerted effort to fight against the gay agenda, and the first step is to vigorously petition the government against repealing 377A. The timing he said was crucial as the court hearing to challenge the constitutionality of 377A is within weeks only.

ix. Ps Lawrence Khong on 13 January 2013, when ESM Goh Chok Tong visited FCBC on his community walkabout, invited him into his church on stage and read out a petition to request the Singapore Government to retain 377A. ESM was caught unawares and remarked that so long as each keep to their own beliefs they should be fine. This action sparked an online furore with opponents of 377A criticizing Ps Lawrence’s actions.

FCBC posted a statement on its church website that ESM gave a strong word of encouragement to him regarding his appeal on retaining 377A.

In the same week ESM Goh’s office issued a statement to clarify that the minister simply said that each person is entitled to his beliefs. FCBC then amended its website to remove the words ‘gave a strong encouragement.’

x. An online petition was started by the Love Singapore network to rally Christians to petition the government to retain 377A. Sms messages and emails were sent to many Christians to ask them to join in the petition. We were also asked to encourage our members to send messages to Law Minister Shanmugan’s Facebook and email to MP’s etc to state our stand that 377A be retained. Some of our church members have asked our pastors what to do.

C. What are the Main Arguments by Liberals for Repealing 377A

i. The Priority of individual autonomy
377A in criminalizing homosexual sodomy violate the personal liberty of consenting adults. Section 12(1) of the Constitution of Singapore states:
(1) All persons are equal before the law and entitled to the equal protection of the law. Since anal sex by consenting heterosexual couples is not a crime, neither should anal sex by consenting homosexuals be a crime.

ii. ‘Harm’ as sole limit to liberty claims: 377A unjustifiably intrudes on individual liberty since “no harm is done to society when consenting heterosexual adults have sex in private.” Furthermore the Singapore government’s policy not to proactively enforce 377A suggests that 377A is not justifiable as it does not prevent any demonstrable harm.

iii. Homosexuality is an inborn nature and therefore they should not be treated as criminals.

Morality should not be imposed by criminal law. Religiously inspired nature of the immorality of homosexual acts and religious views should not be imposed on non-adherents of those religions.

D. What are the Main Arguments of Conservatives why 377A should remain:

i. It preserves public morality & protects traditional family values. Homosexuality is offensive to the majority of citizens and erodes family values.

ii. Decriminalization homosexual acts by repealing 377A is a slippery slope towards a decadent society. It is part of the LGBT agenda with the ultimate goal of same-sex marriage, school curriculum in teaching children that homosexuality is an accepted lifestyle. The gay agenda in other countries revealed the trend.

iii. Scientific studies on whether homo-sexuality is genetic or naturally caused were politicized and inconclusive. Essentially, homosexuality is a choice and not an inborn trait.

E. What is Bartley Church’s Stand on this Matter?

i. The pastoral team discussed this matter at our staff meeting. We are concerned about the head on confrontational approach against the LGBT movement. It may detract from our primary purpose of fulfilling the Great Commission and living out the Great Commandment.
ii. As part of the community of churches in Singapore, Bartley Christian Church would support the retention of Section 377A.

iii. We would however not form any action group nor advise our members to send as a group as many messages as possible to the Law Minister’s Facebook, etc. to create the impression of vast numbers of people who are against the repeal of 377A. We should not fight the battle with the same weapons the world uses - stealth and craftiness, but seek the wisdom and guidance of the Lord and use spiritual weapons to ‘take captive every thought and make them obedient to Christ.’

iv. We would approach the matter from the perspective that any Singapore citizen who wishes to express his or her views regarding Section 377A is free to do so based on conscience. We should not engineer or canvass for a mass response against any government law or decision. The biblical response is that the Lord has placed governments in authority and we are pray for them to act wisely. We will pray for the high court judge to make a wise decision with regard to section 377A. Since we will not wish to have other religions to canvass the government for a change in secular law to suit their own religious convictions, we should not do likewise, no matter how well intentioned that may be.

v. We should not alienate those who are of different sexual orientation and condemn them nor should we take up arms and join in a ‘war’ or ‘battle cry’ against them. In the same vein we should not alienate our younger generation of Christians within our church who have friends who are from the LGBT community and who may not share the same sentiments as some in the conservative section of Christiandom who wish to criminalize homosexual acts and send homosexuals who practice such acts to jail. We should seek to respond in love and compassion while not condoning their actions.

vi. We should teach our own church families and members about the sanctity and importance of family life. Strengthen our families and teach our children sound biblical values.

vii. We should be aware of the biblical warning that in the last days there will be an increase of sin and wickedness and therefore work hard to share the truth of the gospel rather than engage in trying to win battles that may not win us the war.
viii. In view of the sentiments expressed by judges and other fair minded pre-believers who do not think it fair to criminalize homosexual acts and not criminalize the same act done by heterosexuals, we must be realists and think post 377A and work out strategies to continue to be relevant in a more liberal society.

F. Conclusion

1. In view of the divisive nature of this debate and the possibility of misunderstanding and division even within the Christian church, regarding 377A and the homosexual agenda, my suggestion is that we do not engage in any debate with the online community, either through Facebook or emails, etc. Rather we should keep ourselves informed of the issues and pray for the Lord’s wisdom to prevail. We must be wise as serpents and harmless as doves - Mt 10:16.

2. I would encourage all of us as leaders to watch a YouTube video entitled ‘The Gay Debate: The Bible and Homosexuality’ by Matthew Vines. He is a 21 year old Harvard graduate and a homosexual who says he is a Christian, comes from a loving Christian family and loves Jesus. His video is watched by almost half a million people. His interpretation of the scriptures which he said were wrongly interpreted by Christian traditionalists is highly suspect & I do not agree with his views. But because he is a Christian homosexual (practicing homosexual), it is important in this debate for us to understand how ‘Christian homosexuals’ think and how they view the scriptures.

In Singapore there are 2 churches for homosexuals Christians and I think they will likely hold similar theological convictions. The video is about 1 hour 7 minutes long. For those who may be too busy to listen to the whole video, in gist what he says is this:

a. Homosexuals did not choose to be so, they are born as homosexuals. God created them and loves them too.

b. God’s statement that it is not good for man to be alone in Genesis applies to them. They have as much a right to loving one partner relationship of the same sex as heterosexual couples.

c. Leviticus 18 where it condemns homosexual relations as an abomination is only applicable to Jews in the old Mosaic law but not to us today. The NT says that we are no longer under the old law and regulations. The same Levitical law calls sex with a woman during her menses as an abomination and eating certain food as abomination. But we do not practice these laws.
d. The Sodom & Gomorrah condemnation of the men who wanted to have sex with the men in the house has to be seen in its context and is not applicable to a loving homosexual relationship but rather to rape and violence against men of that time to shame them and therefore cannot be used to argue that homosexual act is a sin.

e. Paul’s writing in Romans 1 condemning homosexuality etc as against their nature is wrongly interpreted against homosexuals. The question is what is ‘natural.’ If a man is naturally born with affection for another man then it is in his nature and therefore it is unnatural for him to have sexual relations with a woman. To have sexual relationship with another man is therefore natural and not a sin. I find his argument twisted and wrong but it is good to understand how they as Christians view scriptures regarding homosexuality.

f. There are other arguments he put forward that are similar to this- that since a person is created as a homosexual, he is not deviant in his sexual practice.

g. Just to be clear, I believe that Scriptures teach that homosexuality is a sin. However I do not believe that it is a different and more severe sin that for example adultery or fornication or drunkenness or orgies etc.

3. We live in a fallen world of sinful humanity and it is by God’s grace that we have salvation through faith in Christ. Homosexuals are part of that fallen humanity who are grappling with their identity and their fulfillment. In the debate of Section 377A we must not be so exercised and consumed by our fear of the slippery slope into decadence that we slip into a harsh, heartless and loveless orthodoxy that condemns both the sinner and the sin, ignoring what the Lord Jesus cautioned: ‘He who is without sin, let him be the first to cast the stone.’

May God give us the grace to be more eager to love the sinner than to cast the stones.

Submitted by

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