



**National Council of Churches of Singapore**

新加坡基督教全国教会理事会

Majlis Kebangsaan Gereja-Gereja Singapura

திருச்சபைகளின் தேசிய மன்றம்

21 August 2022

## **The National Council of Churches of Singapore** **Response to Government's Decision on the Repeal of Section 377A**

We refer to the Government's decision to repeal s377A as mentioned by Prime Minister Lee Hsien Loong during the National Day Rally 2022.

1. For Christians, our sense of public morality especially in matters relating to sexuality issues is shaped by the Bible, which upholds same-sex sexual acts as contrary to God's order and sees such acts as sins. Our views of marriage are also shaped by Scripture which clearly affirms the position of one man and one woman in a monogamous marriage relationship (Gen. 2:24). Finally, our view of the family unit follows from our view of marriage, which maintains that the best environment to raise and nurture children are families that are constituted by heterosexual parents.

2. We recognise that we live in a society that is governed on the basis of a secular state Government with no state religion and without affiliation to any particular religion. Yet, Singapore is a religious society. As Christian citizens in this secular state, our views on public morality and our conception of the common good in relation to issues of sexuality will be shaped by our religious beliefs outlined above.

3. While recognising and not expecting other citizens to share in our sense of public morality and our conception of the common good, we believe that the status quo of retaining s377A with no proactive enforcement is able to achieve the delicate balance sought between the opposing interests of various groups, and in that way maintain social cohesion. On the one hand, retaining s377A serves as a bulwark against the advancement of alternative conceptions of public morality in relation to sexuality matters that challenge traditional conceptions of the marriage and family institution. This addresses the concerns of the religious or more conservative constituents within our society. On the other hand, the non-enforcement of s377A accommodates the concerns of those who embrace a same-sex lifestyle and allows them to have "space ... to live their lives and to contribute to society."<sup>1</sup> In this way, we do not

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<sup>1</sup> Quoting the earlier words of PM Lee in his 2007 parliamentary speech

(<https://www.straitstimes.com/politics/full-parliamentary-speech-by-pm-lee-hsien-loong-in-2007-on-section-377a>)

see the need for a repeal, and view the retention but non-enforcement of s377A as still able to achieve the goal of fostering Singapore to be “an inclusive society, where mutual respect and tolerance for different views and practices are paramount.”<sup>2</sup>

4. Nonetheless, we take heed of the Government’s mention that in a future court challenge, there is a significant risk of s377A being struck down on the grounds that it breaches the Equal Protection provision in the Constitution, and the need for the Government to take this point into serious consideration.<sup>3</sup> We hence acquiesce in the Government’s decision to repeal s377A.

We further appreciate the Government’s assurance that, in repealing s377A, it will uphold and safeguard the institution of marriage. In this regard, we appeal to the government to directly express a definition of marriage in the Constitution and declare that only such marriages will be recognized in Singapore. In our view, this move achieves a more robust safeguard than the alternative of including a constitutional provision that references the relevant provisions of the Women’s Charter or Interpretation Act and shields them from constitutional challenge. Either way, we recognize that the Government’s move serves to replace the symbolic role of s377A as a moral signifier in indicating that our society’s laws, policies, values and mores remain strongly in support of marriage as a heterosexual union and the family consisting of heterosexual parents as the basic unit of society.

In keeping to this particular societal conceptualization of marriage and the family unit, we see no basis for any further liberalization of policies or content for the downstream government institutions or statutory boards in light of the repeal of s377A (e.g. public housing, education, adoption rules, advertising standards, film classification etc. as mentioned by PM Lee).

5. While agreeing that the Government’s move in safeguarding the current legal position on marriage prevents the position from being challenged in the courts, we are concerned that the repeal of s377A will lead to a beginning and intensification of the contention and advocacy for domestic partnership arrangements or civil unions to be instituted and legalized in Singapore, on the same argument of guaranteeing constitutional rights for all citizens regardless of their sexual orientation.<sup>4</sup> We seek the Government’s further clarification on this matter.

6. Finally, with the repeal of s377A, we seek the Government’s assurance that the religious freedom of churches will be protected as we continue to teach against same-sex sexual acts and highlight such acts, along with other sexual acts like adultery, fornication, or premarital sex, as sins that go against the clear teaching of the Bible. Pastors, Christian

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<sup>2</sup> Minister Shanmugam’s words as quoted in [https://www.channelnewsasia.com/singapore/377a-gay-sex-law-government-considering-best-way-forward-shanmugam-2535441?cid=internal\\_sharetool\\_androidphone\\_03032022\\_cna](https://www.channelnewsasia.com/singapore/377a-gay-sex-law-government-considering-best-way-forward-shanmugam-2535441?cid=internal_sharetool_androidphone_03032022_cna)

<sup>3</sup> As advised by the Minister for Law and the Attorney General following the most recent judgement in the Court of Appeal.

<sup>4</sup> Article 12 of the Constitution governing equality and equal protection of the law could potentially be engaged to pose a potential for a constitutional change.

teachers and workers who uphold the clear teaching of Scripture on this matter should be protected from charges of “hate speech” and the like.

To that end, we urge the Government to (1) limit hate speech laws to incitement to use of force or violence, and (2) defend a robust interpretation of religious freedom under the provision of the Constitution (Article 15(1)). Pastors and counselors offering a distinctively Christian approach in their counseling should also be protected and free to choose from a variety of counseling or therapy strategies, and not be compelled to adopt solely “LGBTQ+-affirming-only” strategies.

Lastly, we are concerned that with the repeal of s377A, there will be an intensification of the celebration of LGBTQ+ culture especially in companies or corporations that support LGBTQ+ activism. Christian individuals in such situations will face an even greater amount of pressure (as compared to the situation where s377A is retained) to support or participate in the LGBTQ+ activism, or risk facing “reverse discrimination.”

Therefore, even as the Government is working toward enshrining in law the Tripartite Guidelines on Fair Employment Practices, we urge the Government to make provisions to allow individuals to report cases of “reverse discrimination” in relation to not supporting LGBTQ+ activism that they might have observed or experienced at the workplace.<sup>5</sup>

7. In conclusion, we recognise that public views on sexuality matters remain contentious and highly sensitive, and they have a potential to divide society. In order that we remain as one people, we call on the church to maintain the social cohesion that we have enjoyed in Singapore throughout the decades, even as our views on this issue may differ.

Most of all, we call on all our pastors, Christian teachers and workers to uphold the clear truth of Scripture on this matter, but yet to articulate and minister this truth with love and compassion, as our Lord himself did. May we, as God’s church, the body of Christ, affirm the dignity of every human person created in his image. May we be that refuge, journeying alongside those who experience same-sex attraction and who desire to live in obedience to God, which includes conforming ourselves to his good word on sexuality.

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<sup>5</sup><https://www.channelnewsasia.com/singapore/standards-fair-employment-practices-become-law-new-guidelines-flexible-work-arrangements-under-white-paper-proposals-2591176>



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2022 年 8 月 21 日

## 新加坡全国教会理事会

### 针对政府废除第 377A 条文决定的回应

我们指的，是关于李显龙总理在 2022 年国庆群众大会上提到的政府将废除第 377A 条文的决定。

1. 对于基督徒来说，我们的公共道德观，尤其是在与性课题相关的事上，乃建基于《圣经》的教导。《圣经》坚持同性的性行为违反了神的命令，并将这种行为视为罪。我们对于婚姻的看法，也是建基于《圣经》的教导，《圣经》明确肯定了由一男一女组成的一夫一妻婚姻关系（创 2:24）。最后，我们对家庭单位的看法源于我们的婚姻观，即我们坚信抚养和培育孩子的最佳环境是由异性父母所组成的家庭。

2. 我们认识到，我们生活在一个由世俗政府治理的社会中，没有国教，也不隶属于任何特定宗教。然而，新加坡是一个多元宗教社会。作为这个世俗国家的基督教公民，我们对公共道德的看法以及与性课题有关的共同利益的概念，将受到上述信仰的影响。

3. 我们接受并且没有要求其他公民赞同我们的公共道德观与对共同利益的概念，但我们认为目前保留第 377A 条文且不主动执行条文的现状，能够在不同群体的对立利益之间取得微妙的平衡，从而维持社会的凝聚力。一方面，保留第 377A 条文可以作为一个壁垒，防止挑战传统婚姻与家庭制度的与性课题相关的另类道德观念的推动。这能缓解社会中宗教人士或较为保守人士的顾虑。另一方面，不执行第 377A 条文也兼顾到那些拥抱同性生活方式的人的关注，并允许他们有“空间……过自己的生活并为社会作出贡献”。<sup>1</sup> 如此看来，我们认为没有必要废除这条法律条文，并相信保留且不执行第 377A 条文还是能够实现促进新加坡成为“一个视相互尊重和容忍不同观点与做法为最重要的包容的社会”的目标。<sup>2</sup>

4. 然而，我们也注意到政府所提出的，在未来的法律诉讼中，在违反宪法中平等保护条款的基础上，第 377A 条文被推翻的风险很大，所以政府必须认真考虑这一点。因此，我们默许政府废除第 377A 条文的决定。

与此同时，我们赞赏政府所做出的保证，即在废除第 377A 条文的同时，政府将维护及保障婚姻制度。关于这点，我们呼吁政府在国家宪法中直接表达对婚姻的定义，并宣布在新加坡只有这样的婚姻才会被承认。我们认为，相对于只加入一条宪法条款，参照引用《妇女宪章》或《解释法》的相关条款，此举将实现更有力的保障，使其免受宪法挑战。无论如何，我们认识到，政府此举是为了取代第 377A 条文的象征角色，作为一种道德指标，表明我们社会的法律、政策、价值观与风俗仍然强烈支持以异性结合的婚姻及由异性父母组成的家庭作为社会的基本单位。

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<sup>1</sup> 引用李总理在 2007 年国会演讲中的说话：“space ... to live their lives and to contribute to society.”

(<https://www.straitstimes.com/politics/full-parliamentary-speech-by-pm-lee-hsien-loong-in-2007-on-section-377a>)

<sup>2</sup> 引用尚穆根部长的话“an inclusive society, where mutual respect and tolerance for different views and practices are paramount.”

([https://www.channelnewsasia.com/singapore/377a-gay-sex-law-government-considering-best-way-forward-shanmugam-2535441?cid=internal\\_sharetool\\_androidphone\\_03032022\\_cna](https://www.channelnewsasia.com/singapore/377a-gay-sex-law-government-considering-best-way-forward-shanmugam-2535441?cid=internal_sharetool_androidphone_03032022_cna))

按照这种对婚姻和家庭单位的社会概念，我们也希望，即便第 377A 条文被废除，接下来政府机构和法定委员会的政策或内容并不会有任何进一步的开放（如李总理提到的公共住屋、教育、领养条例、广告标准、电影分级等）。

5. 尽管我们同意政府的举措是为了维护当前婚姻的法律地位并防止此地位在法庭上受到挑战，令我们关注的是，废除第 377A 条文将开始并加剧同居伴侣关系的安排或使民事结合在新加坡合法化的争论与主张，所根据的就是同样的确保公民不论其性取向的宪法权利。<sup>3</sup> 故此，我们请求政府进一步澄清这件事。

6. 随着第 377A 条文的废除，我们寻求政府的保证，当我们继续教导反对同性性行为，并强调这种性行为与其他性行为，如通奸、苟合或婚前性行为，都是违背《圣经》明确教导的罪行时，教会的宗教自由将得到保护。在这个课题上坚持《圣经》明确教导的牧师、基督教教师与工作者们都应该受到保护，免受“仇恨言论”等的指控。

为此，我们敦促政府（1）将仇恨言论法限制在煽动使用武力或暴力的范围内，以及（2）捍卫国家宪法条款（第 15 条第 1 款）对宗教自由的整全解释。所有在个人辅导中提出基督教立场的牧师和辅导员也应受到保护，让他们可以自由选择各种咨询或治疗策略，而不是被强迫采用“唯肯定 LGBTQ+”的策略。

最后，我们关注的是，随着第 377A 条文的废除，对 LGBTQ+ 文化的推崇会加剧，特别是支持 LGBTQ+ 活动的公司或企业。在这种情况下下的个别基督徒很可能面临更大的压力（相比起保留第 377A 条文的情况），得支持或参与 LGBTQ+ 活动，否则就要面临“反向歧视”的风险。

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<sup>3</sup> 这是因为《宪法》第 12 条款关于人人平等和法律平等有可能将来被使用来修宪。

因此，既然政府目前正在致力于将公平就业的劳资政三方指导原则纳入法律的规定，我们敦促政府也规定允许个别员工报告他们在工作场所观察到或经历到的与不支持 LGBTQ+活动有关的“反向歧视”案件。<sup>4</sup>

7. 总而言之，我们了解性课题对公众仍然极具争议性和高度敏感性，这些课题有可能导致社会分裂。为了维持国家的团结，我们呼吁所有教会，即使我们对这个课题的看法有所不同，都要致力维护几十年来在新加坡所享有的社会凝聚力。

最重要的是，我们呼吁所有的牧师、基督教教师与工作者们在这个课题上坚持《圣经》中明确的真理，同时要像我们的主自己那样，以爱和怜悯的心来阐述并传扬这个真理。愿我们作为神的教会，基督的身体，肯定每一个按照他的形象而造的人的尊严。也愿我们与那些正在经历同性相吸并渴望顺服神——包括遵照神关乎性的教导——而活的人并肩同行，成为他们的庇护。

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<sup>4</sup> <https://www.channelnewsasia.com/singapore/standards-fair-employment-practices-become-law-new-guidelines-flexible-work-arrangements-under-white-paper-proposals-2591176>