

SAME SEX MARRIAGE

The view of Steve Baker MP

On 20 March 2012, I set out my view on gay marriage on [ConservativeHome](#) as follows:

It's been said that marriage is a social institution and that society is entitled to change it. I agree and, for my part, I do not have any difficulty with same-sex couples establishing themselves in permanent, loving relationships known as "marriage".

However, it is a mistake to believe that the Government, the state or Parliament is the embodiment of society. Such nonsense deserves to be abandoned in the graveyard of the statist Left. They may have believed Hegel's "The state is the actuality of the ethical idea", but who with any experience of its failures can think so today?

And so we find ourselves in the throes of yet another pressure cooker: whether the law should be changed to recognise gay marriage. The secular liberal elite seems to understand neither a profound respect for the stability of fundamental institutions nor the notion that marriage is bound up with faith in God.

My postbag overwhelmingly reflects the views of a population which accepts civil partnerships but which resents the use of the law to redefine an institution which they hold dear. Whether objections are traditional or faith-based, few believe churches will long be allowed to choose not to conduct gay weddings.

It is tragic that this drive for equality before the law should so neglect the prime purpose of the law: to protect liberty. Far too often, gay people and Christians suffer mutual feelings of persecution. No one should suffer persecution or fear of persecution. People should be free to live as they see fit, provided they do not impinge on others. That includes not just the right to enter into loving relationships with whomsoever people choose, but also rights to freedom of conscience and religion.

The political class has apparently forgotten that toleration is not obedience to the ideas of an elite. It is the belief that one should not interfere with behaviour of which one disapproves. Toleration combines often profound disapproval with a refusal to impose a particular view. Toleration implies neither approval nor indifference nor relativism.

We all want to be accepted as we are so, for many, toleration is not enough. However, the law cannot put love in people's hearts. Nor, for those of faith, can statute invalidate scripture. We must face up to the truth that to impose by force of law a particular view of what behaviour between consenting adults is acceptable is not tolerant but intolerant and illiberal.

A truly tolerant and diverse approach to marriage today would place it outside legislation. It is time to denationalise marriage, for love is no business of the law. Indeed, for Christians, surely love supercedes the law? By all means, let civil partnership represent the bundle of legal and contractual relations to which Andrew Lilico [referred](#) but, at this the end of the great era of statism, why not return marriage to society by making the law silent on the matter?

Let us have civil partnerships in statute but leave civil society free to build definitions of marriage in the private sphere on top of civil partnership. Instead of the state directing the unwilling what to think about so delicate an issue, the Roman Catholic Church, the Church of England, Unitarians, Quakers and secularists could each go their own way, equal before the law and free to make the case for their own vision for the vital institution of marriage.