The debate over the accommodation of religion in modern states, and especially in the realm of marriage law, has intensified in recent decades, with the formulation of various practical and theoretical models. In my essay I will offer a liberal analysis of the issue, and illustrate the challenge that it poses for contemporary liberals. At the center of our discussion will be three perspectives through which liberals think about this issue: the individual, the multicultural-communal, and as a struggle over the public voice in the political arena.

The individual perspective views the legal regulation of marriage and divorce as a civil, secular matter, and religion as the personal affair of believers. In many Western countries, such a viewpoint has led to legal disregard for the religious aspect of marriage even when this is important for the couple themselves. In recent decades, in contrast, this perspective internalizes how significant the religious aspects of marriage and divorce are within the personal experience of a portion of the populace. It further realizes that ignoring the religious significance of these institutions may cause injustice and personal distress. This perspective accordingly seeks to examine how a liberal world can offer a solution for the religious individuals who regards religious marriage and divorce as their only available option. To this end, I will analyze the liberal rationales behind marriage and divorce rights, and explore their relevance and the proper application of this approach in the setting of religious marriage and divorce. Get (religious writ of divorce) laws in New York and elsewhere might demonstrate the practical implications of this approach. These laws refer to instances of a couple who were wed in both a religious and a civil ceremony, but at a certain stage of the divorce proceedings, a civil divorce suffices for one of the spouses, who refuses to cooperate with the religious divorce procedure. Under such circumstances, the spouse (often the wife) is still deemed married according to the religious law. Hence, in her consciousness, she is denied the possibility of remarriage. Thus, these laws try to provide civil tools that might motivate the refusing spouse to cooperate with the religious divorce and "free" the other spouse. Such laws are an example of a legal approach that attempts to preserve the public expanse of marriage as a civil realm, but nevertheless wishes to provide a solution to the personal distress and difficulties to which believers are liable to be subject.

The multicultural outlook goes one step further than the individual perspective. It is cognizant that religious marriage and divorce are significant, not only for individuals, they also hold meaning for many communities, some of which are minorities in the countries in which they reside. Accordingly, this stance embraces an approach in which, alongside the political regulation of marriage and divorce law, the state will also recognize a certain type of autonomy in this realm for the religious communities within it. In some instances, this autonomy will be implemented by individual means, such as recognition of a Jewish ketubah (marriage contract) or of a Muslim marriage document as a contract or mediation agreement. Some other legal systems are willing to go further and even provide governmental support to a communal judicial system for a minority group. Obviously, such a perspective will have to face the criticisms commonly leveled at multicultural thought, prominent among which are the need to defend minorities within minorities, and especially women, the need to ensure conscious consent to join the community, and ensuring a substantial option to leave the group (frequently referred to as "the right to exit").
While the second perspective focuses on the community, the third concentrates on the public domain of the state. While the third perspective is less known in the Western world and in liberal thought, that focuses on the standing of religious marriage and divorce in the public expanse, it is this perspective that guides legal regulation in some countries in the Middle East. I believe that there is room for its application and for the development of the analytical and public discussion of this viewpoint. This perspective is driven by modern sociological and behavioral analyses of law. These analyses teach of the impact of civil legal regulation, not only on behavioral incentives, but also on the formulation of citizens' deep value-based conceptions. This perspective posits that in many cases religious marriage and divorce present a set of values different from, and in most instances competing with, those posed by civil marriage law. In light of these competing values, the religious demand is not limited to resolving the personal problem of the believer or even the minority community's need for the inner regulation of its affairs, it rather wants its voice and values to be present in the public realm. Given that the values inherent in religious marriage compete with liberal values, and at times undermine them, this perspective poses a considerable challenge for contemporary liberals: how can liberals and those not share their common public space? This viewpoint compels the modern liberal, as well as religious scholars and leaders, to not only consider the needs of individuals or minority communities. They must also widen their search to include political compromise and the development of a philosophical theory regarding the proper criteria for forging such compromises and the praxis that will enable their realization.