

## **Marriage Regulation and Religious Liberty: A Comparative Analysis**

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The purpose of this paper will be to assess how the regulation of marriage impacts upon religious liberty. The method will involve an evaluation of selected, representative nations concerning selected marriage regulation and religious liberty issues.

The conflict involved is one of competing jurisdictions, and “conflict of laws.” The regulation of marriage has historically been a matter of great concern to most world religions (because marriage embodies, symbolizes, and influences the moral life and faith of individuals and families so profoundly), while in recent centuries it also has become a matter of grave concern to the political state (because marriage formation and failure have undeniably profound and financially significant public and social consequences). Thus, marriage is one area that remains subject to both legal and religious regulation. When the two “sovereigns” seeking to regulate marriage have divergent policies, some conflicts are inevitable; when the policies of incompatible, serious conflict is certain, and sometimes religious liberty is impaired.

When there is significant religious homogeneity in a nation, and when liberal democratic principles prevail, it is assumed that the laws will reflect the values of the people governed by the laws, and there will be few conflicts between marriage law and religious law. But even in religiously homogeneous nations, occasions for conflict between marriage laws and religious laws can arise involving adherents of minority religions, secularists, converts, and believers in alternative forms or branches of the dominant religious tradition. In nations with vibrant religious diversity, such conflicts between law and religion are even more pronounced.

One issue that will be considered is whether legalization of same-sex marriage has created significant religious liberty issues in those jurisdictions where same-sex marriage has been legalized. If so, the paper will also consider what those issues are, and how they have been resolved. Similar conflicts involving religious liberty and marriage law may be examined with regard to other issues such as polygamy and certain marriage celebration issues, as well.

Finally, the implications of the comparative marriage law analysis for generally approaching conflicts between the legal regulation of marriage and religious liberty will be considered. Some general reflections will be suggested regarding the resolution of tensions between legal regulation of marriage and religious liberty.