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Religious Liberty Beyond the Preference Model: Sandel's Perspective

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Abstract

Michael Sandel argues that religious liberty is inadequately justified when religious commitments are assimilated to mere preferences chosen by an autonomous individual. Such an account obscures the predicament of persons who experience religious observance as an obligation constitutive of their identity. This article reconstructs Sandel's argument through his critique of the unencumbered self and his interpretation of American religious liberty controversies. It distinguishes a phenomenological claim about conscience, a normative claim about the gravity of interference, and a substantive claim about the goods that justify religious protection. Although the first two claims expose weaknesses in voluntarist reasoning, the third risks making minority freedom dependent on prevailing assessments of religious worth. A comparison with Rawls demonstrates that liberal equality can acknowledge binding commitments without endorsing their theological foundations. The article develops a qualified Sandelian position that combines attention to lived obligation with equal standing, protection for dissent, and scrutiny of burdens imposed on others. Religious liberty consequently requires neither the reduction of faith to preference nor the authorisation of public officials to rank religions by their civic usefulness.

Keywords: religious liberty; Michael Sandel; conscience; preference; political liberalism; religious accommodation

Introduction

Religious liberty becomes conceptually unstable when the reasons for protecting it are detached from the experiences that make its loss consequential. A person prohibited from observing a sacred day may see the prohibition as requiring a violation of religious duty. An institution may describe the same dispute as a request for preferential scheduling. The disagreement concerns more than the intensity of an individual's desire. It concerns the description of the activity, the authority attributed to conscience, and the meaning of equal

treatment. Michael Sandel's contribution is to show how a philosophical account of persons can shape these descriptions before the competing claims are explicitly assessed.

Sandel says that a liberal justification of religious liberty begins with the individual's capacity to choose a conception of the good. Religion receives protection as one possible exercise of that capacity, irrespective of the religion itself. The argument appears inclusive because it avoids deciding which faith is true. But there is a difficulty in that believers do not always understand religious commitments as options they can freely choose. They may experience themselves as answering demands whose authority precedes their consent. When public reasoning recognises only chosen ends, the language through which they understand their predicament becomes difficult to articulate. Sandel develops this objection most directly in his discussion of religious liberty in *Democracy's Discontent* (1996, 65–71).

The expression "preference model" will designate the reduction of religious commitments to wants whose political significance derives exclusively from their being held or selected by individuals. It does not designate every liberal account of rights, nor does it imply that preference necessarily means superficial taste. Some preferences are enduring, reflective, and costly. The relevant objection concerns the explanation of their authority: does a commitment matter only because someone prefers it, or can the person understand it as a standard by which preferences themselves should be judged? This distinction prevents the argument from depending on an artificially weak picture of liberalism.

This article defends Sandel's criticism of reductive voluntarism while questioning his proposed substantive justification for religious protection. The argument proceeds through three distinguishable claims: religious obligation can constitute identity; violating it can inflict a distinctive injury; and religious practices merit special protection because of the moral or civic goods they sustain. The third claim does not follow automatically from the first two. Accordingly, the article proposes a reconstruction rather than a comprehensive endorsement of Sandel. Its central contention is that religious liberty should recognise conscientiously binding commitments while withholding from political authorities a general power to certify religious worth. Historical American cases serve as tests of the argument, rather than as a survey of contemporary constitutional doctrine.

The Preference Model and the Priority of the Self

Sandel's criticism of religious voluntarism grows out of his examination of the priority of the right over the good. In *Liberalism and the Limits of Justice*, he questions whether principles of justice can be justified through a conception of persons whose identity is specified independently of their particular ends. His target is not the empirical claim that people exist before they acquire beliefs. It is the justificatory claim that the self's capacity to choose its ends provides the appropriate basis for political morality, while the ends themselves remain secondary. His argument is that some ends are so essential that they become constitutive of the identity of the self and therefore essential for executing moral choice (Sandel 1998, 150–64, 179–83).

Such a constitutive attachment differs from a mere instrument for satisfying an antecedently specified desire. Membership in a religious community may supply the language through which someone distinguishes a temptation from an obligation or

understands the significance of suffering. The commitment itself shapes how they think; it is not just one option among many. Its alteration may therefore involve a transformation of identity. This does not make change impossible. It means that the change cannot always be adequately represented as a stable consumer replacing one item with another. The person making the decision may be changed by the process through which the decision becomes intelligible.

The distinction matters because political descriptions distribute the burden of justification. If religious observance is classified as an optional satisfaction, a generally applicable requirement can appear to inconvenience believers in the same way that it frustrates numerous personal projects. If observance is understood as a binding obligation, the state confronts a different question: whether its purpose warrants requiring a citizen to act against conscience. Recognition of that question does not establish that an exemption must follow. It establishes why the conflict deserves an explanation more demanding than the observation that everyone sometimes fails to obtain what they want.

Sandel's objection also identifies a limitation in treating choice as the sole source of respect. A conviction acquired through conversion is not necessarily more worthy of protection than one inherited through upbringing. Nor is an inherited conviction automatically more authoritative than a recently adopted one. The manner of acquisition cannot by itself determine the significance of a commitment. Sandel expressly allows that religious beliefs may arise through choice, persuasion, habituation, or revelation. His point is that the grounds of respect cannot be reduced to the fact of voluntary selection (Sandel 2005, 255–56). The critique therefore challenges a justificatory monopoly for choice rather than denying the importance of religious freedom to choose.

Nevertheless, the opposition between preference and duty requires care. A person can prefer to discharge a duty, and an account of preference broad enough to include evaluative commitments can describe that preference without denying its seriousness. Sandel's argument succeeds only when directed against the view that wanting an outcome is equivalent to having a reason to act. Calling every motive a preference does not establish their normative equivalence. Conversely, identifying a motivation as duty does not establish its validity. The issue is whether political reasoning retains the distinctions necessary to evaluate claims, not whether it uses a particular psychological vocabulary.

This qualification also clarifies the relationship between autonomy and obligation. Citizens may freely endorse commitments that they subsequently regard as binding; they may also resist inherited commitments in the name of conscience. Freedom can protect the conditions under which such judgments develop without assuming that every authoritative reason is created by a decision. Sandel is strongest when he demonstrates that autonomy cannot exhaust the meaning of religious life. He is less persuasive if his criticism implies that respect for autonomy necessarily prevents recognition of obligation. The philosophical task is to distinguish an enabling freedom to respond to reasons from the stronger claim that reasons acquire authority only through choice.

Joshua Mitchell's criticism of the social scientific vocabulary of religion extends the problem beyond the contrast between choice and obligation. He questions whether "value" and "identity" themselves adequately comprehend religious experience (Mitchell 2007). This

objection matters for a Sandelian reconstruction because constitutive identity can become another explanatory framework imposed upon believers. A religious practitioner may understand worship as a response to divine reality, rather than as an activity valuable because it constitutes the self. The argument here does not require translating that understanding into an exclusively secular account of personal coherence. Identity helps describe one dimension of the injury caused by interference; it does not purport to exhaust the meaning of faith. A political institution can recognise that limitation without affirming the theological claim. Its task is to understand what compliance demands of the citizen, while allowing the citizen's explanation to retain meanings that exceed the institution's own justification. Interpretation becomes reductive when its vocabulary claims to replace what it initially sought to understand.

Conscience and the Experience of Obligation

Sandel's contrast between conscience and choice is not simply a distinction between stronger and weaker wants. Conscience presents an action as required or prohibited, even when compliance conflicts with convenience, advantage, or desire. The conscientious person may wish that the obligation were less demanding. Religious observance can involve sacrifice not just the pursuit of a preferred benefit. This structure explains why offering compensation may fail to resolve a conflict. A payment can offset a financial loss; it cannot necessarily make an act understood as betrayal acceptable. The injury lies in the conflict between the person's action and her acknowledged sources of authority.

In his reading of Madison and Jefferson, Sandel emphasises that freedom of conscience was historically defended through the limits of coercion and the authority of religious duty. Belief could not simply be commanded into existence by political power. More fundamentally, a person's obligation toward the divine was understood as antecedent to the demands of civil society. Sandel uses this history to challenge the assumption that religious liberty originated as an application of autonomous self-creation (1996, 65–66). The history establishes the availability of a different justificatory language. It does not mean that the founders 'theological premises should determine the terms of religious liberty under contemporary pluralism.

Three claims must therefore remain separate. First, some believers experience their commitments as binding independently of choice. Second, compelling their violation can constitute a serious injury. Third, their practices deserve protection because they promote morally valuable lives or civic virtues. The first proposition supports taking a claimant's description seriously. The second requires an account of integrity and coercion. The third requires an additional evaluation of the practices themselves. Sandel moves among these propositions, but an adequate assessment must identify what each contributes and what remains unproved.

The distinction becomes visible in cases of morally objectionable beliefs. A racist commitment can organise identity and be experienced as obligatory. Its depth does not justify discriminatory conduct. Sandel acknowledges this problem when he observes that situated identities can embody prejudice as well as solidarity (2005, 256–57). An account based exclusively on subjective necessity would offer no satisfactory way to distinguish a

claim to wear a religious dress from a claim to deny another person equal treatment. Yet this difficulty does not make the claimant's experience irrelevant. It means that recognition of an injury and justification of an exemption are different stages of judgment.

Conscience should not be treated as a test of whether someone is psychologically unable to disobey. A believer should not need to prove that disobedience is literally impossible or that the practice is beyond reflective reconsideration. Such requirements would privilege rigid, anxious, or authoritarian forms of commitment. Many traditions allow interpretive flexibility while maintaining demanding obligations. Others understand worship as gratitude, aspiration, communal participation, or a freely offered response rather than obedience to a determinate command. A defensible account must acknowledge these forms without reducing them to either compulsive duty or mere consumer preference. Sandel's emphasis on constitutive ends provides resources for this wider understanding, even where his examples foreground imperative obligations.

Institutional authorities should not have the final say on what count as authentic religion. A person's beliefs may differ from official teachings while retaining religious significance. Disagreements within a tradition are often disagreements about fidelity rather than evidence that an individual has abandoned faith. Taking conscience seriously requires listening to the claimant's account without assuming that sincerity entails doctrinal conformity. This places an epistemic obligation on public institutions: they must learn enough to understand the burden while recognising the limits of their competence. The appropriate response is interpretive attentiveness, not a comprehensive political judgment about the truth of the claimant's religion.

Religious Accommodation and the Meaning of Equal Treatment

Sandel's discussion of American religious liberty cases shows what is at stake when we describe religious practice in different ways.

makes the consequences of competing descriptions concrete. In *Goldman v. Weinberger*, the Supreme Court upheld the application of an Air Force uniform regulation that prevented an Orthodox Jewish officer from wearing a yarmulke while on duty. The majority emphasised deference to military judgment and the importance of uniformity. Sandel argues that describing the yarmulke as a personal preference obscured the religious duty involved (1996, 69). His objection is not that military discipline has no weight. It is that a general invocation of discipline can prematurely close inquiry into the actual consequences of accommodating a particular practice.

The example reveals the difference between identical rules and equal consideration. A dress requirement can apply to everyone while imposing an additional burden on those whose faith requires a visible form of observance. An exemption may therefore fix that imbalance rather than create a privilege. This does not mean that every departure from a uniform rule is justified. It means that justification must depend on the rule's purpose and whether an exception would undermine it. Where a small accommodation would leave the institutional objective substantially intact, refusal cannot be defended solely by pointing to the existence of the rule. Uniformity needs an explanation grounded in its function.

The Sabbath controversy in *Estate of Thornton v. Caldor* poses a more difficult problem for Sandel. He criticises reasoning that represents Sabbath observance as an advantageous opportunity to select a weekly day off. For someone who observes the Sabbath, the day is prescribed by religious practice; the request concerns the possibility of performing an obligation. This is an important correction to the idea that the person is simply choosing a benefit. Nevertheless, the Court's objection also concerned the statute's absolute character: the entitlement operated without sufficient regard for burdens on employers and other employees (1996, 67). Identifying the benefit accurately does not answer that objection.

Colleagues may have obligations of care, medical needs, or conscientious commitments that conflict with a scheduling exemption. Their claims cannot be dismissed merely because they lack a recognised religious form. A Sandelian description of the Sabbath observer's predicament should therefore initiate comparative assessment rather than terminate it. The relevant institutional question is whether arrangements can protect observance while distributing unavoidable costs fairly. Adjusted shifts, reciprocal substitutions, or a redesigned schedule may reconcile competing obligations. Where reconciliation fails, the decision must identify the burden imposed on each affected person. One claimant's invocation of conscience does not make other claim irrelevant.

Wisconsin v. Yoder extends the issue from individual accommodation to the reproduction of a communal way of life. The Court recognised the religious significance of Amish objections to compulsory schooling beyond the eighth grade. Sandel treats the case as an instance in which religious practice was understood within the life that sustains it. This contextual approach avoids treating faith as a private belief detachable from everyday life. It also creates a problem: the community's continuity may conflict with the developing commitments of its children. Justice Douglas's partial dissent questioned the assumption that parents 'religious interests adequately represented those of every affected child (1996, 68–69).

The lesson is that recognising a community's constitutive importance cannot authorise treating it as a single person. The same education that appears threatening to communal survival may enable an individual member to interpret, revise, or leave an inherited role. Conversely, protecting children should not become a pretext for treating minority socialisation as inherently suspect. Every society educates through substantive judgments about valuable lives. The important question is which educational conditions secure children's standing as future participants without unnecessarily destroying the communities through which they acquire identity. Sandel's framework helps show what is at stake but supplies no automatic resolution of the conflict.

Finally, Sandel uses *Employment Division v. Smith* as evidence of the costs of refusing special justification for ostensibly neutral laws that burden religious practice. His discussion of sacramental peyote contrasts a religious obligation with recreational use and challenges the reduction of both to personal preferences (1996, 69–71). The broader lesson is that a law can be neutral in its wording but still place a heavier burden on some people. It does not follow that every religious exception is warranted or that all regulation conceals hostility. What follows is a requirement to examine consequences and alternatives. Together, these

cases support decisions that take each situation seriously without turning conscience into an unlimited right

Rawls and the Limits of Sandel's Critique

Sandel's critique gains clarity when distinguished from the claim that liberalism necessarily treats religion as a negotiable preference. Rawls's argument for liberty of conscience in *A Theory of Justice* expressly considers persons who understand themselves as having binding religious and moral obligations. Behind the veil of ignorance, parties do not know their convictions or whether those convictions will belong to a majority. They nevertheless know that protecting the ability to honour such obligations may be indispensable. Rawls accordingly rejects making religious freedom dependent on an aggregate calculation of advantages (1999, 180–83). This is substantially different from imagining religion as an ordinary consumer satisfaction.

Rawls also argues that greater economic and social benefits do not justify accepting diminished equal liberty of conscience. The seriousness of obligation helps explain the priority assigned to liberty. His account thus possesses resources for recognising precisely the predicament Sandel emphasises. A believer need not regard duties as contingent pleasures to endorse principles protecting their exercise. The agreement is political: citizens can support a common framework while explaining the authority of conscience through different religious or philosophical commitments. Sandel can dispute whether this framework is ultimately coherent, but he cannot establish its inadequacy simply by asserting that liberalism is unable to recognise binding duties.

The distinction becomes more explicit in *Political Liberalism*. Rawls separates citizens' public identity, which survives conversion without a loss of basic standing, from their moral identity, which can be profoundly transformed by changing commitments (1993, 30–31). Political independence from a particular religion therefore need not mean psychological or ethical independence from all constitutive attachments. Its immediate purpose is to prevent citizenship from depending on continued adherence. A person who abandons an inherited faith remains entitled to equal rights. This distinction answers the strongest version of the accusation that Rawls requires actual persons to experience their deepest commitments as disposable.

Sandel nevertheless identifies a remaining pressure within political abstraction. Institutions applying general principles must decide what counts as a burden, an interest, or a relevant difference. Those decisions can reproduce a voluntarist picture even when the philosophical justification of equal liberty does not require it. The problem is therefore partly translational: can a political conception acknowledge the full significance of obligations whose authority it does not affirm? Rawls's separation of political standing from comprehensive beliefs supplies an answer at the level of justification. Sandel demands greater attention to the ways that answer is interpreted through institutional categories and public language.

This reformulation changes the debate. Liberal equality and Sandelian interpretation need not be comprehensive rivals. Equality explains why freedom should not depend on majority approval; contextual interpretation explains why formally equal arrangements may

burden citizens differently. Neither contribution replaces the other. Interpretation without equality risks favouritism toward familiar communities. Equality without adequate interpretation risks applying general categories that conceal unequal burdens. Their combination does not dissolve every dispute, but it locates disagreement more accurately: in the justification of particular restrictions and accommodations, rather than in a forced choice between socially unencumbered individuals and politically sovereign religious communities.

The distinction between understanding a belief and justifying a rule also matters in public debate. Hugh Baxter challenges Sandel's characterisation of Rawls and asks whether public officials have responsibilities different from those of private citizens (Baxter 2011). The question identifies an institutional distinction that an appeal to morally engaged debate can otherwise obscure. Citizens should be able to explain their political concerns through religious reasons, including reasons others do not accept. Officials deciding whether to impose a burden must additionally justify the exercise of authority to those affected. These requirements concern different activities. Understanding a religious reason does not oblige the state to enforce its authority over another person. Equally, requiring an accountable justification for coercion does not warrant excluding religious testimony from the discussion that informs judgment. On this interpretation, Sandel's demand for engagement strengthens deliberation when it enlarges the evidence and perspectives considered. It becomes problematic if engagement is taken to authorise coercion solely through the substantive doctrine that motivates its proponents.

The Problem of Religious Worth

Sandel's distinctive positive argument goes beyond recognising the seriousness of conscience. In *Public Philosophy*, he maintains that the moral case for special religious protection cannot be wholly detached from judgments about the goods religion promotes. Religion warrants respect through its place in good lives or its contribution to civic character (2005, 255–57). This argument challenges the aspiration to justify every right while remaining indifferent to the practices protected. It also explains why subjective commitment alone is insufficient: the depth of a belief does not establish that its exercise is admirable. However, the proposed solution creates an institutional difficulty as substantial as the one it addresses.

There is a difference between explaining historically why societies value religious liberty and establishing the grounds on which a particular citizen may claim it. Religious associations may foster solidarity, generosity, and public responsibility. These contributions can help explain support for a culture of religious freedom. Yet a claimant's entitlement becomes insecure if protection requires demonstrating those contributions in each case. A small, unfamiliar, or socially withdrawn community may not display the virtues public officials expect. Its members may understand religious fidelity as resistance to prevailing civic ideals. A right designed to protect minorities is compromised if it depends on their success in satisfying dominant expectations of usefulness.

The difficulty cannot be resolved by assessing religion only in general. A generalised favourable judgment about religion can still privilege recognisable forms of worship or organisation. Traditions with clergy, congregations, scriptures, and explicit rules may be easier to classify than dispersed ritual practices or heterogeneous spiritual commitments. The

same judgment can marginalise nonreligious conscience. If the state honours religious obligation because of the goods attributed to religion as a class, a secular claimant with a structurally comparable commitment must explain why an equivalent injury receives lesser consideration. Sandel's appeal to substantive goods sharpens the need for justification; it does not itself provide a non-arbitrary boundary around religion.

There is also a tension between civic justification and the protection of dissent. A religious movement may challenge militarism, economic hierarchy, or the legitimacy of existing institutions. Its contribution to public life may consist precisely in refusing the dispositions ordinarily associated with compliant citizenship. If religious freedom depends on producing civic virtue, the content of virtue becomes decisive. A demanding republican account may welcome critical participation, but it cannot assume that institutions will interpret dissent generously. Protecting religion for its public benefits must therefore be distinguished from requiring religious people to demonstrate political usefulness as a condition of freedom.

Charles Taylor's account of recognition clarifies the epistemic problem. If identity develops dialogically, misrecognition can shape the conditions under which people understand and present themselves (Taylor 1994, 32–34). Public institutions do not encounter fully articulated identities outside relations of power. They help determine which descriptions become credible. A policy that rewards familiar signs of piety may encourage claimants to present their traditions in administratively legible but distorting terms. The appropriate lesson is not that every self-description must be accepted without question. It is that institutional confidence about religious worth should be limited by awareness of the categories through which worth is being recognised.

Sandel is therefore correct that religious liberty cannot operate without evaluative judgment, but the relevant judgments need not rank the ultimate excellence of religious lives. Institutions can assess the seriousness of interference, the importance of competing purposes, the distribution of costs, and the feasibility of alternatives. These are substantive judgments about political relationships. They leave room for disagreement over the truth or salvific value of religion. The alternative to moral abstention is not necessarily state assessment of religious merit. It can be a publicly accountable evaluation of coercion among persons whose ultimate commitments remain disputed.

Toward a Qualified Sandelian Account

A defensible reconstruction begins by treating a claimant's account of religious significance as presumptively informative. This is an epistemic presumption, not an automatic exemption. Institutions should ask what the practice means, how the requirement interferes with it, and whether the claimant can comply without violating or seriously compromising the commitment. They should avoid substituting their own impression of what a reasonable believer ought to find obligatory. At the same time, ordinary questions about sincerity and the actual operation of a practice remain possible. Respect requires neither unquestioning acceptance nor suspicion as a default posture.

The second requirement is to separate the recognition of burden from the assessment of justification. A restriction may inflict a grave conscientious injury and nevertheless be justified

by sufficiently serious obligations toward others. This separation prevents two recurrent errors: denying the injury because an exemption would be inconvenient, and treating the existence of injury as conclusive. Public reasoning should state both sides explicitly. A decision restricting a practice should acknowledge what is being required of the claimant and explain why less restrictive arrangements are inadequate. Such candour is preferable to redescribing a painful conflict as the neutral application of an impersonal rule.

Third, the assessment must include all persons whose standing is affected. Religious organisations can sustain indispensable goods while exercising authority unevenly over members. Women, children, converts, dissenters, and those contemplating departure may experience communal demands differently. Their claims should not be inferred from the account offered by leadership. Nor should outsiders presume that membership itself demonstrates oppression. The necessary inquiry concerns the distribution of authority and the availability of meaningful voice. A community's freedom to reproduce its practices must be considered alongside members 'freedom to dispute their interpretation and their protection against coercive penalties for dissent or departure.

Fourth, comparable nonreligious commitments require serious consideration. Sandel's critique identifies the inadequacy of flattening conscience into preference; its logic does not demonstrate that only religious conscience can possess binding authority. A secular moral commitment may similarly structure identity and make compliance with a requirement profoundly difficult. Equality does not entail that every wish receives identical accommodation. It requires institutions to justify relevant distinctions without relying exclusively on a religious label. The historical recognition of religion can retain institutional significance while the underlying account of injury remains open to analogous claims. This avoids making religious privilege the unintended outcome of criticising religious reductionism.

Finally, accommodation should be understood as an institutional practice of sharing social space. The practical question is often how work, education, and public services can be organised so that participation does not unnecessarily require abandonment of a constitutive commitment. This approach moves beyond an image of exemption as a favour dispensed to exceptional individuals. It also directs attention to material conditions. A nominal permission to observe a religious duty may offer little protection to someone who cannot afford lost wages or obtain alternative access to essential services. Religious liberty concerns the terms of participation as well as the formal absence of prohibition.

This reconstruction remains Sandelian in its refusal to detach freedom from the goods and attachments through which people understand their lives. It departs from Sandel wherever admiration for religion becomes a proposed criterion of entitlement. Its guiding principle is equality: citizens may pursue and sustain their commitments without acquiring authority to subordinate others. Its interpretive method is contextual because the significance of a burden cannot be settled independently of practice. Institutions must also be cautious because understanding a religious claim does not confer competence to judge its ultimate truth. These commitments produce demanding judgment without promising a universal formula for accommodation.

Preserving a distinct legal category for religion need not rest on an assertion that all religions possess a common essence or superior moral value. A political community may inherit institutions specifically addressing religious persecution, establishment, and collective worship. Those institutions can respond to recognisable histories of vulnerability while remaining open to criticism about exclusions. Their justification would then concern the injuries they prevent and the relationships they regulate, rather than a ranking of ultimate commitments. This does not settle the scope of every exemption. It explains why extending serious consideration to secular conscience need not require dissolving every protection historically formulated in religious terms. The category remains defensible insofar as it serves equal freedom and can be revised when it obscures comparable injuries. This historical and institutional defence differs from Sandel's appeal to the admirable character of religious life: it protects the conditions under which religious disagreement can persist without making protection conditional on agreement about the good. Its success must be judged through the treatment of marginal cases rather than familiar examples.

Conclusion

Sandel's important contribution to the theory of religious liberty is his identification of a distortion in the representation of religious agency. A freedom justified solely through the capacity to select ends can fail to recognise persons who understand themselves as claimed by obligations. His analysis shows why the choice between compliance and penalty may constitute an assault on integrity rather than a frustrated preference. It also reveals how identical rules can distribute the burdens of citizenship unequally. These insights warrant sustained attention even when the relationship between liberal principles and particular judicial decisions is less direct than Sandel suggests.

The stronger claim that religious protection depends on religion's moral or civic worth is less secure. It risks placing freedom under the authority of those least equipped to appreciate unfamiliar commitments. Rawls's account demonstrates that equal liberty can acknowledge binding obligations while refusing to make citizenship contingent on religious approval. A qualified Sandelian approach can preserve this protection while insisting on careful interpretation of lived practice. Religious liberty beyond the preference model is therefore best understood as freedom for conscientious participation under conditions of equality. It requires attending to the obligations through which persons live, examining the costs of accommodation, and protecting the capacity to question the communities that help constitute them.

References

1. Baxter, Hugh. 2011. "Sandel on Religion in the Public Square." *Boston University Law Review* 91 (4): 1339–45. https://scholarship.law.bu.edu/faculty_scholarship/428/.
2. Mitchell, Joshua. 2007. "Religion Is Not a Preference." *The Journal of Politics* 69 (2): 351–62. https://doi.org/10.1111/j.1468-2508.2007.00536.x.
3. Rawls, John. 1993. *Political Liberalism*. Columbia University Press.

4. Rawls, John. 1999. *A Theory of Justice*. Rev. ed. Belknap Press of Harvard University Press.
5. Sandel, Michael J. 1996. *Democracy's Discontent: America in Search of a Public Philosophy*. Belknap Press of Harvard University Press.
6. Sandel, Michael J. 1998. *Liberalism and the Limits of Justice*. 2nd ed. Cambridge University Press.
7. Sandel, Michael J. 2005. *Public Philosophy: Essays on Morality in Politics*. Harvard University Press.
8. Taylor, Charles. 1994. "The Politics of Recognition." In *Multiculturalism: Examining the Politics of Recognition*, edited by Amy Gutmann, 25–73. Princeton University Press.