My paper aims to defend a novel approach to the representation of liberal rights in the language of social choice theory, and to offer a new framework in which we can sensibly ask how liberal and welfarist concerns interact with one another to determine social decisions.

One of the core commitments of liberalism is to the protection of individuals against intolerable intrusions upon their liberty. It enshrines these protections through rights, which safeguard us from coercion, and constrain what inroads into our liberty may be sanctioned by the pursuit of social advantage. This core commitment puts liberalism in deep tension with welfarism, or the view that outcomes, policies, or collective decisions of any kind can only be better or worse to the extent that they make people better or worse off. This tension is demonstrated vividly in Sen's (1970) celebrated "Impossibility of a Paretian Liberal" result, which shows that the Weak Pareto principle is inconsistent with even the most minimal concern for individual liberty.

Though Sen's impossibility result is acknowledged to have shown the existence of a conflict between liberalism and welfarism, his interpretation of individual rights has been criticized. Rights, on his view, amount to a privilege of dictatorship over pairs of social states: at an absolute minimum, Sen claims that a respect for liberal rights requires there should be *some* cases where, when two social states differ only with respect to how one particular individual is socially situated, then that individual's preferences over the social states in question should set society's preferences. As Nozick, Sugden, and Gaertner, Pattanaik, and Suzumura have all shown, however, this conception of rights generates paradoxes, in the sense that intuitively plausible assignments of rights become logically impossible if we define rights as Sen does.

The main feature of Sen's approach which generates the paradox is that he defines a right in terms of preferences, but as Nozick first point out, rights are not entitlements to the satisfaction of one's preferences, but rather protections of non-interference in one's *choices*. For this reason, Gaertner *et al.* argued that rights were best represented as game forms. In this interpretation, protecting individuals rights amounts to allowing individuals a choice of strategies in a game. This interpretation is also defended by Sugden who forcefully argues that rights simply cannot be defined in the language of social choice theory – only in the language of game theory – because social choice criteria are insensitive to individual choice behaviour. Or, to put things in philosophical jargon, Sen's critics have argued that the (purported) failure of Sen's approach shows that there is no common framework in which to express both our axiological concerns and our rights-based deontological concerns. On this point, I argue that Sen's critics are mistaken.

Indeed, although I endorse the conception of rights put forward by Nozick, I argue that it can be expressed quite naturally in a social choice-theoretic framework. And in fact I argue that this analysis is extremely fruitful: using the language of social choice theory allows us to talk meaningfully about how many rights people have, what it means for rights to be respected, how severely rights may be infringed, and what makes one social state more illiberal than another.

My approach takes roughly the following form: we define for each individual a set of *individual features,* which are partitioned into a finite list of *dimensions of choice*; intuitively, one dimension of choice is the set of possible descriptions of one aspect of the individual's social situation (say, what shirt they are wearing). A selection of one feature from each dimension of choice determines the social situation of the individual, and a social state is then defined as a list of individual social situations. The Nozickean insight is that each individual should be decisive over the selection of some of their features, so for those dimensions of choice over which the individual is decisive, we allow the selection of the feature from that dimension of choice to be determined by an individual choice function over the dimension. A person's rights are respected just in case, for every

dimension of choice over which they are decisive, the set of alternatives from which they made their choice included every option in the dimension of choice, and was not a proper subset of it. All these definitions and requirements can be expressed formally, and by including in the description of social states the set of alternatives from which individuals made their choice every time, we can simply read off the social state whether everyone's rights are respected – in which case the social state is said to be liberal.

Several results follow. An analogue to Sen's original result is recovered, as it can be easily shown that the Weak Pareto principle is logically inconsistent with a strict social preference for liberal states over illiberal states. But possibility results also follow, as we can define domain-restricted Pareto principles which are consistent with a strict preference for liberal states. These possibility results should be of interest to those who believe that a concern for promoting general welfare must be balanced against a concern for protecting individual liberty. Moreover, this framework allows us to give an axiomatic characterization of Rawls's first *and* second principles of justice; this is an improvement over existing axiomatic characterizations of Rawls's theory, since these typically omit the first principle and reduce Rawls's entire theory to the simple principle of maximin or leximin.

Finally, not only does my framework allow us to define precisely what an illiberal social state is, it also allows us to define actual *measures* of illiberalism. That is, with my framework in hand, we can define several rules for ranking social states according to how deeply illiberal they are, rules which answer to different *desiderata* expressing different deep-seated liberal commitments. We can, for instance, define rankings which are strictly increasing in the number and in the depth of rights violations, and in the value of the rights violated; these rankings can also be sensitized to inequalities in the distribution of rights violations; and many more intuitively appealing constraints can be satisfied. These ranking results are powerful, as they allow us to make fine distinctions between illiberal social states, and they should therefore appeal to non-ideal political theorists, or to theorists who like Sen believe that philosophy should enable us to reach comparative judgments between social states that fall short of perfect justice.