“What is at stake here,” the Lebanese United Nations delegate Charles Malik wrote of the drafting of the Universal Declaration of Human Rights (UDHR), “is the determination of the nature of man.” As a student of the German philosopher Martin Heidegger, Malik was intensely attuned to the philosophical significance of the attempt to formulate a list of basic rights. Reflecting on his own participation in the drafting process, Malik, who drafted the declaration’s preamble, noted that this posed three central questions: Is man an animal like any other? What is the place of the individual human person in modern society? And which is prior, the individual or the state? Unsurprisingly, these questions came to the fore during debate in the General Assembly’s Social, Humanitarian and Cultural Affairs Committee about what is now Article 29 of the Declaration, which concerns the relation between the individual and the community. More surprisingly, this debate revolved around the figure who epitomizes the myth of “natural man”: Robinson Crusoe. Article 29 was envisaged as what one delegate fittingly termed “an escape clause”: that is, it was to stipulate the conditions under which the rights in the Declaration could be limited. As the Committee met to debate a proliferation of amendments, all the philosophical and political disagreements between the parties crystallized around the grounds for limiting these rights. Were the needs of the democratic state sufficient for derogating from them, as the Soviet delegate claimed? Were these rights subordinate to the requirements of public order? And, if so, how was this order to be defined? As delegates argued over these questions, the stakes of the debate became clear: at issue was that “determination of the nature of man” that Malik had astutely suggested underpinned the drafting process. This was an argument about whether this “man” was endowed with a human personality and individual rights by nature, or whether this personality could be developed only in a community and these rights granted only by the state.

It was late in the drafting process that the Australian delegate Allan Watt introduced an amendment aimed at clarifying the relation between the individual and the community. The draft article read: the individual has duties to the community “which enables him freely to develop his personality.” Watt proposed strengthening this claim through the insertion of the word “alone.” The individual, in Watt’s more communitarian version of the article, had obligations to the community “in which alone the free and full development of his personality is possible.” It was in this context that Defoe’s shipwrecked hero made his entry into the debate. The Australian
amendment, argued the Belgian delegate Fernand Dehousse, risked giving rise to an error. “It might, first, be asserted that the individual could only develop his personality within the framework of society,” Dehousse warned. “It was, however, only necessary to recall the famous book by Daniel Defoe, Robinson Crusoe, to find proof of the contrary.” In order to recall the storyline of what is indeed a famous book, we can begin by referring to its original title: The Life and Strange Surprising Adventures of Robinson Crusoe of York, Mariner: Who lived Eight and Twenty Years all alone in an uninhabited Island on the Coast of America, near the mouth of the Great River of Orinoco; Having been cast on Shore by Shipwreck, wherein all the Men perished but himself, With An Account how he was at last as strangely deliver’d by Pirates. Written by Himself. It would, of course, have been possible for supporters of the Australian amendment to question whether Defoe’s 1719 novel really offered proof of anything, let alone of the relation between the individual and the community in the twentieth century. More interestingly, the Soviet delegate, Alexei Pavlov, took up the debate on the level of literary interpretation. Challenging the Belgian delegate’s account of Defoe’s “natural man,” he argued that the “example of Robinson Crusoe, far from being convincing, had, on the contrary, shown that man could not live and develop his personality without the aid of society.” Crusoe, Pavlov contended, was not the natural man the Belgian delegate would make of him. “Robinson had, in fact, had at his disposal,” he told the UN committee, “the products of human industry and culture, namely, the tools and books he had found on the wreck of his ship.”

Pavlov could also have mentioned Crusoe’s relationship with Friday, whom the stranded mariner rescued from a rival tribe and submitted to his absolute dominion, transforming him into his “faithful, loving, sincere servant.” Friday, however, is notably absent from the UN debates. Indeed, as Joseph Slaughter has suggested, in ignoring Friday’s role in the development of Crusoe’s “personality,” the delegates rearticulated Defoe’s colonial characterization of the social relations of Crusoe’s island—a characterization in which there is no scope for Friday himself to become a protagonist, or indeed, a legal person. The appearance of such a characterization in the records of the Third Committee’s debate reminds us that as the UDHR was drafted, much of the world remained under colonial rule, and the “global community” that ratified it was “much more constricted, colonial and provincial” than today’s. Although Article 2 declares the human rights of those inhabiting “non-self-governing” territories, such people had, by definition, as little ability to participate in debating and shaping the terms of human personality as did Friday on “Crusoe’s” island. Thus, even as they declared the universality of the human person, the UN delegates reinscribed those constitutive exclusions, or “abandonments,” that have long served to constitute the universal.

What, then, is the “personality” whose development the UDHR sought both to affirm and to further? And what can this obscure moment in its drafting history teach us about the conflicting metaphysical assumptions about human nature that informed those who drafted it? These two seemingly diverse questions (that of the “personality” at stake in the UDHR and that of the underlying conception of human nature underpinning it) are not easy to disentangle, least of all in a declaration that situated the human person at the intersection of natural and positive law and aimed both to affirm
and to develop the personality of "all members of the human family."16 While from a legal perspective a person can be defined simply as a "rights and duties bearing unit," as John Dewey noted in 1926, diverse philosophical and psychological conceptions of human nature have historically informed and shaped this legal category, such that "the changing fortunes of the meanings of 'person' and 'personality'" are bound up with social struggles.17 Indeed, the years in which the UDHR was drafted and adopted were characterized both by social struggles and by political and metaphysical conflicts between representatives of dramatically divergent political and economic systems. As Malik framed it, the period in which the Declaration was drafted was characterized by a crisis: "man is not sure of himself," he wrote in 1951. "He has conflicting interpretations of his own nature."18 In Malik’s view, it was the conflict over the nature of man that gave "pathos and poignancy" to the UDHR debate.19 The seriousness of this conflict cannot be divorced from the performative force of the act of declaring that the delegates were undertaking. Far from simply codifying the rights that arise from human nature, the UDHR contributed to the construction of a particular conception of that nature: "human rights," as Costas Douzinas stresses, "construct humans."20 By examining the appearance of Defoe’s natural man in the debate over Article 29, I aim to interrogate that process of construction, as well as the form of human personality to which it gave rise.

In the popular imagination, Robinson Crusoe is a figure of self-reliance and possessive individualism. Defoe’s novel, as Slaughter has suggested, served the Third Committee delegates as "an enabling fiction—a shared cultural product of human industry and society, salvaged from the shipwreck of Western civilization."21 Of course, there were numerous different interpretations of "natural man" even among the Declaration’s original drafting committee, from the Christian personalism of Jacques Maritain and Charles Malik (which took on a Heideggerian inflection in the case of the latter), to Peng-Chun Chang’s Confucianism, to Eleanor Roosevelt’s American liberal individualism.22 And yet, with the exception of France’s René Cassin, who wished to avoid metaphysical questions that he believed would be divisive, all of the original drafters sided with the Belgian delegate in his attempt to use Crusoe in order to ensure an individualistic account of the basis of rights.23 While Crusoe was the heuristic device that enabled the delegates to conduct a philosophical debate over the nature of man, this debate was as divisive as Cassin had feared, and the Belgian delegate failed to convince the majority of his position.24 In its final form, the Universal Declaration marks the defeat of Robinson Crusoe.25 Article 29.1 reads: "Everyone has duties to the community in which alone the free and full development of his personality is possible."26 In 1948, "the determination of the nature of man" was still very much a contested project, and these contestations prevented the naturalization of the atomized homo economicus as the foundation of human rights.

Nonetheless, the correlate of Dewey’s argument that social struggles shape the legal person is that this person is not fixed once and for all. While the UDHR itself received its final form when it was adopted by the General Assembly of the United Nations in December 1948, the social, economic, and political conflicts that found expression in the debate over Crusoe continued, and they continued to shape the "common understanding" of the human person inscribed in the Declaration.27 As
Charles Malik’s son Habib Malik reflected, these conflicts would only intensify after 1948. “Those few months,” he wrote, “were the only time when you could have achieved some semblance of an international consensus over a set of rights like these.”28 Today, in the wake of the collapse of the Soviet Bloc, and following more than four decades of neoliberal economic and social reform, the prevailing communitarian mood that led to the defeat of Crusoe in 1948 has substantially eroded. In the wake of Margaret Thatcher’s infamous (performative) declaration “There is no such thing as society,” the “possessive individualism” that informed the arguments of those UN delegates who conceived of human personality as a form of property independent of society is ascendant.29 As this possessive individualism gives rise to a regime of “market-friendly human rights,” which displaces concerns about equitable redistribution in favor of pro-market global governance, critical engagement with it becomes urgent.30

In what follows, I examine Crusoe’s appearance in the Third Committee debate in order to situate the UDHR in relation to earlier conceptions of the link between human personality and property—notably those of John Locke (an important influence on Defoe) and Karl Marx. By turning to Locke, for whom all property stemmed from an originary property in one’s own person, I aim to interrogate the relation between property ownership and legal personality.31 This link between property and personality, as Anne Orford has stressed, “forms one of the conceptual links between capitalism and modern liberal law.”32 In order to critically analyze this conceptual link, I examine the Soviet delegate’s intervention into the UN debate over Crusoe in light of Marx’s critique of those he termed the “Robinsonades”: that is, those political economists who used Robinson Crusoe to naturalize the new, and historically specific, capitalist social and economic relation. This naturalizing move, I suggest, is intimately bound to a teleological conception of history as a progressive trajectory culminating in a world of capitalism and human rights. In opposition to this naturalizing move, I suggest that close attention to the debates that preceded this adoption allows us to resist the utilization of the language of human rights to make the possessive individualism of contemporary neoliberal capitalism appear eternal.

**Crusoe’s Property**

Given the absence of Friday from the debate over Article 29, we can assume that the Crusoe envisaged by the UN delegates was the Crusoe of the first half of the novel, in which he believes himself to be entirely alone on his island and tends to his goats and plants his grapes in solitude, before he infamously discovers “the print of a man’s naked foot on the shore.”33 In this period, Crusoe is an isolated figure whose overwhelming concerns are his personal security and the accumulation of property. If we focus on this solitary portion of Crusoe’s stay on his island, the Soviet delegate’s point about the “products of human industry and culture” at his disposal is salient.34 Indeed, over the course of twelve trips on a make-shift raft, Crusoe removes numerous articles from the wrecked ship, among them arms and ammunition; rum, men’s clothes, including colored neckties, pens and paper, books, including three Bibles, brass kettles, ropes, a dog, and two cats.35 In Crusoe’s own civilizational discourse, without these “products of human industry and culture . . . I should have liv’d, if I had not perished,
like a meer savage . . . if I kill’d a goat, or a fowl, by a contrivance, I had no way to flea or open them, or part the flesh from the skin and the bowels, or to cut it up; but must gnaw it with my teeth, and pull it with my claws like a beast.”

As Crusoe depicts his situation, it was only his possession of these artifacts of civilization that separated him from those “savages” he would later encounter. Certainly, he put them to good use: “I was not idle,” he writes in his diary, and “I spared no pains to bring to pass whatever appear’d necessary for my comfortable support.”

To this end, he saved grain, depriving himself of immediate gratification in order to sow it and ultimately provide himself with bread; he planted an orchard, built a castle and a fortified store-house, enclosed land, and bred goats to supply him with meat, milk, and cheese. In short, he exemplifies the ideology of improvement, which thinkers of his time, notably Locke, saw as justification for both the enclosure of common lands in Britain and the colonization of foreign lands that would otherwise be “wasted” by their inhabitants.

God may have given the earth to all men in common, Locke contended, but he gave it to them in order that they should improve it. Thus “it cannot be supposed” that he meant “it should always remain common and uncultivated. He gave it to the use of the industrious and rational.” By enclosing and subduing the land, Locke argued, one mixes one’s labor with it and thereby transforms it into one’s personal property. Property is thus natural, prior to both consent and convention. In case it is not clear enough that such a position served to justify colonialism, Locke stressed the bond between the cultivation of the earth and dominion over it. “The one,” he wrote, “gave title to the other.”

Thus the flip-side of the argument that one who encloses and cultivates the land has the right to consider it his own private property is that he who “fails” to enclose and cultivate it has wasted it and has no grounds for complaint if it is appropriated by another. “I ask,” Locke wrote, “whether in the wild woods and uncultivated waste of America, left to nature, without any improvement, tillage or husbandry, a thousand acres yield the needy and wretched inhabitants as many conveniences of life, as ten acres of equally fertile land do in Devonshire, where they are well cultivated?”

Daniel Defoe provided his own answer to this question in 1706: “Be fruitful, and multiply and replenish the Earth, and subdue it,” he wrote, citing Genesis. “What is this but a Grant of Property—And a Licence to his Posterity to take Possession of every part of it.” If Crusoe had absolute dominion over “his” island, this was because, in improving it, he had won the right to consider it his own personal property.

Robinson, according to Jean-Jacques Rousseau, was king of his world precisely because he was its only inhabitant. The “great advantage of such an empire,” which, of course, made it unlike any actually in existence, Rousseau argued, was “that the monarch, secure upon his throne, had no occasion to fear rebellions, wars or conspirators.” Indeed, before he discovers the footprint, Crusoe portrays his own dominion in just these terms: “I was lord of the whole manor, or if I pleased, I might call myself King, or emperor of the whole country.” Crusoe attributes his dominion to the fact that he has “no rivals” and no one to dispute his sovereignty. This account of the basis of his dominion changes slightly when Crusoe next surveys the extent of his “majesty.” This time, he portrays himself not as a solitary sovereign but as the paternal
ruler of “a little family” composed of the parrot Poll (“the only person permitted to talk to me”), his dog, and two cats. When he boasts that “I had the lives of all my subjects at my complete command,” Crusoe claims a dominion that exceeds those Locke gave either to the father or to the sovereign, neither of whom, Locke stressed, had the power to “hang, draw, give liberty and take it away” that Crusoe had over his “family.” Nonetheless, this collection of obedient subjects is insufficient to cure Crusoe of his isolation, just as, in Locke’s terms, these familial relations are insufficient to constitute a civil society: Crusoe notes that he could not “be said to want anything but society, and of that, in some time after this I was likely to have too much.”

From the moment he discovers the footprint, Crusoe’s sense of security is shattered. Long after, when he finds himself “very rich in subjects,” he continues, contra Rousseau, to treat his island as his own personal dominion; “it was a merry reflection which I frequently made,” Crusoe reveals, “how like a king I look’d. First of all, the whole country was my own meer property; so that I had had an undoubted right of dominion. Secondly, my people were perfectly subjected: I was absolute lord and law-giver; they all ow’d their lives to me, and were ready to lay down their lives, if there had been occasion of it.” With his island peopled with subjects, Crusoe is no longer wanting of society, which he establishes through those social contracts he obsessively insists on. In reading this passage, Daniel Carey suggests that if Crusoe sees himself to be “like a King,” this is not only because his island is his private property but also because of the perfect subjection of “his” people. “In fashioning himself as a monarch,” Carey writes, “Crusoe establishes the role they occupy.” And yet, viewed in light of the previous two evocations of monarchy, it is not so clear that anything determinate can be grasped about the roles of the island’s other occupants from Crusoe’s account of his own majesty, which he maintains even as his relationships change dramatically, from isolated dominion, to patriarchal familial relations, to the properly social relations of a society over which he reigns. As Locke advised, in cases in which a single man wields multiple forms of power, it is helpful to “distinguish these powers one from another, and shew the difference between a ruler of a commonwealth, a father of a family, and a captain of a galley.”

Yet it is also crucial to note that, however diverse these powers, what remains constant is Crusoe’s derivation of his dominion from the labor that has made of the island his own private property: “Property,” as Defoe argued in a 1702 text, “is the Foundation of Power.” That the labor that secures this property increasingly comes to be performed by Crusoe’s servant, Friday, does not disrupt this rationalization of rule. Here again Crusoe follows Locke, for whom, “it turns out,” as Ellen Meiksins Wood notes, “that the labour which gives man a right to property may be someone else’s labour.” The liberal philosopher may have seen dominion as derived from labor, but he nonetheless made clear that the labor of the servant does not lead to the servant’s own dominion, or even grant him property over his own person, but instead enhances the dominion of his master. “Thus the grass my horse has bit; the turfs my servant has cut; and the ore I have dug in any place where I have a right to them in common with others,” Locke wrote, in a revealing conflation of “instruments of labour,” “become my property, without the assignation or consent of any body. The
labour that was mine, removing them out of that common state they were in, hath fixed my property in them.”

More than two centuries later, one would perhaps assume that Crusoe—a colonist and a slave-trader who is in no doubt of the superiority of Christianity and Western civilization—would be viewed as a poor choice for the natural man of a declaration that affirms that “all human beings are born free and equal in dignity and rights.” And yet this posed no problem for the Belgian delegate, who, after all, was representing a nation that was still then the colonial ruler of the Congo, which suffered brutal domination and exploitation in the name of the civilizing mission. In the debates in the Third Committee, as Glenda Sluga has noted, while many delegates fought the inclusion of a right to self-determination because they feared it would undermine their own empires, the Belgian delegate, along with the Greek delegate, opposed it explicitly “because they had a profound sense of the unequal difference of the colonized.” In 1948, as Belgium participated in the drafting of the Universal Declaration, the colonial administration in the Congo took steps to assimilate a proportion of the African petty bourgeoisie into colonial society by introducing a “social merit card” (carte du mérite civique), which was soon superseded by a new status known as matriculation, for those Africans considered sufficiently “civilized” for admission. Qualifying for this status, as Georges Nzongola-Ntalaja has noted, involved “a rather humiliating visit by an investigative commission whose tasks included examining the candidate’s household items, such as silverware and linen, and determining whether he ate at the table with his spouse.” Little had changed, it seems, since Crusoe remarked that had he been without the fruits of civilization and been forced to eat his food with his hands, he would have been but a mere beast or a savage. The appearance of Defoe’s hero at the heart of the UN debate reveals more about the colonial arrogance of certain Western delegates, the continuities between the newer human rights project and the older civilizing missions, and the implications of the myth of homo economicus in the violent imposition of capitalist social relations across the globe than those who held him up as the model of human flourishing may have wished.

**Marx and the “Robinsonades”**

As Pavlov must have been aware, long before those who were tasked with formulating a declaration of human rights were to argue over Defoe’s hero, Karl Marx had interrogated the fondness of political economists for Robinson Crusoe stories. Marx first introduced Crusoe at the beginning of the *Grundrisse*, where he isolated the object of his investigation, which he defined as “material production,” that is, individuals producing in a specific form of society. The point Marx wished to stress is that all production is socially determinate production. There may be certain necessary conditions for any production, among them an instrument and stored-up past labor, but these general conditions are abstractions that tell us nothing about any specific mode of production. The producing individual, Marx argued, is always dependent on a greater social whole. This was true when production occurred largely within the family, and it remains true today: “All production is appropriation of nature on the part of an individual within and through a specific form of society.” What is specific
about the model of production found in Defoe’s novel is therefore not that it harks back to an earlier, more natural form of individual production. “Production by an isolated individual outside society,” Marx wrote, “[is] a rare exception which may well occur when a civilized person in whom the social forces are already dynamically present is cast by accident into the wilderness—is as much an absurdity as is the development of language without individuals living together and talking to each other.” Here Marx displayed his own reliance on a civilizational discourse, and yet even while doing so he was concerned to denaturalize the “civilized person” and reveal the extent to which the development of these social forces was predicated on the brutal expropriation of other forms of life. Rather than presenting the true figure of natural man producing outside society, Crusoe is the emblematic figure of the new atomized individual whose social bond is organized through the market. His production is thus bound up with that original accumulation that resulted from slavery, colonial plunder, and enclosure, as the “treasures captured outside Europe by undisguised looting, enslavement and murder,” to borrow Marx’s phrasing, “flowed back to the mother-country and were turned into capital there.”

The assumption that the isolated individual rests on naturalism was, in Marx’s view, “the merely aesthetic semblance” of those political economists he disparaged as “Robinsonades.” In contrast to those eighteenth-century fictions for which Crusoe appears as a model of the natural individual, Marx saw Defoe’s novel as offering “the anticipation of ‘civil society,’” which emerged from the breakdown of feudalism and the development of the new capitalist mode of production. In “the tender annals of political economy the idyllic reigns from time immemorial,” Marx argued, and right and labor appear to have always been the sole means of enrichment. In contrast, he provided a historically specific account of the production of the atomized individual, highlighting the necessity of violence, plunder, and enslavement in its creation. The emergence of an individual with the capacity to “dispose of his own person,” he argued, was premised on the expropriation of fixed forms of life, relations of personal dependence, and the communal bonds that upheld them. Marx depicted this as a genuine emancipation from what William James Booth has called “the limits of a community that sought nothing higher than its own survival.” Nonetheless, Marx also criticized those liberal historians who saw in this process of expropriation only emancipation from feudal bonds and the restrictive labor relations of the guilds. These newly freed individuals emerged, he stressed, only after they had been robbed of their own means of production and of the guarantees of existence that were provided by the old feudal communities.

It is in this sense that Marx defined these new individuals as “doubly free”—free of the old feudal bonds that bound them to the soil and to a given social role, but free also of any option but to sell their labor on the free market. Such individuals are both “free and rightless,” or, in Marx’s German, vogelfrei, “free as a bird”: that is, abandoned or expelled from human community and thus without rights. In place of the old feudal communities, social bonds between these individuals are henceforth mediated by relations of exchange and increasingly take a monetary form. “Where money is not itself the community [Gemeinwesen],” Marx wrote in the Grundrisse, “it must dissolve the community.” Indeed, money under capitalism, he argued, is both
the substance of survival and the general social product, and in this sense it directly becomes “the real community [Gemeinwesen].”72 And yet Marx stressed that this makes of the community “a mere abstraction, a mere external, accidental thing for the individual, and at the same time merely a means for his satisfaction as an isolated individual.”73

It is this historically specific atomized individual, “who carries his social power, as well as his bond with society, in his pocket,” that the political economists treated as the model of natural man.74 Smith and Ricardo, Marx argued, were indebted to “the eighteenth-century prophets” who imagined that this historically specific figure of man is an ideal that can be projected into the past and viewed as “history’s point of departure.”75 Crusoe, he argued, in a remark that could be applied to certain delegates at the United Nations, thus comes to figure as “the Natural Individual appropriate to their notion of human nature, not arising historically, but posited by nature.”76 In the process, a historically specific set of economic and social relations is naturalized and treated as the expression of the very humanity of man. The economists, Marx wrote, presented production as “encased in eternal natural laws independent of history, at which opportunity bourgeois relations are then quietly smuggled in as the inviolable natural laws on which society in the abstract is founded.”77 This “natural man” therefore serves the classical economists as a device that masks the historical specificity of capitalism and thus obscures the contingency and the violence of its emergence, while simultaneously obscuring its own structural laws and compulsions by representing them as natural laws.

Although Marx specifically mentioned Smith and Ricardo, there are, as Pierre Rosanvallon notes, “no Robinsonades in Smith.”78 In fact, it was in the works of the Frenchman Frédéric Bastiat and the American Henry Charles Carey that Defoe’s natural man was first called upon explicitly to naturalize capitalism. This is significant because, as Marx stressed, while the earlier classical political economists had described the economy as a field of antagonism, these later thinkers saw it as a harmonious outcome of the “eternal, normal relations of social production and intercourse.”79 In his revealingly titled Economic Harmonies, Bastiat, an early advocate of laissez-faire, wrote, “Economic laws act in accordance with the same principle, whether they apply to great masses of men, to two individuals, or even to a single individual condemned by circumstances to live in isolation.”80 In response to those critics who suggested that Crusoe’s island was too far from contemporary conditions to be of analytical use, Bastiat remarked that although modern conditions are more complicated “they do not change their essential nature.”81 Just as Bastiat portrayed the laws of capitalism as natural laws that apply equally to an isolated producer and a modern economy, Carey’s major work, The Past, the Present, and the Future, was designed, as he wrote, “to demonstrate the existence of a simple and beautiful law of nature, governing man in all his efforts for the maintenance and improvement of his condition, a law so powerful and universal that escape from it is impossible.”82 Carey began this providential narrative with a figure he termed “the first cultivator, the Robinson Crusoe of his day”—who, in his version, is without tools but is provided with a wife.83 He then proceeded to condense the progressive narrative of the development of civilization...
into the lifetime of this Crusoe, whose efforts toward improvement ultimately bring about a world of “wealth, prosperity and happiness.”

Marx’s response to all of this, unsurprisingly, exemplifies his talent for acerbic dismissals: Bastiat, he wrote, was a classic example of “insipidness, affectation of dialectics, puffy arrogance, effete complacent platitudinousness and complete inability to grasp historical processes.” Indeed, he wrote “fantasy history,” and both he and Carey were “un-historical and anti-historical.” Central to this fantasy history is the use of Robinson Crusoe as a device that serves to naturalize capitalism by treating it as an expression of human nature. As Ellen Meiksins Wood notes, this naturalization of capitalism disguises the contingency of its emergence by attributing its “distinctive drive to maximize profit” to “the existence of a universal profit-maximizing rationality.” Once this rationality is presupposed, it is possible to see capitalism as the natural and progressive outcome of a process of development that began with the first tools and the first acts of exchange, so that its lineage, in Wood’s words, “passes naturally from the earliest Babylonian merchant through the medieval burgher to the early modern bourgeois and finally to the industrial capitalist.” It is precisely this model of explanation that Marx scorned for leaping from the identification of general conditions of all production to the extinguishment of all historical differences between modes of production. This may be fantasy history, but its implications are not merely of historical interest. The naturalization of capitalism, as Wood writes, “restricts our hopes and expectations for the future, for if capitalism is the natural culmination of history, then surmounting it is unimaginable.”

The Natural Man of Human Rights

Just as the economists used Crusoe to shroud a historically specific figure of the human in eternal natural laws, it is not unusual to find the Universal Declaration of Human Rights represented as the endpoint of a progressive logic expressing the very humanity of man. Typical here is Lynn Hunt’s history of human rights, which portrays them as operating according to an almost unstoppable logic, or what she terms a “bulldozer force.” For Hunt, the publication of Defoe’s novel was a key moment in the unfolding of “a desire for greater autonomy” that culminated in the recognition of individual rights. “Defoe’s novel of the shipwrecked sailor,” she writes, in a revealing incorporation of Lockean improvement into human rights history, “provided a primer on how a man could learn to fend for himself.” Missing from Hunt’s account is the context in which much of the world appeared as an empty space in which a white man like Crusoe could “fend for himself” and ultimately make his fortune. “Robinson Crusoe,” as Edward Said has remarked, “is virtually unthinkable without the colonizing mission that permits him to create a new world of his own in the distant reaches of the African, Pacific, and Atlantic wilderness.” Indeed, the autonomy Crusoe secures—by refusing the counsel of his father, who advises him against following the path of those who “go abroad on adventures, to rise by enterprise”—was the exclusive attribute of those white men like Crusoe who sought to benefit from the plunder and enslavement of colonial expansion.

Hunt portrays the new concern with individual autonomy reflected in Defoe’s novel as leading to an uncontrollable progressive cascade, as more and more people
demanded such autonomy and its enshrinement in legal rights; if the “logic of the process did not necessarily move events in a straight line forward . . . in the long run it tended to do so.”94 Just as the portrayal of capitalism as the unfolding of an economic rationality lodged in human nature evacuates the contingency of its emergence, this teleological account of human rights erases the contingency of the struggles that brought these rights into being and paints their recent victory over competing political visions as the endpoint of human development.95 By reading history in the light of subsequent developments, in order to make it conform to the present, only the successful are remembered, as E. P. Thompson poignantly reminded us: the “blind alleys, the lost causes and the losers themselves are forgotten.”96 Human history—with all its diverse struggles and defeats, and all its unactualized hopes—is thus recast, in the words of Micheline Ishay in her history of human rights, as a “dramatic struggle for human rights across the ages, from the Mesopotamian Codes of Hammurabi to today’s globalization era.”97

Marx’s remark about the method of the political economists applies equally to the method of such historians: “for them,” he wrote, “there are only two kinds of institutions, artificial and natural. The institutions of feudalism are artificial institutions, those of the bourgeoisie are natural institutions . . . Thus there has been history, but there is no longer.”98 While Marx’s comments prompt us to challenge the naturalization of current social arrangements, this, as Susan Marks suggests, should not lead us into the opposite trap, which she refers to as “false contingency.” The concept of false contingency, Marks writes, reminds us “that things can be, and frequently are, contingent without being random, accidental or arbitrary.”99 This directs us toward forms of historical necessity and thus helps to reveal the systemic nature of social forces and relations. In this explanatory vein, Marx stressed elsewhere that the rights of man did not emerge from nowhere but appeared as the counterpart of the dissolution of those feudal arrangements that had made the elements of civil society directly political. While under feudalism the elements of society (property ownership, labor, family) determined the political status of the individual, the political revolution “abolished the political character of civil society.”100 This depoliticization of social roles, as Giorgio Agamben noted, revealed “the split between the individual and his social figure” and laid bare the contingency of such roles.101 Consequently, each person’s specific activity and situation in life henceforth appeared to be of merely individual significance.

Feudal society was thus dissolved into an aggregation of atomized, egoistic individuals. This depoliticization of individual social roles appeared to release a preexisting “natural man” from feudal social bonds. In fact, as Evgeny Pashukanis stresses, “social life disintegrates on the one hand into a totality of spontaneously arising reified relations,” that is, “natural” or economic relations, and, on the other, into legal relations between bearers of rights.102 This means that this natural man is as much a social and historical product as the modern political state: “The constitution of the political state and the dissolution of civil society into independent individuals,” as Marx put it, “is accomplished in one and the same act.”103 If the rights of man appear as natural rights, Marx suggested, this is because “self-conscious activity has concentrated on the political act,” while the egoistic man is the passive result of this dissolution and thus
appears as “a natural object.” As Moishe Postone stresses, Marx, by treating the modern individual and the values and modes of action of civil society as socially and historically grounded, “seeks to dispel the notion that they are ‘natural,’ that they emerge when people, freed from the trammels of irrational superstitions, customs, and authority, are able to pursue their own interests rationally and in a way consistent with human nature.” The free and equal “natural man” of civil society is as much a historical phenomenon as the political subject of rights. It is just such an insight that the Soviet delegate Pavlov drew on in order to bolster his argument that the UDHR must consider man as a member of society; under feudalism “men had not been born free and equal,” he told the Third Committee, and this proved that equality of rights “was clearly not by the fact of birth but by the social structure of the state.”

On this point, Pavlov could have looked for support to the most brilliant analyst of "totalitarianism": Hannah Arendt. The rights of man, Arendt argued, arose from the same conditions as those to which Marx attributed the Crusoe myth: the emergence of a "new era in which individuals were no longer secure in the estates to which they were born or sure of their equality before God as Christians." These new rights emerged to offer protection to those newly atomized figures of civil society whose rights had previously been protected "not by government and constitution but by social, spiritual and religious forces." The consequence of viewing this historically produced "natural man" as the bearer of inalienable rights, as Arendt stressed, is that these rights are conceived as reliant on no law or authority. "The decisive factor," she wrote, "is that these rights and the human dignity they bestow should remain valid and real even if only a single human being existed on earth; they are independent of human plurality and should remain valid even if a human being is expelled from the human community." Arendt, of course, was responding to the condition of masses of people who had been expelled from human communities, and who provided ample evidence that the human outside human plurality finds no one to secure her rights. The single human being whose rights remain valid independent of any political community, she reminds us, does not exist—thus the Belgian delegate’s need to turn to a work of fiction to find proof that human personality is independent of community.

The “Ascendancy of the Mass, the Community and the State”
Within less than three years of the adoption of the UDHR, Malik warned that human rights were under threat from the ultimate danger of materialism, which he argued inverted the hierarchy that should place civil and political rights above social and economic ones. "Certain rights," he bemoaned, "are assuming exaggerated importance; it is hard to keep them in their place. Who is not clamouring today for his economic rights, for what is called a decent standard of living? Indeed, for the Soviet states and for many anticolonialists, securing a decent standard of living took greater priority than the rights Malik saw as essential to man’s spiritual flourishing. While Malik proclaimed that the “free, illumined, regenerate spirit is the only saviour of the world” and held up Western free society as the home of this spirit, many anticolonial movements and postcolonial states were more attracted to an idea of self-determination that was epitomized in the slogan proclaimed by Ghana’s Kwame...
Nkrumah: “Seek ye first the political kingdom and everything else shall be added unto you.”111 As Samuel Moyn has noted, seeking first the political kingdom implied the construction of independent states, rather than the defense of the individual from the state.112 Far from the Declaration as having marked the beginning of the end of history, in 1948 what was most notable about human rights, as Moyn has stressed, was their marginality.113 Early NGO chief Moses Moskowitz may have spoken too soon when he declared that human rights “died in the process of being born,” but his remarks nonetheless remind us that the UDHR came into being in a period marked by dramatic conflicts over possible world orders and forms of human flourishing, which differed starkly from the ideological closure of the period following the fall of the Berlin Wall.114

In 1948, the Third Committee delegates agreed to temper the individualism of the UDHR by declaring that human personality could be developed only in community. Nonetheless, the age of postcolonial state formation and national self-determination still lay ahead of them, and the delegates also resisted Soviet attempts to insert the needs of the “democratic state” into the declaration. Article 29 must make reference to the democratic state, Pavlov argued, or risk creating the mistaken impression that “it was not a question of defending the rights of citizens, in the sense that the French Revolution had given that word, but the rights of stateless persons without ties with any society organized in the form of a State.”115 Representatives of the countries of the Soviet Bloc, he argued, “did not consider that the State was hostile to the individual.”116 In contrast, it was already clear during the first session of the Commission of Human Rights in 1947 that, for certain delegates, it was precisely such hostility—the “tyranny of the state over the individual,” in Malik’s words—that the UDHR existed to provide protection from.117 Indeed, the majority of drafters were so opposed to including references to the state in the UDHR that, as Johannes Morsink observes, they “even refused to put one in at the very place where it would have been most natural to do so, namely in the article [29] where limitations were being discussed.”118 Articulating a position that found majority support, the Mexican delegate noted that allowing the rights in the Declaration to be limited by the “just requirements of the democratic state,” as the Soviet delegate proposed, would “permit the State to impose such limitations as it pleased upon the rights and freedoms of the individual.”119 Indeed, as Morsink argues, it may only have been the fact that Article 29 located the flourishing of human personality in the community rather than the state that enabled Pavlov to succeed in inserting the word “alone” into the text of the Article.120

There were good reasons for even those delegates more inclined to a communitarian interpretation of human flourishing to be skeptical of Pavlov’s depiction of the Soviet Union as ruled by a state that represented the interests of the people, had put an end to exploitation, had established harmony between the workers and the peasants, and in which “all authority rested in the hands of the masses of the workers.”121 In 1933, the Soviet humorists Ilya Ilf and Evgeni Petrov had relied on the familiar Robinson Crusoe story to offer a critique of the bureaucratic collectivism and lack of personal and artistic freedoms in the Soviet Union. “How the ‘Soviet’ Robinson Crusoe Was Written” begins in the editorial office of the illustrated journal Adventure, where the editor is pondering the “heavy-handed” nature of the journal’s
stories and their failure to arouse excitement, especially among younger readers. The editor decides to rectify this by publishing a serialized novel, something “gripping, fresh, crammed with exciting incidents” — indeed, “a sort of Soviet Robinson Crusoe.” Tasked with producing this story, the writer Moldavantsev produces a stirring tale of man’s struggle against nature, emphasizing Crusoe’s self-discipline and capacity for labor. Despite his efforts, however, his editor is unimpressed. None of this, the editor correctly points out, is necessarily Soviet. Indeed, these were the same qualities that Defoe’s decidedly non-Soviet Crusoe had relied on in order to survive in isolation, and which Locke had viewed as a justification of private property and colonial dominion.

Homing in on a question that was central to the Third Committee’s debate over Crusoe, the editor reprimands the increasingly frightened author for producing a story that lacks a feeling for Soviet society. “Where, for instance, is the local trade union committee?” he asks. By the time the editor has finished with the story, a trade union committee representative and a female dues collector have also been washed onto the island, and the provisions rescued from the ship include a fireproof safe for the union dues and a large table for committee meetings so the committee can give direction to the “vast masses of workers.” When the author meekly observes that to have the waves throw up masses of workers would be contrary to the plot, the editor ingeniously suggests that it need not be a wave. Indeed, the whole notion that the island is uninhabited seems to him unnecessary, as does ultimately Crusoe himself, who is promptly edited out of the story. “Good. That’s all then. Write it your own way,” the editor tells the mournful writer as he bids him farewell.

It was not a coincidence that it was in the Soviet Union that the language of human rights was taken up so powerfully three decades after the UDHR by those dissidents who used it to draw attention not only to the suppression of artistic and intellectual freedoms but also to the gulags, the political repression, and the psychiatric hospitals. However much Pavlov lauded the “democratic state,” he represented what Michael Heinrich terms a “distribution-centric” conception of communism, for which “an authoritarian welfare state that retains certain structures of the market economy can be regarded as socialism or communism.” In the face of the severe curtailment of individual rights and freedoms enabled by this conception of communism, the dissidents engendered a “new kind of radical human rights advocacy” and worked to discredit revolutionary Marxism, which had until then served as a barrier to the widespread acceptance of human rights as a radical cause. Nonetheless, looking back at the 1948 debates through the lens of a post-Soviet Russia that is ruled by a highly repressive state in the interests of capital, there is force in Pavlov’s argument that only the democratic state is capable of defending the individual against the encroachments of capital. “Those who refused to recognize that fact,” he argued, “showed that they preferred oligarchy to democracy.”

Are these our two options, then: the atomized homo economicus or the subordination of the individual to the state? Certainly, we can take from Malik the position that the human “is not the slave of the state” while also agreeing with Pavlov that the human cannot adequately flourish outside society. Yet, while the Soviet delegate supposedly represented a Marxist state, Marx’s writings provide resources for
contesting both major positions in the debate over Article 29. From Marx, Pavlov took the view that the human is a political animal, “which can individuate itself only in the midst of society.”132 And yet, far from nostalgically denouncing the production of the atomized individual divorced from substantive social bonds, Marx argued that the system that produces this atomized individual simultaneously produces the most developed social relations ever known. As Moishe Postone has stressed, Marx’s own critique of the relation of the individual to society is not simply a critique of one side of this relation, the atomized individual, but a critique of the form of sociality that corresponds to it. Indeed, Marx critiqued this form of sociality precisely because it produces what he termed “martyrology for the producer,” who is enslaved, exploited, and impoverished such that, in Marx’s words, “the social combination of labour processes appears as an organized suppression of his individual vitality, freedom and autonomy.”133 Under capitalism, the community stands over the individual and “abolishes the independence and individuality of its members.”134

More than sixty years after delegates to the Third Committee argued over Robinson Crusoe, the political landscape is dramatically different from the one they occupied, and this critical approach to capitalism’s ideologies of individualism is more necessary than ever. In contrast to the stark disputes between representatives of divergent political and economic systems that punctuated the drafting process of the UDHR, today (as Fredric Jameson suggests) it is easier to imagine the end of the world than the end of capitalism.135 The possessive individualism that was defeated in 1948 has been revived, and “what is at stake,” to return to Malik, has become clearer: the reappearance of the atomized individual as the foundation of rights coincides with the evisceration of all those social and economic rights whose placement at the very end of the declaration revealed the tenuous nature of their existence as “nineteenth- and twentieth-century grafts on what is basically an eighteenth-century tree.”136 The belief that the human is a “proprietor of his own person and capacities, for which he owes nothing to society” underpins the neoliberal counterrevolution and justifies the erosion of “the right to social security” (Article 22), “just and favourable conditions of work” (Article 23), “reasonable limitation of working hours” (Article 24), the right to “food, clothing, housing and medical care and necessary social services” (Article 25), and the right to free education “directed to the full development of the human personality” (Article 26).137 Just as, in Locke’s theory, “full individuality for some was produced by consuming the individuality of others,” today only those with property have the means to develop their personalities.138

NOTES

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clarify and strengthen my claims. Special thanks to Ihab Shalbak, who read multiple drafts and provided incisive suggestions and spirited critique.


6. Ibid., 658.

7. Morsink suggests that this “alone” “may well be the most important single word in the entire document, as it wards off an interpretation of human rights as the rights of egoistic individuals.” See Morsink, Universal Declaration of Human Rights, 248.

8. Third Committee, Draft International Declaration, 659 (emphasis added).

9. Ibid.

10. Ibid., 659–60.

11. Ibid., 659.


16. For a detailed and illuminating account of the tautological structure that both presupposes and projects human personality, see Slaughter, Human Rights, Inc., esp. 45–85.


19. Ibid., 80.


22. These differences are often overstated by those who wish to stress the supposed cultural and political diversity reflected in the final draft of the UDHR. In fact, these figures largely worked as a team, and they shared numerous philosophical and political assumptions. P. C. Chang, for instance, was described in a 1947 US State Department report as “one of China’s outstanding

23. As Joseph Slaughter notes, “If discussions of metaphysics were supplemental to the perceived historical need for articulating the specific nature of human rights, that does not mean, of course, that philosophies of the subject did not animate the debate, as the Defoe controversy shows.” Slaughter, “The Textuality of Human Rights: Founding Narratives of Human Personality” (working paper, Law and Humanities Junior Scholar Workshop, 2004), 26. See http://ssrn.com/abstract=582021, accessed August 2, 2013.


25. He was, however, supported by key figures in the drafting of the Declaration, among them P. C. Chang of China, Eleanor Roosevelt of the United States, and Charles Malik of Lebanon, who, along with the French delegate René Cassin, made up the original “Nuclear Committee” of drafters. See Slaughter, *Human Rights, Inc.*, 47.

26. Quoted in Glendon, *World Made Anew*, 314 (emphasis added). In his extremely detailed account of the philosophy of the UDHR, Morsink suggests that the insertion of the word “alone” “amounts to a rejection of eighteenth-century individualism because it asserts an organic connection between the individual and either the state or society.” Morsink, “Philosophy of the Universal Declaration,” 319. In a similar vein, Michael Ignatieff argues that Article 29 is the focus of those who believe that the rights in the UDHR will “recover universal appeal only if they soften their individualistic bias.” Ignatieff, “The Attack on Human Rights,” *Foreign Affairs* 80, no. 6 (2001): 108.

27. These words appear in the preamble of the UDHR.


31. In a brilliant reading of the text, which portrays Crusoe’s terror of being devoured by cannibals as a symptom of the anxieties of maintaining “his” island as exclusive property, Wolfram Schmidgen notes that, for Locke, the “absolute exclusive right one has to one’s body founds here the claim to property in exterior things.” Schmidgen, *Eighteenth-Century Fiction and the Law of Property* (Cambridge: Cambridge University Press, 2002), 53.


36. Defoe, *Robinson Crusoe*, 104. Maximillian E. Novak notes that while many critics have treated Defoe as a follower and popularizer of Locke, many of Defoe’s distinctly “Lockean” “Revolution Maxims” appear to have been published before Locke’s *Treatises*. Both men, Novak argues,
were strongly influenced by the political thought of Thomas Hobbes and his opponent Richard Cumberland. See Novak, *Defoe and the Nature of Man* (Oxford: Oxford University Press, 1965), 14.


38. Ibid.


40. Ibid., 114.

41. Ibid.

42. Ibid., 116.


46. Ibid.

47. Ibid., 118.

48. Defoe, *Robinson Crusoe*, 118. In an explicit refutation of Robert Filmer’s *Patriarcha, or the Natural Power of Kings* (1680), Locke rejected both the derivation of political power from “Adam’s private dominion and paternal jurisdiction” and the view that the father wields absolute power over his household. The power of the father over his son is a tutelary power, which is held only until his son is able to will for himself, and his power over his family lasts only as long as his care for them. Locke, “Of Civil Government,” 100.


50. Ibid., 190 (emphasis original).

51. Carey is arguing against an interpretation of Friday as a slave, and he takes this passage to demonstrate that he is not a slave but a subject. Carey provides a convincing account of why, considered in the terms of Locke’s philosophy, Friday cannot be considered a slave, as he did not wage war on Crusoe and thus forfeit his life as Locke would have required. Yet, read in Locke’s terms, neither is Friday a subject, as Locke does not grant rulers the absolute power over their subjects that Defoe asserts (and Crusoe wields) over Friday. Moreover, when Carey writes that this “is undoubtedly a patriarchal system of rule, with Crusoe substituting himself for Friday’s actual father,” he blurs familial relations and relations of subjection, in stark contrast to Locke’s view that “the power of a magistrate over a subject may be distinguished from that of a father over his children.” Locke, “Of Civil Government,” 101; Daniel Carey, “Robinson Crusoe, Slavery and Postcolonial Theory,” in *The Postcolonial Enlightenment: Eighteenth-Century Colonialism and Postcolonial Theory*, ed. Carey and Lynn Festa (Oxford: Oxford University Press, 2009), 123.


62. Ibid., 84.

63. Marx, _Capital_ , 919.

64. Marx, _Grundrisse_ , 83.


66. Ibid., 874.

67. Ibid., 875.


69. Marx, _Capital_ , 876.

70. Ibid., 896.

71. Ibid., 224.

72. Ibid.

73. Ibid., 226.


75. Ibid., 83.

76. Ibid.

77. Ibid., 87 (emphasis original).


79. Marx, _Grundrisse_ , 884.


83. Ibid., 5.

84. Ibid.

85. Marx, _Grundrisse_ , 249.

86. Ibid., 888.


88. Ibid., 5.

89. Ibid., 8.

91. Ibid., 62.
93. Defoe, Robinson Crusoe, 6.
94. Ibid., 150.
104. Ibid.
106. Quoted in Morsink, “Philosophy of the Universal Declaration,” 315.
108. Ibid., 291.
109. Ibid.
111. Quoted in Moyn, Last Utopia, 91.
112. As Roland Burke has observed, however, the question of the relation of the individual and the community was played out again in the struggles over the meaning of freedom at the 1955 Bandung Conference. In 1955, Malik noted the following contention over human rights and freedom at the conference: while for communist delegates, freedom meant the liberation of the peoples of Africa and Asia from foreign rule, for others freedom also encompassed individual rights and freedoms. Malik’s proposal to have the conference recognize the UDHR was supported by Ceylon, Iran, Iraq, Japan, Pakistan, Thailand, Turkey, and South Vietnam, and opposed by China, India, Indonesia, and North Vietnam. Roland Burke, Decolonization and the Evolution of International Human Rights (Philadelphia: University of Pennsylvania Press, 2010), 20. The Final Communiqué reads: “The Asian-African Conference declared its full support of the fundamental principles of Human Rights as set forth in the Charter of the United Nations and took note of the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations.” Asian-African Conference Final Communiqué,” in Ministry of Foreign Affairs, Republic of Indonesia, ed., Asia-Africa speak from Bandung (Jakarta: 1955) 161–69, http://www.ena.lu/final_communique_asian_african_conference_bandung_24_april_1955-2-1192.
113. Moyn, Last Utopia, 46.
114. Quoted in ibid., 47.
115. Third Committee, Draft International Declaration, 657.
116. Ibid., 644.
118. Morsink, Universal Declaration of Human Rights, 250.
119. Ibid.
120. Ibid., 247.
121. Morsink, “Philosophy of the Universal Declaration,” 644.
123. Ibid.
124. Ibid.
125. Ibid.
126. Ibid.
129. Robert Horvath, “The Solzhenitsyn Effect,” Human Rights Quarterly 29, no. 4 (2007): 880. As Steven Lukes notes, a distinctive feature of Marxism is its denial of the view that the conditions that are often taken to call forth the need for human rights, specifically limited altruism and resources, are “fundamental to the human predicament.” Rather, Marxism sees these as “historically determined, specific to class societies, and imminently removable.” Lukes, “Can a Marxist Believe in Human Rights?” Praxis International 1, no. 4 (1981): 343.
130. Third Committee, Draft International Declaration, 675.
132. Marx, Grundrisse, 84.
133. Marx, Capital, 638.
137. Macpherson, Political Theory of Possessive Individualism, 264.
138. Ibid., 262.