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Anselm Jappe: Fetishism, Narcissism and the Legal Form

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ABSTRACT

This article aims to analyse Anselm Jappe's interpretation of the connection between the theory of fetishism and the psychic constitution of contemporary subjectivity, the most significant feature of which is narcissism. After establishing the symbiotic relationship between the value-form and the development of the narcissistic phenomenon, the article discusses the self-destructive nature of fetishism and its impact on subjectivity, which leads capitalism to a state of collapse. Finally, the article seeks to explore the implications of Jappe's analysis-particularly regarding fetishism and crisis-for Evgeny Pashukanis' critique of legal subjectivity.

Index Terms: Fetishism • Narcissism • Crisis • Legal subjectivity

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This article aims to analyse Anselm Jappe's interpretation of the connection between the theory of fetishism and the psychic constitution of contemporary subjectivity, the most significant feature of which is narcissism. After establishing the symbiotic relationship between the value-form and the development of the narcissistic phenomenon, the article discusses the self-destructive nature of fetishism and its impact on subjectivity, which leads capitalism to a state of collapse. Finally, the article seeks to explore the implications of Jappe's analysis—particularly regarding fetishism and crisis—for Evgeny Pashukanis' critique of legal subjectivity.

Keywords: *Fetishism, Narcissism, Crisis, Legal subjectivity*

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1 Introduction

Anselm Jappe is a German philosopher and professor associated with the New Critique of Value (NCV), having gained prominence particularly through his publications in the journals *Krisis* and *Exit!*, in which he developed and disseminated the guiding ideas of the theoretical current to which he belongs.

Like other thinkers within this school, Jappe maintains that the New Critique of Value does not represent a continuation of any preceding Marxist tradition, insofar as it is a movement that has opened up a new theoretical field (JAPPE, 2014). Broadly speaking, the NCV has placed the theory of fetishism at the heart of Marx's critique, linking it to a theory of crisis that reveals the destructive and self-destructive nature of capitalist social forms.

Whilst, on the one hand, Jappe distinguished himself by systematising a large part of the literature situated within the framework of the New Critique of Value (NCV) in his book *The Adventures of the Commodity*, on the other hand, he also had the great merit of developing a genuine theory of subjectivity in the light of commodity fetishism, which took shape in his book *The Autophagic Society*. In this work, the author demonstrated how the value-form establishes a symbiotic relationship with narcissism, thereby justifying the centrality of this psychological trait in the contemporary subject. Furthermore, Jappe analysed the effects of capitalism's structural crisis on the psyche of individuals, explaining the social determinants of the intensification of *the death drive* in the present day.

Given the importance of Jappe's contributions to contemporary interpretations of Marx, this article examines his interpretation of the relationship between fetishism and the theory of subjectivity, focusing particularly on the phenomenon of narcissism. Subsequently, drawing on his theory of the crisis of capitalism, we shall demonstrate the social determinants of the collapse of the contemporary subject. Furthermore, given that the German thinker did not address one of the most fundamental aspects of subjectivity—namely, its legal formulation—this

paper will ultimately seek to outline possible points of convergence between Jappe's theory and the interpretation of legal form developed by the Soviet jurist Evgeny Pashukanis.

2 Fetishism, value and the automatic subject

Jappe, following Marx's order of exposition, analyses the commodity as an object endowed with use-value and exchange-value. As use-values—that is, objects that satisfy some human need or want—commodities do not share any common characteristics: as well as being physically distinct, each is intended for a specific use. Yet, at the same time, they possess exchange-values precisely because of a common denominator that enables their equivalence and, consequently, commercial exchange. The “something in common” that exists in commodities is the fact that they are products of labour, which is expressed as value (JAPPE, 2024). However, this does not refer to the labour actually expended in their production, but rather to labour as the mere expenditure of human energy, abstracted from its concrete conditions, termed “*abstract labour*” (JAPPE, 2024). Furthermore, the amount of value in commodities is determined by the average socially necessary labour time required for the production of each object (JAPPE, 2024).

The time spent on concrete labour is irrelevant, as the objective measurement is guided by the production time dictated by the level of society's productive forces. If a producer actually takes two hours to produce a jacket that, on average, takes one hour to manufacture, the value of that commodity will be based on one hour, even though the concrete labour has exceeded the socially necessary labour time required for production. In this case, the excess time was not factored into the commodity, resulting in a waste of time for the manufacturer.

Abstract labour is not derived from concrete, physiological or tangible aspects; nor can it be characterised as a mere mental or ideal operation. In reality, it is a *real abstraction*, insofar as it manifests itself (as value) through commodity relations, in which what is common to the most diverse forms of labour (the expenditure of productive human energy)

is expressed in a concrete form, which gives shape to the abstraction (JAPPE, 2024). Initially, abstract labour time manifests itself in the form of another commodity: when we say that a pen is equivalent to two pencils, the latter physical object expresses the abstract labour-time of the pen, indicating that the labour-time required for a pen is double that required for a pencil. However, the commodity circuit is not limited to a simple equation, insofar as it establishes an endless sequence of comparisons, requiring the singling out of a given commodity—to function as a general equivalent, so that all others may express their exchange value in a unitary form: this gives rise to the form of money (JAPPE, 2024).

According to Jappe, the critique of value recognises that the commercial world constitutes, and is at the same time constituted by, a series of abstractions that are regarded as if they were inherent to the nature of objects. Hence the first sense of fetishism: the social activity of production is represented as an intrinsic property of the material thing; that is to say, although exchange value is an expression of abstract labour, it appears as an objective feature of the product of labour itself, just like its smell, colour and texture. As a result, the process of production and commercial circulation imposes itself on people as a natural law, governing them through socially necessary labour time (JAPPE, 2024).

But fetishism is not limited to a mystification of consciousness—that is, to a false or inverted representation of reality. It reveals something beyond this: reality itself becomes inverted; there is a *real inversion*. The logic of value establishes an internal, conflictual relationship between use-value and exchange-value, which is expressed in the form of an external opposition: from the moment a commodity's exchange value is revealed through the use value of another commodity, a process of inversion takes place, whereby the use value expresses its opposite (exchange value), the sensible body reveals its suprasensible character (social abstraction) and, furthermore, concrete (and private) labour represents abstract (social) labour. As a result of this inversion, “the concrete becomes a simple carrier of the abstract” (JAPPE, 2024, p. 24), serving as a mode of its embodied expression.

The contradiction between the abstract and the concrete, which exists within the commodity, constitutes the fundamental contradiction of the sociability of capital, in which the abstract aspect assumes a dominant role and the concrete elements are instrumentalised solely to give material form to and reproduce the abstract (JAPPE, 2024). Food commodities, for example, are not produced to end human hunger, but rather for exchange and to ‘feed’ the cycle of value realisation. The aspect relating to their utility (use-value) is secondary to the need of realising their value on the market, which is only possible through their abstract character, namely the quantity of social labour required for their production. This inverted arrangement extends to all spheres of commercial existence, which is why value can be described as a *total social form*:

“

The same logic – which consists, at the most general level, in the subordination of quality to quantity and in the indifference of form in relation to the concrete content – is found at all levels of social existence, even in the most intimate corners of the lives of those living in a market society. The commodity form is also a form of thought, as the German philosopher Alfred Sohn-Rethel demonstrated. (JAPPE, 2013, p. 143)

The dual nature of the products of labour—as use-value (produced by concrete labour) and exchange-value (an expression of abstract labour)—did not exist in past societies, where production was subject to direct social planning, as productive activity was distributed and directed

to meet the needs and wants of the dominant classes or groups in an immediately social manner (JAPPE, 2024).

The regulation of society through labour time only takes shape when production begins to take place in a formally private sphere, so that the products can subsequently be traded on the market. In this context, for products to become social through exchange, they must fulfil two functions: they must be intended to satisfy another person's need and, furthermore, possess a common element that enables equivalence, namely abstract labour (represented in value). The objectification of abstract labour in commodities is realised to the extent that it becomes the common quality which enables social bonds in a market society (JAPPE, 2024). As a result of an atomised and unplanned economy, “this is why value (even in its most innocent form (...)) is already the cause and the consequence of a social formation in which people do not consciously regulate production” (JAPPE, 2024, p. 35-36).

Money, for its part, constitutes a second level of fetishism, since the abstraction of labour is expressed in value, which is then represented by money (JAPPE, 2024). By acting as the representation of the element that regulates society (abstract labour), money itself becomes the immediate organising force of the social fabric, dictating the bonds, motivations and social power of each individual. Instead of a society administered by people, we have a society in which social power is alienated from people and transferred to money. In this context, the acquisition of more money, whether at the individual or collective/productive level, becomes the end in itself of the capitalist mode of production.

The concrete content of production is irrelevant to the logic of the mode of production, whose driving force is solely the generation of greater quantities of money, given that value constitutes an empty form, devoid of content, which, by drawing on use-values, is oriented towards its own quantitative increase. This tautological expansion does not occur through the sale of commodities at a price higher than that at which they were purchased. Drawing on Marx, Jappe points out that only the commodity ‘labour power’ is capable of generating more value than its own cost. The effective conversion of this surplus value into more money, in turn, stems from the sale of the products of labour, which will then yield a sum greater than the initial investment made.

Jappe's analysis culminates in the conclusion that value constitutes itself as the *automatic subject* of social reproduction, which effectively governs society through ‘a fetishistic system of the valorisation of value’ (JAPPE, 2013, p. 109). To fulfil this sole purpose, this Subject subjects human beings to the condition of employees or servants of its laws, assigning them social masks. In this sense, the existence of antagonistic social classes is not the central element of capitalism; on the contrary, capitalists and workers are merely economic personifications which, deriving from the same source, prove necessary for the expanded reproduction of value.

The fetishistic character of capitalist society stems from the fact that value, in its multiple metamorphoses (commodity, money), subjugates subjects, causing them to reproduce their subjugation unconsciously, through their own practices, and to conceive reality as the result of supreme forces inherent in objects. Thus, human beings become mere executors of the law of value, subordinated to a form of impersonal and anonymous domination. This social environment, characterised by the prevalence of the abstract over the concrete, forges a *second nature*, distinct from biological nature, in which fetishism “determines the very forms of thought and action” (JAPPE, 2021, p. 32).

Jappe argues that the attribution of social characteristics to objects can be viewed as a form of anthropological projection, defined as the “unconscious projection of an individual or collective ‘power’ on an autonomous external element, on which man then believes he is

dependent (...)” (JAPPE, 2024, p. 131). Whilst so-called primitive societies projected supernatural powers onto various objects, thereby deifying what was in fact the clan’s own collective strength, value constitutes a form of modern totemism arising from the social projection of labour onto commodities. The difference is that the former refers to a projection linked to a sacred dimension, whereas the latter results from the cultural dynamics of the capitalist market, which permeates all aspects of existence (JAPPE, 2024).

Although virtually all past societies have developed distinct forms of fetishism, all of these differ fundamentally from typically capitalist fetishism, particularly in terms of their consequences. These earlier phenomena did not reveal such destructive and self-destructive potential as value fetishism, which jeopardises not only capitalism itself but also the human race – as will be demonstrated below. This is why the survival of human beings and the planet will only be guaranteed if conscious, non-fetishistic forms of social mediation are found, thereby moving beyond so-called “human prehistory” (JAPPE, 2024).

2.1 The constitution of fetishist-narcissistic subjectivity

According to Anselm Jappe, the category of the subject does not refer to the idealisation of a universal human being, nor can it be transposed to other historical contexts. It is, in reality, the human being constituted by capitalist social structures; that is, a historically determined way of *being* and interacting that is revealed to be a product of modernity. The subject-form constitutes a *Kantian a priori* situated within history, in that it establishes the imperatives of consciousness and social action grounded in the total social value-form (JAPPE, 2021).

Jappe debunks the idea that the modern subject refers to a person responsible for their own actions and, conversely, the notion that capitalism could give rise to a revolutionary subject. Drawing on the opening of Chapter 2 of *Capital* and the concept of the “automatic subject”, the German thinker situates subjectivity in terms of the movement of value appreciation. In a society dominated by fetishistic forms, an anonymous and impersonal system of domination prevails, in which the true Subject of social reproduction is “value in its metamorphoses (money, commodity)” (JAPPE, 2021, p. 34), which uses human subjects as its servants. The true generic Subject exists only in capitalism: it is value (and not the human being in general), which fully incorporates the other subjects into its logic, making them its subjectivised generic image (JAPPE, 2021).

In this sense, Jappe (2021) proposes a materialist analysis of the subject with an emphasising on its psychic constitution, demonstrating that value fetishism engenders one of the most striking features of capitalist subjectivity: narcissism. There is, therefore, a genuine “isomorphism between the narcissistic structure of the subject of value and the structure of value – which, as such, is a total social form and not merely an economic factor” (JAPPE, 2021, p. 172).

Narcissism should not be viewed according to a vulgar conception, which reduces it to terms of self-love, exaggerated self-admiration, affection for one’s own body, and so on. An initial approach to the subject, based on Freud’s psychoanalytic theory, suggests that the narcissistic *ego* constitutes a kind of regression of the psyche to a primitive stage, similar to the condition of a newborn, and is therefore unable to distinguish between its ‘self’ and the external world. Consequently, objects and people are not perceived as autonomous beings endowed with distinctive characteristics, but as mere manipulable extensions of the subject’s *ego* (JAPPE, 2021).

To understand the capitalist psyche, Jappe argues that philosophical reflections are historically situated and tend to closely reflect the underlying social structure of their time. As such, they provide a means of deciphering the societies in which they emerged (JAPPE,

2021). Descartes’ thought provides a notable example in this regard. Writing during the rise of capitalism, he anticipated key features of the narcissistic form of subjectivity characteristics of contemporary society. (JAPPE, 2021).

Cartesian philosophy took the separation between subject and object to the extreme. The very phrase *cogito ergo sum* (“I think, therefore I am”) indicates that thought is what characterises man as a subject. The rest of the universe (things, people, nature and any other activity unrelated to thought) is regarded as a mere object, whose sole purpose is to attest to the existence of a thinking mind, that is, of a subject. This means that the objects referred to by the subject may be non-existent on the material level, or even be misperceived; even in such cases, they would serve the purpose of confirming the existence of thought and, consequently, of the ‘self’. Thus, Descartes conceives of the world as an object for the *ego*, since everything external to the subject exists merely as material to be manipulated in order to confirm and realise the *ego*’s inner world (JAPPE, 2021).

This brief exploration of Descartes’ theoretical foundations allows us to assert that this author reproduces, in philosophical terms, the constitution of the subject of value: “solitary and narcissistic, incapable of forming genuine ‘object relations’ and in a state of permanent antagonism with the external world” (JAPPE, 2021, p. 50). This is, therefore, an empty subject, who is unable to enrich themselves through contact and relationship with the other, since the very conception of that which presents itself as external constitutes a projection of the self.

Jappe, then, proposes an analysis of narcissism based on his own interpretative framework. Rather than confining it to a perversion, the thinker presents a *broad* approach, intending to treat it as a widespread phenomenon, often reproduced unconsciously, without those exhibiting it associating their behaviour with narcissism (JAPPE, 2021). Jappe’s approach requires an understanding of the initially pathological roots of this phenomenon, which, as will be demonstrated, constitute a form of socially determined psychic regression.

Before birth, in the intrauterine environment, there is no separation between the *ego* and the outside world, as the unborn child is in a state of complete fusion with its mother’s womb, which provides it with protection and the immediate satisfaction of all its needs (JAPPE, 2021). Birth, in turn, ushers in a phase in which demands are neither readily met nor guaranteed, and “any delay in the satisfaction of needs is experienced by the newborn as a threat to its very survival and triggers crises of distress” (JAPPE, 2021, p. 101).

In response to their powerlessness in relation to the outside world, the newborn retains an imaginary of symbiotic fusion and indistinguishability with the maternal figure, who comes to represent their omnipotence, insofar as she maintains the link between external objects and the *ego*. Consequently, the infant does not yet experience a distinction between the self and external objects, which are still perceived as extensions of the self. (JAPPE, 2021).

Gradually, particularly from the fifth month of life on, the child begins to break free from this fusion with the mother, acquiring autonomy. The milestone of this developmental process occurs with the formation of the Oedipus complex, which, according to Freudian theory, takes place between the ages of three and five. From this point onwards, the child develops sexual desires towards their mother, whilst the father is viewed as an adversary, as he prevents the fulfilment of this desire. The constant threat of castration, imposed by the father, leads to the renunciation of incestuous desire, such that the internalisation of the paternal prohibition results in the defeat of the pleasure principle by the reality principle. This dynamic gives rise to what is known as the *superego*, defined as a censoring psychic instance which, like an inner voice, shapes the *ego* to conform to social rules, repressing desires,

instincts and drives that prove to be at odds with the principles accepted in society (JAPPE, 2021).

Upon separating from the maternal figure, the child begins to invest their libido in people and things, which now manifest as external to their ego. According to Jappe (2021), drawing on Freud's thinking, this split can be defined as the overcoming of *primary narcissism* (the fantasy of initial fusion), which is not pathological but natural and intrinsic to the subject's normal development. In contrast, however, there is the situation in which the subject seeks to "deny or revoke the emergence from primary narcissism" (JAPPE, 2021, p. 108). In this case, a pathological condition arises, termed *secondary narcissism*, characterised by the concentration of the libido on the subject themselves, who therefore does not invest it in objects and people external to them (JAPPE, 2021). In their unconscious, the narcissistic subject regresses to a state marked by the fusion of their ego with the external world, such that people and things are experienced:

“Merely as projections, extensions and confirmations of itself: the self remains always identical and does not undergo genuine experiences; it does not expand. It remains confined to a sort of 'mirror stage', limiting itself to reflecting itself everywhere in its being-as-it-is. (JAPPE, 2021, p. 110).

The world becomes an empty matter, devoid of content and autonomy, where the narcissist realises his ephemeral fantasies. According to Jappe:

“Ultimately, for the narcissist, all people are of equal worth and interchangeable. People are not perceived as autonomous beings, with a history, who ought to be respected in order to establish mutually enriching relationships, but rather as extras who must play a part on the narcissist's inner stage. The narcissist invests nothing in their relationships and, consequently, derives nothing from them. They have a similar relationship with objects: they are not interested in them because of the differences between them and do not wish to get to know them; they merely wish to manipulate and dominate them. (JAPPE, 2021, p. 159).

This scenario facilitates the articulation between narcissism and the logic of value. This social form, just like the narcissistic subject, does not recognise people and objects based on their multiple distinct qualities. Value fetishism annihilates the qualities, differences and peculiarities of each concrete piece of labour, reducing all material content to a mere vehicle for a given abstract quantity of itself—that is, expressions of abstract labour time. Bodies and things, in general, are instrumentalised and manipulated so that value reproduces itself endlessly, thereby self-valorising. Just as in the narcissistic dimension, “the logic of value generates a structural indifference towards the contents of production and the world in general” (JAPPE, 2021, p. 160), turning the concrete into a mere vehicle that enables the movement of an abstraction.

Both the narcissistic and the value perceive their 'self' as the sole substance governing reality, which is why the social whole is reduced to a representation of the self. Furthermore, both are insatiable. The existence of value depends upon its endless self-valorisation, while the narcissist, in pursuit of the ideal self, becomes trapped in a repetition compulsion, believing that satisfaction will eventually be attained. According to Jappe:

“This reductionism is one of the most characteristic features of advanced market society: everywhere, the multiplicity of the world is reduced to a single substance, and objects, which are in principle irreducible to one another, are nothing more than larger or smaller portions of this qualityless substance (JAPPE, 2021, p. 163).

Thus, Jappe concludes that the narcissistic subject, as a historically determined form of subjectivity, reproduces value fetishism in their psychic interaction with social reality. The narcissistic psyche is, in reality, the effect of the market economy, which constructs a competitive, atomised, selfish and insatiable social environment. As a result of this necessarily individualistic sociability, aspects external to the subject are represented as mere extras in a scenario entirely geared towards self-realisation. This psychic composition that proves fundamental to the expansion of value.

However, although narcissism is integral to the essence of capitalist society, its recognition as a dominant pathology only occurred after the Second World War, a period in which its widespread social prevalence was identified (JAPPE, 2021). At that time, there was an actual “rise in the rate of narcissism”, spreading across all individuals. Jappe argues that, before that period, this psychological composition remained in an embryonic state, as did the fetishistic structure of the automatic subject. Although capitalism is a system of impersonal domination, for a long time the surface of its reality was driven by “flesh-and-blood people”, as evidenced by the conflicts between the bourgeoisie and trade unions, relations of production founded on employer authoritarianism, and so on (JAPPE, 2021).

In the words of the German thinker, workers were, for a considerable period, “subjects of lesser rights” (JAPPE, 2021, p. 165); that is to say, they were not treated as subjects legally equivalent to the bourgeoisie, resulting in a context characterised by authoritarian relations, rooted in forms of partial personal domination. At that time, moreover, the psychic structure was, as a rule, dominated by classical neurosis, arising “from the relationship with a figure of authority in which fear and affection, libidinal drives and regressive drives were intermingled” (JAPPE, 2021, p. 167).

However, engagement in the class struggle enabled the proletariat to secure recognition of the necessary conditions (freedom of association, formal equality) for submission to the pure dynamics of value, particularly from the 20th century on. From then on, there was a gradual abandonment of elements derived from pre-capitalist forms, and the automatic subject came to prevail, corresponding to the narcissistic psychic form. Thus, “just as the automatic subject required a very long incubation period to emerge in its pure form, although embryonic from the outset, narcissism took a long time to realise what was already present in potential” (JAPPE, 2021, p. 168).

The major question that arises from this point on is what to do about fetishism and narcissism. As the German thinker asks, “return to nature, conquer nature, or overcome regression?” (JAPPE, 2021, p. 168). In other words, should one promote the subject's reunion with a supposedly human essence, shape a new human being, or overcome historically determined regression? Jappe's answer diverges from the commonly held views on the subject.

Jappe (2021) argues that there are biological traits that form part of what he calls first nature, such as the anxiety caused by the separation between the newborn and its mother, the desire for incest, as well as the existence of a figure which, by imposing primal repression, triggers the formation of the superego. There are also drives that constitute human

essence, such as aggression and the death drive (JAPPE, 2021). However, these aspects are not, in themselves, sufficient to constitute a specific form of human being. In fact, human beings are shaped by the way in which different social structures organise these biological traits (JAPPE, 2021).

The way in which capitalism manages the elements of the human condition leads to an *anthropological regression*, since: “social atomism, that is, the radical separation between members of society, caused by abstract labour as a principle of social synthesis, gives rise to the fantasies of total fusion that characterise the narcissistic” (JAPPE, 2021, p. 179). In other words, the isolation of individuals and socialisation in market terms engenders the logic of value which, as it imposes itself, unleashes narcissistic subjectivity, the central aspect of which is regression to a primitive psychic phase, marked by the absence of separation between the *ego* and the external world. Jappe’s response, therefore, does not point towards the creation of a new human being in the light of different social circumstances, but towards the constitution of a society in which innate elements are channelled in a collective and psychically progressive manner.

3 The emergence and crisis of the labour form: the collapse of capitalism

The social relations of capitalism are endlessly geared towards the ever-increasing production and accumulation of value, which is expressed in terms of more money. Turning an initial sum of money into a greater sum is, therefore, the purpose of this mode of production.

Only living labour power is capable of generating more value than its own cost. The value of any commodity is measured by the socially necessary labour time required for its production; in the case of labour power, this manifests itself as the average of what is necessary to reproduce it—that is, the sum of what the worker needs to subsist and continue performing labour. When the proletarian is hired on the labour market, therefore, they are not deceived, because their value is paid for by the capitalist. However, the use of this labour power enables the production of goods whose values not only cover the wage but also exceed it. This labour that exceeds the price of labour generates what Marx called ‘surplus value’. It should be emphasised that so-called ‘dead labour’, such as machinery, does not generate new value, but merely passes on its cost to the product (JAPPE, 2024).

The fact that value is produced and increased solely by the labour force has given rise to a society of labour, such that this activity has become the principle of social synthesis. All social practices exist solely by virtue of labour, which produces the use-values through which value increases and continues to reproduce social relations (JAPPE, 2024). And so, for the most diverse forms of labour to be measured in terms of value, a separate sphere was created in which productive activities take place without intermingling with other practices, unlike what occurred in past societies.

Only when expended within a specific sphere, dissociated from other activities, can labour time be objectively measured and thus regulate market-based social relations. It is this specific arrangement that gives rise to the notion of ‘labour’, which encompasses the most diverse concrete activities that produce value. Thus, labour (including in its concrete form) must be viewed as a historical phenomenon, existing only in a society structured by value.

However, the society of labour, “embedded in its fetish medium” (JAPPE, 2024, p. 77), has never been stable or controllable. The development of capitalism naturally presents contradictions that provoke crises. The logic of competition leads to the development of the forces of production, a process that begins when a capitalist introduces a technological innovation and increases their productivity. Consequently,

other social actors tend to follow this trend, incorporating the means of amplifying production. As a result, although there is an increase in efficiency in the production of use-values, a section of the workforce ends up being replaced by machines, meaning that commodities contain ever-smaller proportions of human labour. The organic composition of capital thus increases, insofar as fixed capital (machinery) is increased, whilst variable capital (expenditure on the labour force) is reduced. This reduction in labour, combined with the decrease in socially necessary labour time, inevitably reduces the value of commodities and makes it more difficult to achieve the profits previously earned (JAPPE, 2024).

This trend necessitates a continuous increase in the production of commodities, including expansion into other markets, in order to offset and, eventually, overcome the fall in profit. It is therefore necessary to increase consumption of the concrete world (natural resources) so that the value-form can continue to operate its automatic movement: “such a result is a manifestation of the opposition between abstract form and concrete content that runs throughout the entire history of capitalism” (JAPPE, 2024, p. 83).

However, since the 1960s, this compensatory mechanism has ceased to be effective. The computer and microelectronic revolutions have elevated the replacement of productive labour to a level never seen before. According to Jappe (2024), no expansion of production or the market can balance or even compensate for the reduction in living labour, with the result that the labour force has ceased to be the principal factor of production. Although it is a society constituted and regulated by labour, capitalism has annihilated its principle of synthesis to an irreversible extent, causing the entire logic of value accumulation to collapse.

The total dismantling of the mode of production has only been averted because, to prevent it, “the ‘automatic subject’ forges ever more recklessly ahead” (JAPPE, 2024, p. 90). This means that this postponement of the end is achieved through fictitious capital, which enables a life based on credit, anticipating values to be produced in the future in order to thereby prolong the suppression of capitalism’s systemic limits.

The so-called neoliberal phase of capitalism, therefore, does not represent a ploy by the bourgeoisie to subjugate states to financial power and thereby increase accumulation. On the contrary, this phase, characterised by rent-seeking and speculation, in Jappe’s view, was constructed as a result of the collapse scenario, being the only way to postpone the end of capitalism, particularly by circumventing, at least on an *ad hoc* basis, the absence of a real basis for the production of value. Given that value has become a straitjacket on the development of production, this straitjacket has sought to expand through financial manoeuvres, but its unravelling is inevitable.

Jappe thus observes that fetishist society is oriented towards destruction and self-destruction. In its expansive, totalitarian and, in principle, unlimited movement, the automatic Subject ultimately encounters two limits before it: one internal and the other external. The first of these refers to the contradiction to which capital relations are subjected, whereby they self-destroy their own basis for growth by replacing productive labour with technologies. This not only undermines the foundations of self-valorisation but also, consequently, creates ‘superfluous’ or disposable populations who serve no purpose to the social system, as relations of exploitation become increasingly restricted. The second, external limit concerns the depletion of natural resources, which points to an ongoing environmental and climate collapse, a consequence of the world’s growing and unchecked consumption (JAPPE, 2013).

3.1 The collapse of the subject

Capitalism's trajectory towards its own abolition, of course, also has an impact on the subject-form. After all, in a society in which the social process is unconsciously reproduced by human beings themselves, "the suicidal tendencies of globalised capitalism are found in the suicidal tendencies, whether latent or overt, of numerous individuals; the irrationality of capitalism corresponds to the irrationality of its subjects" (JAPPE, 2021, p. 242). The collapse of the value-form likewise engenders the collapse of the subject-form, which becomes inhabited by a *death drive* that produces destruction and self-destruction. Virtually all forms of violence currently on the rise—such as massacres, killings, suicides, state repression, etc.—are expressions of that phenomenon to which psychoanalysis refers (JAPPE, 2021).

Drawing on Freud, it can be argued that subjects are not guided solely by the pleasure principle. There is a psychic counter-face which, when it manifests itself, is directed towards reducing or suppressing tensions and desires, establishing a "state of absolute repose" (JAPPE, 2021, p. 244). This is the death drive, which, according to Jappe (2021), can be viewed as a desire to return to the state of fusion characteristic of the prenatal period; that is, a return to primary narcissism. However, this self-destructive impulse tends to be displaced outwards – as a consequence of the life drives – whilst the demands of culture end up repressing part of this aggression, leading the individual to introject it into themselves. However, unlike Freud's explanation based on ontological and anthropological foundations, Jappe follows Marcuse's understanding, according to which this psychological phenomenon must be examined in social and historical terms. Although it is a drive inherent to human beings, it was capitalism – particularly at the moment of its collapse – that established the historical conditions necessary for its unprecedented rise and expression (JAPPE, 2021).

The crux of Jappe's argument lies in the fact that the growing decomposition of capitalism unleashes the destructive energies that were once channelled into labour, where they found a space for sublimation or expiation. Now, circulating freely, "aggression no longer finds anyone to attack and stumbles, everywhere, upon anonymous structures – which can lead to attacking anyone, but also to seeking explanations in conspiracy theories and other paranoid views" (JAPPE, 2021, p. 262). This is a hatred that is, in principle, without an object, triggered by "the contemporary subject's certainty of their own insignificance and superfluity" (JAPPE, 2021, p. 270). Anxieties such as this, moreover, ultimately permeate the whole of social life, as all individuals (capitalists and workers alike) recognise the very real possibility of being replaced or discarded at any moment, particularly those who are unable to adapt to the borderline, flexible and unstable model demanded by today's labour shortage (JAPPE, 2021).

One possible reaction to this whole scenario is chronic depression, which channels all aimless aggression back onto the individual, leading to self-destruction (JAPPE, 2021). On the other hand, the emotional void of the present, the effects of which are exacerbated by the ever-intensifying war of commercial competition, can give rise to an inevitable state of resentment, defined as a state of mind that redirects a feeling of anger towards a specific object as a substitute. Jappe (2021) points out that resentment constitutes the *quintessence* of narcissism, given that it operates in a similar way, erasing the differences between objects—in this case, between the trigger of the anger and the substitute for it. The resentful individual may feel this way for entirely justified reasons, but, as the fetishistic-narcissistic world is reduced to the projection of a single substance, they target the wrong object, which is perceived as the cause of their problems.

This channelling of aggression can give rise to the most diverse forms of hatred, directed against the widest variety of groups. But, in its most

extreme forms, it can become a death drive in its purest form, embodied by what is known as *the contemporary 'amok'*: "the act of an individual who enters a school, a university, a cinema or another public place, fires at point-blank range at those present and, ultimately, usually commits suicide" (JAPPE, 2021, p. 246). Here, destruction and self-destruction cease to exist merely in potential or in diffuse forms, and instead manifest themselves explicitly. Jappe argues that such events have likely become more widespread due to the breakdown of the psychological barriers that previously restrained such acts.

This weakening of internal censorship can be illustrated by the end of the so-called 'society of discipline', when authoritarian education (based on the internalisation of repression) was gradually replaced by an education characterised by indifference and the disposability of objects and people, exacerbated by the handing over of children to technological devices. This form of socialisation reinforces the regression of psychological development, leading to a lack of boundaries in the face of childish omnipotence (JAPPE, 2021). Thus, the lack of emotional balance triggered by the erosion of values, resentment and the suppression of individual repressive restraints are, in Jappe's (2021) view, factors that fuel destructive acts.

The rise in violence that marks the decline of capitalism and the subject-form ushers in a period characterised by looting and direct atrocities, similar to those that underpinned the so-called primitive accumulation of capital. Whilst, during periods of the ordinary functioning of the value-form, the subject tends to channel their aggression into socially accepted forms, such as the elimination of the other through competition; at this juncture of collapse, where competition ceases to be merely economic and becomes existential, "the disposition to destroy the other in competition culminates in a generalised hatred of the whole world, a world that this competition has reduced to nothing, including the subject itself" (JAPPE, 2021, p. 286). Whilst capitalist subjectivity was initially forged by direct violence and forced submission to the discipline of productive labour, violence now becomes the consequence of the collapse of the society of labour and the progressive tearing apart of the straitjacket embodied by the subject-form.

4 The legal constitution of the subject-form: Jappe and Pashukanis

The aim of this section is not, of course, to develop a theory of law based on the thought of Anselm Jappe. Rather, it is a matter of identifying possible points of contact or dialogue between Jappe's theory and Pashukanis' critique of the legal form, without ignoring the existence of substantial differences between the authors, such as the fact that the Soviet jurist does not regard value as a total social form, nor does he conceive of a theory of capitalist collapse. Despite these differences, legal subjectivity can be regarded as a central feature of the subject-form.

4.1 Evgeny Pashukanis and the fetishism of legal form

The jurist Evgeny Pashukanis is the leading theorist of law within Marxism. The importance of his thought stems from the fact that he undertook an analysis of the legal phenomenon based on the theoretical categories presented in *Capital*, which culminated in his most prominent work, *The General Theory of Law and Marxism*, published in 1924.

The Soviet legal scholar distinguished himself by revealing that it is only in capitalist society that individuals take the form of subjects of rights, thereby acquiring legal subjectivity. This is because commercial exchange requires not only an equivalence between the values of the commodities being exchanged, but also a subjective equivalence between their owners, who must recognise one another as formally

equal, free and autonomous subjects (possessing autonomy of will), capable of assuming reciprocal obligations (PASHUKANIS, 2003).

Otherwise, if the socialisation of production were carried out in the light of hierarchies or direct domination, there would be no exchange of equivalents, but rather the subjugation of labour and its products by arbitrary means, which would undermine the premises of the market. Thus, intersubjective equivalence is realised by taking legal subjectivity as the common denominator that allows concretely distinct individuals to be treated as equals. The legal subject is, therefore, constituted in a practical and relational manner (and not as a consequence of idealised norms), as a mirror of the commodity form, insofar as they are an indispensable link for the realisation of contractual ties, including those that constitute relations of production (PASHUKANIS, 2003).

Thus, “at the same time, therefore, that the product of labour becomes a commodity and a bearer of value, man acquires the capacity to be a legal subject and a bearer of rights” (PASHUKANIS, 2003, p. 112). Legal fetishism complements commodity fetishism, for, in order for things to circulate, it is necessary for people must acquire a social status as legal subjects, as if such an attribute were inherent to their physical body. Just like commodities, human beings become sensible-suprasensible units; that is, people who possess concrete particularities but, within the sphere of exchange, are defined by the abstract (and legal) character of their subjectivity.

The legal subject is nothing more than the *personification* of the fetish form of value, whose abstract character (that of abstract labour) is transferred to people, rendering them as its subjectivised reflection, that is, as “living equivalents, equal values” (EDELMAN, 1979, p. 94). Once abstracted from their differences (class, race, condition), subjects appear as bearers of an equivalent and undifferentiated will, driven by the need to reproduce the circulation of commodities (KASHIURA, 2009).

With Pashukanis, it is possible to observe that the legal layer of subjectivity establishes a necessary intertwining with the narcissistic layer. Derived from the same source—value—both strip human beings of their concrete and historical particularities, giving rise to a complex of interlinked social practices. From a psychological perspective, the narcissistic dimension annihilates people’s content and specificity, turning them into manipulable extensions of the *ego*. From a legal perspective, people are reduced to abstract predicates (free, equal and property-owning) that govern their social recognition. Whilst the psychological drives the instrumentalisation of the other through selfish fantasies and projections, the legal dimension reinforces indifference towards their concrete realities and particularities, given that people are regarded as mere ‘necessary means’ for commercial exchange. The legal form thus gives vent to fetishistic-narcissistic subjectivity, insofar as it forges relational – contractual – rituals in which social interaction is constituted in a superficial manner, in accordance with private designs, whilst at the same time establishing an amalgam of selfish interests dimensions.

4.2 Jappe and the legal form

The legal character of the subject is not overlooked in Jappe’s theory. In analysing capitalist subjectivity in general, without yet delving into its psychological specificity, the German author notes that this form of sociability has always encompassed *lesser subjects* and *non-subjects*. On the one hand, Jappe uses the term “*minor subject*” or even “*subject with lesser rights*” to explain that, due to the persistence of feudal elements in Marx’s time, in the nineteenth century, workers were not regarded by the state as subjects formally equivalent to capitalists, given their inability to make use of strikes and associations to ensure that labour power was sold at a higher price. Indeed, it was the surge in the class struggle at that very moment that enabled the working class to secure

an “equal” right, thereby integrating it into the automatic movement of value. Since then:

“

In effect, the labour movement abandoned its initial radicalism once the representatives of capital showed themselves willing to compromise, renouncing certain forms of domination that were often irrational from the point of view of capital itself and which, more accurately, were the result of an outdated mentality (JAPPE, 2021, p. 166).

On the other hand, despite the integration of workers and the totalitarian tendency of value, the functioning of capitalism is conditioned by a sphere of “non-value”, comprising activities that do not qualify as “productive labour” but are necessary for the reproduction of value. This space, situated on the margins of the market, in turn gives rise to a contingent of *non-subjects*, devoid of autonomy and equality vis-à-vis economic agents. Women’s domestic labour is a historical example of non-wage reproductive practice, insofar as it organises the daily regeneration of the male labour force within a sphere dissociated from the market (JAPPE, 2013):

“

These activities are indispensable to the production of value, but do not produce value. They play an indispensable, yet auxiliary, role in the society of value. This society consists both of the sphere of value and the sphere of non-value; that is to say, it is founded on the combination of these two spheres. But the sphere of non-value is not a ‘free’ or ‘non-alienated’ sphere; quite the contrary. This sphere of non-value carries the status of ‘non-subject’ (and this has long been the case, including in legal terms), because such activities are not considered ‘labour’ (however useful they may be) and do not appear on the market. (JAPPE, 2021, p. 310)

It is the case that, once integrated into the market, women too have come to be moulded according to the subject-form over the last few decades, even though the price of this has been the need to cope with a double shift, combining labour and domestic tasks. However, Jappe points out that, as a result of the shaping of new subjects, “new forms of exclusion are created, notably in times of crisis” (JAPPE, 2021, p. 311). In other words, whilst the status of a subject depends on integration into the labour market, the replacement of jobs by technology excludes a growing proportion of people from the sphere of value and, consequently, from the subject-form. These “new” *non-subjects*, however, are no longer deemed necessary, as they once were, to reproduce the labour force or to provide support for its reproduction. On the contrary, they are utterly superfluous or disposable individuals, devoid of social utility.

It can be inferred that Jappe’s conception of the subject constitution can be likened to Pashukanis’s reflection on the element that immediately enables the recognition of the form of legal subjectivity. This is because the Soviet jurist takes the view that it is the character of the private owner that gives rise to freedom and legal equality, attributes which are essential to the figure of the legal subject. After all, one can only exchange that which one possesses as an owner:

“

Property as appropriation is the natural consequence of every mode of production; but only within a particular social for-

mation does property take on its logically simplest and most universal form as private property, determined by the simple precondition of the uninterrupted circulation of value (...). (PASHUKANIS, 2003, p. 45)

A person who has nothing to exchange, therefore, finds himself outside the social basis governed by formal equality and the autonomy of the will, being unable to place himself on a formal footing with other subjects. In other words, this person, excluded from the market, becomes a *non-legal subject*.

Nevertheless, it would still be possible to develop the following line of reasoning: given that, virtually, all people are owners of the commodity “labour power”, the status of legal subject would tend to be universal. However, from Jappe’s perspective, such a conclusion is premature. In times of collapse, there are a myriad of people who no longer have any opportunity or scope to sell their labour power. In such cases where the “somersault” of the commodity does not take place (CASALINO, 2019), the superfluous possessor will be only a potential subject, given that they will not be entitled to the social form that enables them to establish social bonds in their *immediate* capacity as a subject: money (JAPPE, 2021). Translating this analysis into Pashukanian terms: if the individual fails to convert their commodity into money, “then the potential of the subjective representation of value does not become an act, and their biological structure does not realise itself as a person or legal subject” (CASALINO, 2019, p. 2918).

It should be noted that Robert Kurz, a major influence on Jappe’s thinking, had already explicitly pointed out this relationship between legal subjectivity and the form of money. In the text *The Paradox of Human Rights*, Kurz states that:

“

Only a being who earns money can be a legal subject. The capacity to enter into a legal relationship is therefore linked to the capacity to participate in some way in the process of capital valorisation. According to this definition, a human being must be capable of working; they must be able to sell themselves or something else (if necessary, their own bodily organs); their existence must satisfy the criterion of profitability. This is the tacit assumption underlying modern law in general, and thus also human rights. (KURZ, 2003).

Kurz elaborates on this relationship by emphasising that recognition of the abstract nature of the legal subject implies a relative non-recognition of their characteristics (cultural, physical, social) and concrete needs. However, at any moment this non-recognition may shift from relative to absolute; all that is required is for the human being to detach themselves from the process of value creation, which will distort their legal subjectivity and, consequently, their status as a “human being in general”. In this case, the only basis for recognising human status would be political expediency. Such expediency could either recognise superfluous people as subjects deserving of legal protection or, conversely, exploit the absence of any legal basis to exclude them permanently (KURZ, 2003).

5 Conclusion

This article has examined Anselm Jappe’s interpretation of fetishism, which analyses how a society structured by the value-form leads to the prevalence of the abstract over the concrete, such that objects become

mere quantities in the service of capital reproduction, whilst subjects are transformed into puppets of the automatic Subject (value). The symbiotic relationship between the value-form and narcissism was then addressed to justify the centrality of this psychic trait in the figure of the subject. Finally, attention was focused on the self-destructive nature of value fetishism, whose movement ultimately tears apart the very basis of its own reproduction, namely, living labour. As a result, capitalism and the subject-form (including in its legal character) enter a cycle of collapse.

It can be concluded that, from this perspective, the collapse of capitalism signifies not only the self-destruction of value and the spread of barbarism across all spheres, but also the annihilation of the social form that subjectivises value, namely, legal subjectivity. After all, the inevitable increase in the organic composition of capital means that, progressively, more human beings are stripped of the economic foundation that would guarantee their status as legal persons.

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