NFT FASHION AND VIRTUAL SELF RE-CREATION

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1. INTRODUCTION

Cultural-theoretical approaches that focus on the relationship between the subject and institutions reveal that self-formation is far from a solitary psychological event. Scholars such as Giddens (2009), Legendre (1988), or Foucault (2008 [1982–83]) have demonstrated that the emergence of the self is inevitably embedded within the symbolic order into which one is born. It is thus inextricably intertwined with the words, images, and material structures provided by the institutional framework, within which one learns to self-identify and to speak (Legendre 1988, 37). Forming a sense of self, then, means becoming part of this order – emerging as a subject that is both perceptible to itself and recognizable by the Other. This necessitates, on the one hand, the relinquishment of one's own subjective-empirical reality "in order to partake in an extra-individual value" (Göbel/van Laak/Villinger 1995, 43); personal perceptions, representations, and worldviews merge with those staged by the institutional system. On the other hand, the body, too, undergoes a transformation: it ceases to exist as a purely biological entity and assumes a symbolic status (Legendre 1994, 41), thereby becoming legally defined, recognized and protected.[1]

In Western societies, law serves as the central instance governing these processes, ensuring the integration of both the mental and physical self into the institutional framework. As Alain Supiot explains:

> Making each of us a *Homo juridicus* is the Western way of linking the biological and symbolic dimensions that constitute human existence. Law connects the infinity of our mental universe with the finitude of our bodily experience, and in this way, it fulfills an anthropological function in our culture by instituting reason. (Supiot 2005, 10)

Blockchain technology now promises to alter this established logic. It aspires to create quasi-institutional and -legal structures in virtual space, wherein the individual – reconceptualized as a self-sovereign, autonomous subject – is granted the freedom to determine the foundations and binding structures of its existence. Rather

1 All translations of quoted sources were provided by K. Becker, unless otherwise indicated.

than being subject to the word, image and corpus of traditional institutions and law, the individual is instead meant to be bound by the self-determined code of the blockchain, the so-called *Lex Cryptographia* (Wright, De Filippi, 2015).

In my previous work, I examined the implications of blockchain's promises of autonomy and decentralization with regard to the dimensions of body (Becker 2022) and language.[2] The following analysis will shift focus to the dimension of image, that is to the aesthetic mechanisms through which the subject is invited to construct its identity within virtual space. However, it is important to note from the outset that even this seemingly autonomous and playful form of self-stylization ultimately carries legal implications – a point to which I will return later. In this context, particular attention must be paid to so-called NFTs (non-fungible tokens), which are increasingly employed in the field of virtual fashion with the aim of shaping avatars.

This paper seeks to evaluate whether and to what extent blockchains and NFT-based practices actually redefine the logic of self – granting it autonomy and self-sovereignty – and will, for this purpose, proceed as follows. First, it will provide an overview of blockchain technology, NFTs, and the underlying objective of autonomous self-creation. Next, it will examine the role of aesthetics for the formation of self, tracing its evolution since the emergence of cybernetics. The analysis will then turn to contemporary trends in digital spaces – particularly within the so-called metaverse – exploring the interplay of fashion, corporeality, and law. Finally, the paper will critically assess whether NFTs truly facilitate autonomous self-representation and reflect on the broader implications of this phenomenon for both subjectivity and legal frameworks.

2. BLOCKCHAINS, NFTS, AND AUTONOMOUS SELF-CREATION

Blockchain technology operates through tamper-proof distributed digital ledgers, where data is recorded in blocks that are cryptographically linked to one another. Each new block contains information alongside a reference to the previous block, forming an immutable chain in which transactions are recorded without the possibility of modification. Within this system, logical concatenation supplants traditional legal constraint. This technology thus claims to transcend the need for traditional intermediaries by offering an infallible, automatable, and decentralized registry through which individuals can engage in commercial, financial, legal, or political interactions. At the same time, it grants the subject a new form of autonomy in structuring their life, made possible through the consensual and decentralized programming of an incorruptible and self-executing code.

2 Katrin Becker, "Dekorporalisierung = Demokratisierung? Öffentliche Meinung im Sog der Virtualisierung", talk at the conference *Opinion. Public Opinion* at the Inter-University Center in Dubrovnik 2023. Forthcoming in 2025.

How does this work in practice? This approach is based on so-called *smart contracts*, which function according to a conditional "if-then" logic. These contracts encode specific transactions in such a way that they are executed automatically once predefined conditions are met, without the possibility of external intervention. For example, once the cryptocurrency owed by B is credited to A's account, B automatically gains access to virtual rights or connected objects within the Internet of Things (IoT) ecosystem. This mechanism enables the programming of legal and commercial processes in virtual spaces between two or more parties, eliminating the need for prior acquaintance or mutual trust. Within this framework, traditional third-party institutions responsible for ensuring the accuracy of information in public registries – such as banks, notaries, and similar intermediaries – or those to whom contracting parties could appeal in cases of non-performance, such as courts or legislatures, become superfluous. In other words, all trust-based intermediaries, whose legitimacy historically rested on a shared societal belief system, are rendered unnecessary.

Another key element of this technology are NFTs. The acronym NFT stands for *non-fungible token*, referring to a unique and indivisible digital asset. At its core, an NFT is an alphanumeric string recorded on a blockchain, typically managed via smart contracts that regulate its "transferability and ownership" (Schmitz 2022, 158). As a result, NFTs serve as an immutable and transparent proof of ownership over a digital object (Notaro 2022). Unlike most digital content, which can typically be copied and disseminated without restriction, an NFT-bound asset is therefore intended to be rendered non-reproducible in a legally and technologically enforceable manner.

NFTs first gained prominence in the art world, where they enabled the unequivocal attribution of digital artworks to their creators and facilitated their commercialization. By introducing the notion of scarcity and uniqueness into the digital realm, NFTs promised, on the one hand, to ensure "the long-term storage and availability of the actual content" (Balduf/Florian/Scheuermann 2022, 1) through the distributed infrastructure of the blockchain. On the other hand, they were heralded as a tool for empowering individual artists by enabling them to bypass traditional intermediaries – such as galleries and art patrons – who have often been criticized as corruptible gatekeepers of the art market. NFTs ostensibly granted artists to operate autonomously, positioning themselves outside established societal and political structures and engaging in market transactions without the imposition of fees by third parties with potentially exploitative interests. (A similar trend of disintermediation has been observed in the music industry.)

However, these promises quickly proved to be precarious: Most notably, the principle of non-reproducibility applies only to the alphanumeric code certifying ownership, not to the referenced object itself. As Notaro (2022, 363) notes, "what the buyer owns is just a digital certificate of ownership". Even more significantly, "[t]he tokens might be non-fungible: but the art (or similar) that any given NFT is associated with remains just as reproducible as it was before" (Whyman 2021). This

calls into question both the purported protection NFTs provide for artists and the claim that they ensure long storage. In practice, the digital objects and associated metadata referenced by NFTs are typically not stored on the blockchain and therefore do not benefit from its immutability (cf. Balduf/Florian/Scheuermann 2022, 2). In other words, if the entities managing these digital assets or their metadata cease to exist, „the NFTs won't refer to anything" (Notaro 2022, 363). Moreover, the growing centralization of metadata storage seemed to render the dream of decentralization increasingly questionable (Salem, Mazzara 2024).

Without delving further into the broader hopes (Notaro 2022, 360; Schneier 2021) and risks (Birch/Muniesa 2020, Juarez 2021 et al.) associated with these developments in the art and music domain, I shall focus here on the rapidly growing domain of NFT fashion, which plays a pivotal role in the blockchain-driven pursuit of autonomy and self-determination. A prevailing idea in this context is that individuals craft their avatars – the digital representations through which they navigate the metaverse, conduct transactions, and participate in social activities such as attending virtual concerts or cinemas – in a manner that is both unique and expressive. This phenomenon is not only significant for the conceptualization of the self but, as I will argue below, also raises fundamental legal questions. Regardless of whether one subscribes to the notion that our lives will increasingly unfold within virtual environments, this evolution, in my view, necessitates a critical examination of key issues concerning subjectivity, legal personhood, and the rule of law.

3. THE TECHNO-SCIENTIFIC TRANSFORMATION OF IMAGE-BOUND SELF-FORMATION

In order to assess the interplay between the self, legal personhood, and the institutional order – and its transformations –, a broader consideration of the relationship between aesthetic self-fashioning and law is first necessary. As previously noted, the process of subjectivation, mediated through imagery and language, inscribes the subject – both physically and mentally – into the institutional realm (Legendre 1988). This moment marks the convergence of individual and institutional representations: the subject's imaginary – their "mental universe" – intersects with the imaginary underlying the institutional order, the "social imaginary" (Castoriadis 2006), in which "symbolism is [...] deeply rooted" (Fressard 2006, 143). Ultimately, as Legendre demonstrates by extending Lacan's mirror logic to the cultural level, both self-perception and world-perception are always shaped by a collective dimension and governed by a triangular dynamic: the subject perceives itself, perceives the Other, and perceives the world within a framework anchored in a shared meaning and in shared aesthetics. At the same time, this also implies that the representations upon which institutions, law, and other structures rely must align with the self- and world-perceptions of individuals in order to sustain their appearance of legitimacy.

Since the advent of cybernetics in the post-war period of the 1940s and 1950s, the foundation of this shared meaning has been increasingly shaped by the imperatives of technical, scientific, and economic progress (cf. Legendre 1988, Musso 2017, Supiot 2020). As Steffen Mau observes, "the mode of calculation seems to encompass the entire social order in a process of territorial conquest," while "social semantics increasingly refer to the measurable aspects of the world and life" (Mau 2017). In the pursuit of greater security and economic efficiency in governing social affairs, the assumption has taken hold that social life can be numerically captured and programmed much like a computer.

This shift has brought about two fundamental transformations in how subjects relate to themselves and the world. On the one hand, it has fostered a growing pursuit of autonomy among subjects – a drive for independent, self-determined calculation and shaping of one's own life (cf. Becker 2020). On the other hand, it has brought about a profound transformation in the aesthetic mediation of selfhood and the individual's relationship to the world. As Heidegger argues, "under the reign of techno-science", an existential-epistemological shift has occurred: "*theoria* in the sense of observing *(be-trachten)* [has transformed in]to a striving *(trachten)* that is interested in knowledge only with regard to the options it might grant for manipulating reality or intervening into it" (Beinsteiner 2019, 117).[3] At the same time, as already noted by Adorno and Horkheimer (2022 [1944]), aesthetics have become increasingly intertwined with advertising and consumption, a dynamic that – *"religious in its principle"* (Legendre 2004) – therefore profoundly influences the image-based dimension of subject formation.

In this light, the pursuit of autonomy and the drive to reshape and intervene in given structures, fostered by new technologies, emerge not as purely individual endeavors but as integral elements of the collective framework of meaning. They are embedded within the institutionalized order of images and language, fundamentally shaping both self- and world-perception.[4] This transformation implicates both mind and body alike. The growing prevalence of self-improvement discourses encourages self-discovery, mental hygiene, and intellectual cultivation. Meanwhile, the physical self has become the focus of efforts to redesign or even transcend biological and physical limitations. The body is increasingly subjected to a

> cult of hygiene, diet, and therapy, the obsession with youth, the fixation on elegance and masculinity/femininity, the care and dietary supplements, the sacrificial practices associated with it, and the myth of sensual pleasure that surrounds it. […] One administers one's body, manages it like an asset, and manipulates it like one of the many signifiers of social status. (Baudrillard 2015, 189ff.)

3 The author refers to Martin Heidegger. 1977. *The Question concerning Technology and Other Essays. New York: Harper and Row.* New York: Garland Pub, pp. 163–96.

4 This is vividly illustrated by Katharina Pistor's argument, which explains how economic liberalism has transformed private law into an individualized and mutable asset designed for capitalist profit (Pistor 2020).

The ultimate aim is to transcend biological limitations – whether through surgical interventions that defy aging, reshape the body, and optimize health, or through the fusion of biology and technology via wearables and enhancement devices. As Beinsteiner aptly observes, "the human has become the new object of its interventions" (2019, 116). Nonetheless, bodily autonomy has so far remained constrained by the heteronomy of law. Through the institution of legal personality, the body's inviolability and the prohibition of its commodification are, to some extent, safeguarded (Supiot, 2005, 48). The aesthetic manipulation of the mirror image and the capitalist exploitation of the body are permissible only within legal boundaries; they do not override the fundamental subjection of the unity of body and mind to the rule of law.

At the same time, however, efforts to abandon the physical body in the so-called "meat space" and to shift as many aspects of individual and social life as possible into virtuality are steadily increasing. The expansion of virtual "presence," enhanced by increasingly sophisticated filters that refine and perfect the aesthetics of self-presentation, diminishes the need for focusing on the less flexible, less malleable physical body. Thus far, these developments have not directly challenged the core principles of institutionalization and law, preserving an element of playfulness in their application.

4. NFT FASHION AND THE PURSUIT OF SELF-AUTONOMY

At this point, we need to direct our attention toward those open blockchain initiatives that aspire to establish virtual collective and individual modes of existence, wherein decisions regarding norms, their implementation, and aesthetics are determined in an autonomous and decentralized manner. In certain contexts, the legal or governance aspect takes precedence (e.g., Network States (Srinivasan 2022), Decentralized Autonomous Organizations (Rikken, Janssen, Kwee 2021)), while in others, the emphasis is on the conception of a cultural and social space (such as the metaverse (Belk, Humayun, Brouard 2022)) –, a trajectory that propels Baudrillard's notion of the "age of simulation" to its extreme (Baudrillard, 1981). Especially within the metaverse context, the concept of NFT fashion resurfaces, ostensibly advancing what was initiated within social media and virtual self-design: With a view to their activities within the metaverse's social space, individuals are encouraged to design their virtual selfs – manifested as avatars – liberated from biological and physical constraints. Furthermore, augmented reality devices are eventually anticipated to enable the transposition of the aesthetic liberties acquired therein into the realm of the physical world (Joy, Zhu, Peña, Brouard 2022).

Upon closer examination of the dynamics of blockchain-based metaverse, however, it becomes evident that this shaping of the avatarial self carries far-reaching implications beyond those of previous virtual aesthetics: Blockchain is not merely a

technology that gamifies the virtual realm; rather, it serves as a mechanism of legalization – establishing a non-state, decentralized, and de-corporealized legal order. Consequently, crafting one's virtual identity as an avatar through the utilization of NFTs inevitably implies a legal dimension. At first glance, we therefore seem to be in reach of fulfilling the long-imagined dream of finally "enter[ing] the mirror" (Goodrich/Richards 2023, 72): In the normative order of the blockchain-based virtual world, the primary concern is no longer the integration of the subject's image and body into the institutional symbolic and imaginary order governed by law. Instead, the subject – though still physically bound to the material space – is ostensibly granted the freedom to independently choose which *Lex Cryptographia* system to join, if at all, and even to determine *who* it appears as within this digital realm. Against this background, NFT fashion emerges not merely as a medium for virtual recreation but as a conduit for the *re-creation* of the self – as free, autonomous and sovereign avatar.

However, a brief pause seems here in order: for the particular prominence of fashion in the context of avatarial self-design must come as a surprise, evoking Brecht's radio theory. Brecht notes that the radio was initially used merely to reproduce existing content, as no alternative application had yet been conceived (Brecht 1932). Why fashion, if the physical body does no longer play a role? Why not navigate cyberspace as symbols, houses, or animals?

The most obvious reason lies in the financial interest of major consumer brands eager to stake their claim in the metaverse economy, incentivizing the development of hybrid fashion that is wearable by both avatars and users.

At this point, a brief excursus is necessary to illustrate why the presumed autonomy in the virtual realm, why the separation of the material and the virtual world must be regarded with significant reservations: Upon closer examination, the metaverse appears less as a radical break from the material space and more as its economic-liberal expansion – an assetization of virtual space (Birch/Muniesa 2020). As recent market developments indicate: „the metaverse could generate up to US$5 trillion in value by 2030" (Kromidha, Taheri, Kraus, Malodia 2025).

Luxury brands such as Prada, Farfetch, Dolce & Gabbana etc. have already successfully extended their reach into this domain, amplifying consumption through "the dizzying appeal of double purchasing: one can buy a T-shirt to wear in 'real life' and the same one for their avatar" (Marissal 2022). In other words, the focus remains firmly on commerce, supplemented by recreational activities: "one can visit a cinema, a jazz club, fashion boutiques, a Samsung district, banks, or luxurious lounge bars" (ibid.).

What distinguishes this development from previous economic transformations, however, is the ambition to establish a legal order independent of state law, enabling brands to set and enforce their own rules within the digital ecosystem. Consequently, this blockchain-driven creation of scarcity and exclusivity impacts not only individual artists, musicians, and investors, but also corporate governance, triggering a transformative shift in value creation:

> Crypto-capitalism provides the artist, art collector, cryptocurrency investor with the utopian dream of the 'Big Sale' or the 'quick buck' thanks to a technology, the blockchain, located 'outside' society and politics. It is as if the price to pay for individual financial emancipation were the loss of any form of social contract (to be replaced by the blockchain equivalent of 'smart contracts'). (Notaro 2022, 366)

However, another key factor explaining the prominence of fashion even in brand-independent decentralized design environments, such as The Fabricant or MetaFactory, appears to be the strong identificatory bond between users and their avatars – an effect repeatedly documented in video game studies. This phenomenon, referred to as *symbodiment* (Veerapen 2010, 112), describes a process of symbiotic embodiment in which a dialectical relationship unfolds: while the user's behavior shapes the avatar, the avatar, in turn influences, the user. In that sense, NFT-fashion becomes a means of experimenting with self-images, initially reflecting the traditional role of fashion. Fashion traditionally allows individuals to navigate the boundary between the biological and institutionalized body, between prescription and self-design. Like art, it operates within the tension between autonomy and heteronomy – at first serving the "reproduction of the similar" (Legendre 1988, 344) by adhering to shared ideals of beauty. Yet at the same time, it enables wearers to engage in an "ironic and knowing, reflexive" and conscious play with "unanchored signs" (Haltern 2020, 516). In this way, fashion not only interacts with institutionalized ideals but also holds the potential to shape and transform them. Similarly, and in line with the decentralist ethos of blockchain, NFT fashion platforms, such as The Fabricant, aim to dismantle the authority of "historic gatekeepers of style and their velvet ropes" (The Fabricant 2022). Yet they go even further, seeking not only to challenge the beauty standards imposed by these very gatekeepers, but to overturn the biological and institutional constraints that have traditionally shaped self-representation, ultimately striving to enable autonomous self-creation.

> Our conceptualization of digital fashion is meaningful because it is not limited to improving technical features of the garment design and development process (e.g., fitting) or boosting the shopping experience (e.g., virtual try-ons) but also facilitates embracing the expression of oneself beyond age, gender, and ethnicity in a virtual world. It lets customers try on new bodies, experiences, ideas, and lives, allowing them to experiment with a multiplicity of identities and styles. (Baek et al 2022)

5. REALIZATION OF AUTONOMOUS SELF-REPRESENTATION?

In view of these use-cases of NFT fashion and against the background of the assumption of a *symbodical* relationship between user and avatar, the question arises as to whether we are dealing with a new form of self-representation. In other words: can the NFT-fashioned avatar be understood as a legal-aesthetic representative of the self, thereby engendering a novel form of autonomy?

Video game studies seem to suggest this, positing a general „avatarial relation to ourselves" (Rehak 2003, 123), wherein digital environments can be perceived as testing grounds for navigating the lifelong split – rooted in the mirror paradigm (Lacan 1975, 162) – between the self as observer and the self as observed. The self-exploration facilitated by video games, where agency, control and mortality are put to the test, has thus been interpreted as a form of liminal play, an attempt to isolate and grasp "the oscillatory motion of consciousness" (ibid.) – a reasoning which, logically, should also apply to avatars within the metaverse.

However, in the legally structured blockchain-based virtual space, this element of play is fundamentally transformed – if not entirely lost. It is precisely in this context that a rupture in the representational relationship between user and avatar must be acknowledged. I would like to conclude by pointing out two distinct ways in which this rupture manifests itself.

Firstly, once an individual begins (trans)acting in the metaverse, they are split into two distinct entities: the user and the avatar, each operating within a separate legal framework. However, as the concept of *symbodiment* demonstrates, these entities form a symbiotic connection – such that events affecting the avatar directly impact the user's physical body:[5] "what happens to the avatar is experienced as also happening to the user, which is translated in the user's emotional and affective responses" (Veerapen 2010, 112). In relation to the blockchain-based legal space, however, the user's body lacks the symbolic status conferred by the rule of law. Instead, it is reduced to a purely biological *corps propre* – one that remains symbiotically linked to the avatar's fictional body but receives no protection within that legal structure. At the same time, the avatar's body, unlike the physical body in material space, is also unprotected under existing legal frameworks. Cases of virtual sexual assault illustrate this legal gap: incidents of digital violations – ranging from forced interactions to the coercive manipulation of avatar bodies – have already sparked discussions about the need to reform criminal law to address offenses occurring in virtual environments (Lobe 2022; Bellini 2024; Karapatakis 2025).

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5 And for the sake of completeness, it is, at this point, mandatory to refer back to the previously mentioned problematic separation between NFT and referenced virtual (fashion-)object. What this split—that is, between the aesthetic and legal dimension of virtual existence —means in the context of designing avatars endowed with Lex Cryptographia legal authority is an increasingly urgent question, the complexity of which would, however, exceed the scope of this article.

Secondly, beyond these concerns, an even deeper rupture in representational dynamics emerges – one that becomes particularly evident when attempting to bridge the virtual and physical worlds through augmented and virtual reality devices. These technologies seek to extend the autonomy of the virtual realm into physical space. For example, virtual objects recognized by *Lex Cryptographia* are meant to be integrated into the material world, a concept especially prominent in NFT fashion. However, it is precisely within this so-called *spatial internet* that the fundamental limitations of blockchain-based legal structures become particularly evident: these structures operate on an intrinsically binary logic. The gaze permitted by AR glasses inherently excludes those who do not wear similar devices. Furthermore, even among those who do, AR devices are incapable of enabling a collective gaze.

As Musso (2020) argues, technology inevitably adheres to binary logic and is fundamentally incapable of symbolization. And the analysis of the metaverse reveals: Attempts to create social spaces *behind the screen* or within the *spatial internet* do not overcome this limitation. Digital environments and AR technologies impose a fragmented, individualistic gaze, thereby obstructing the very foundation of representation – and, consequently, of politics and the symbolic: namely the collective gaze that fosters a common understanding and shared meanings. Virtual collectives remain necessarily mediated through individualized, self-contained interfaces, thus inevitably leading to the "evacuation of the political" (Garapon, Lassègue 2018, 137). This aligns with the broader blockchain "proposal to resolve 'the political' through technical means" (Brekke 2019, x). As a result, the aesthetics of the metaverse remain intrinsically asymbolic and "anti-political" (Musso 2020, 118).

For these reasons, the autonomy and self-sovereignty promised by blockchain technology necessarily remain confined to the actions of the avatar – an entity that can therefore never fully function as a comprehensive representative of the user and is part of a virtual legal order whose handling is yet to be determined. Moreover, the AR-based transfer of elements from the realm of *Lex Cryptographia* into the physical space, rather than enabling true self-determination, introduces risks of new forms of dependence and constraint. While the avatar may articulate the user's interests within the metaverse, it does so only within the parameters dictated by the quasi-legal order of *Lex Cryptographia*. Everything that eludes programmability and automation – ultimately, everything tied to corporeality and the legal structures that mediate representation – remains systematically excluded from this virtual legal order. Thus, in its pursuit of disembodied autonomy, the metaverse paradoxically reveals its own fundamental limitation: its incapacity to accommodate the full complexity of subjectivity and institutions, of selfhood and alterity, of politics and law, which remain inextricably tied to the sphere of corporeality and representation.

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