Notes

1 Karl Marx, *Capital: A Critique of Political Economy*, vol. 1, trans. Ben Fowkes (New York: Penguin Books, 1990), 573.
2 William James, *Pragmatism* (Cambridge, MA: Harvard University Press, 1975), 28.
3 See Gerald Raunig, *A Thousand Machines* (Los Angeles: Semiotext(e), 2010).
4 Jeremy Rifkin, *The Age of Access: The New Culture of Hypercapitalism, Where all of Life is a Paid-For Experience* (New York: Jeremy P. Tarcher/Putnam, 2000), 4.
5 Quoted in Frank Mungeam, "Facebook Building Facility in Prineville," KGW.com, February 11, 2011, www.kgw.com/news/business/Facebook-building-facility-in-Prineville-115964989.html.

Imaginary Property

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The difficulty in fully grasping today's property relations—conceived as increasingly immaterial—through traditional conceptions of selfhood and objecthood is generally acknowledged. It has almost become a truism that the proliferation of "new technologies" has come along with substantial reinterpretations of the meaning and the effects of ownership and control.

In discourse critical of capitalism, the term "privatization" is used to characterize the "complex array of interconnected processes and relationships through which political rights, social membership, knowledge production, and the related spheres that constitute personhood are increasingly brought within the ambit of the capitalist marketplace."[1] The neoliberal agenda of "rampant privatization" is countered with widespread attempts to propose "commons" or "the common" as a central narrative that would fight the excesses of postindustrial capitalism, and abolish, delimit, or soften its effects.

The concept of "imaginary property" takes a different route. Rather than denouncing the private and therefore "privative" character of property while leaving the general abstract concept of property more or less intact—as is the case in the concept of Creative Commons—the focus has to be shifted to the very idea of property and its problems as such. And rather than discussing the dialectics of the private as substantially inalienable and alienable at the same time, this project draws attention to relations of production whose forces are considered as primarily speculative.

Property as the mirror image of a (self-owning) self may no longer be reserved for the reciprocal production of a responsible subject in the legal realm of bourgeois society; instead the illusionary character of property is set free as a specter, a ghostly force that seems to constantly mirror everything. Due to their endless mirror effects, postmodern economies have often been perceived as a funhouse where you can bet on anything, for, like in a hall of mirrors, reality is just the image of an image.

Meanwhile, it has become obvious that the incalculable effects of networked realities in globalized capitalism are not confined to a kind of virtual amusement park but have irrevocably changed the world and how we perceive it; they have pounded to pieces the relationship between property and personhood—a relationship formerly known as eternally valid and still promoted as universally applicable.

In its simplest form, the problem that is at stake in imaginary property is articulated as the absence of the object that is owned. The immaterial, intangible expressions of a creative mind is an issue the moment when it starts to circulate and proliferate in an uncontrolled fashion, when it escapes traditional forms of arrest and becomes fugitive.

The critical analysis of imaginary property has to depart from a specific understanding of the passage from a mechanical production of reality to a networked production of realities, which should not be mistaken as a similar binary to that of the analog and digital. In fact the concept of imaginary property presupposes no essential distinction between analog and digital, material and immaterial. Instead it marks the intersection or collision of two vectorial lines, two modes whose crossover characterizes contemporary means of production.

Mechanicity or the mechanical reproduction of the real turns everything into things, reifying living beings by abstracting from their concrete qualities, capturing their forces, arresting movement, and then remobilizing the stagnating entities as disciplined items in controlled environments.

The networked mode of production turns everything into images, while animating them as flows of information, concretizing the vast variety of data in the fluidity of constant exchange. At first sight, networked reality seems to be ungraspable, opaque, fugitive (expressed in the vulgar notion of "virtuality"). The real reoccurs only partially and only temporarily in the image as a storage unit for framed portions of psychic reality. In the digital, networked economy, a copy (no matter whether it is text, sound, image) appears as a mirror image that is not isolated, but refers to another.

Traditional forms of ownership are applied to new types of digital imagery, while the seemingly immaterial character of production and networked distribution has long undermined the vulgar concept of property as a somewhat stable relationship between persons and objects. We might sense intuitively that things themselves cannot be owned, only their social relationality. What one owns, when one owns, is always the imagined efficacy of an acclaimed ownership within a given social environment as long as the effects of that ownership remain subject to manipulations.

In order to make things ownable, to enforce a claim, things need to be turned into images. This is at least the concrete truth of the saying: "A picture says more than a thousands of words." This transformation of a thing into an image characterizes the very act of seeing. This is the very capacity of our eyes to appropriate reality as a visual property, or what Konrad Fiedler called *Sichtbarkeitsbesitz*.[2] But the process of appropriation is everything but seamless. On the contrary, ownership comes into being as a mistake, an oversight—or, in German, *Versehen*: watching, but always omitting something crucial.

The mistake is the actual success of representation. One has to forget that one can own things only by assigning or providing them with a self. The self of a thing is the surplus that is expropriated; it is conceived as "data," the abstract representation of the object that is given to sensual experience and prehension through "perspective."[3]

The self of the thing—its "soul" or "aura"—is the invisible that becomes visible in property. It stands for a creativity that is not subjective but objective; for it refers to creation and permanent recreation of the thing, the fact that it itself has been created in a former or ongoing activity.[4] Property therefore is the appropriation of that activity as the self of the thing and not as the thing itself.

Property establishes an imaginary social relationship between the owner and the self of a thing, its immaterial and yet invisible data relating to its creation or creativity. Against this backdrop we have to understand the widespread myth of photography as a "stealing of souls."

In everyday life, we are pretty much familiar with the animation of that self, insofar as it constitutes the commodity fetish under the regime of industrial capitalism: the abstraction of an exchange value that relates to quantified and expropriated human labor from a use value that remains inherent to the quality of the thing itself and may not affect property relations.

Things become complicated when they encounter the reproduction of that self, not only in legal terms. The division of a thing into two, its double character—as visible and invisible, use value and exchange value, original and copy—needs to be brought back into congruence, in particular when it is supposed to be reproduced and multiplied (as a picture, an investment, etc.).

The production of such coherence and consistency in time and space is ensured by the means of and for the sake of continuity. Continuity is the expression of property on "the screens of the

symbolic"[5]: it is its appropriateness as far as it demonstrates the successful inheritance of data from one occasion to the other.

The main characteristic of contemporary image production is the fact that it also operates in the reverse direction: it appears as a force that alienates the image from itself in order to make it ownable as if it were a thing. This is indeed only possible by turning the image back into a thing—understanding it as data.

Again, it does not appropriate the image as such, but its potential social relations insofar as they are subject to an endless array of readings, manipulations, and recreations. The extraction of metadata, the production of algorithmic identities through indexing technologies, the reduction of the visible to the legible, the recognition of reiterating patterns—these are serving the very purpose of the reorganization of the image as the data of past events or former experiences.

But it is not possible to eliminate entirely all the ambiguities of an image, even if it is digital. The ghost that is haunting imaginary property is the self of the image: it is constituted by a failure rather than a success, by its contingency rather than its continuity. The estranged "anti-aura" of the digital image resides in its noise; that is, what cannot be compressed and therefore needs to be discarded in the moment when the image becomes ownable as a digital object or data. The provisional character of imaginary property is realized as a contingent remainder in the self of the image.

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In imaginary property we reencounter the problem of "over-appropriation" as the appropriation of what already has been appropriated. Bernard Edelman coined this term in 1973 when he set out to analyze the emergence of French copyright law in the advent of photographic and cinematic technologies in the course of the nineteenth century. "Over-appropriation of the real" characterizes acquisition through superimposing on an already established property.[6]

How can one own an image of a thing that is already someone else's property? The creation of the image needs to become a property in its own right, assuming that it does not harm the property that is depicted (like in a quotation)—or that the property is everyone's property (like a landscape). But it is not enough to reproduce the real in the image, since then it would remain someone's or everyone's property (the public domain is the general abstract expression of property). Law assumes a certain threshold of creativity for "intellectual" appropriation: the real needs to be produced rather than reproduced and only in doing so does the law generate a subject that is creative.

In order to compensate for the technology's inability to reproduce reality exactly, the impossibility of a perfect analog copy has opened a wide space for a certain variety of privileged notions of professional creativity. The access to this space has been regulated through a relative scarcity of the means of image production.

Digital technologies have changed the situation dramatically: the general acceptance and accessibility of the tools to produce a hypothetically loss-free and cost-free copy and to distribute it in so-called real time shakes the juridical construction of property that is both immaterial but real, produced by the creative subject and producing a creative subjectivity.

The bourgeoisie "creative class" is panicking. It fears losing its traditional privileges. At the same time, a new mass-creativity has emerged in which anyone can be a filmmaker, photographer, writer, or artist. Anyone can therefore claim the right to produce reality and consider it their own property based solely on the appropriation of the means of image production—as opposed to their former role as wage-laborers essentially deprived from accessing the means of production for their own purposes.

While theory, politics, and jurisprudence insist on continuing to apply nineteenth-century protectionist models of "intellectual property," capital responds to the new situation, characterized by the inflation of imaginary property, by a devaluation of the real. The real has ceased to produce a creative subject, which produces reality as its property—as was the case when it was about turning things into images. Instead, creativity is produced by the imaginary. When images turn into things, creativity results from the extraction of rather precarious data from images. Currently, creativity is reified as a productive force; it has become a machine that does not reproduce but produces images.

Consequentially, there is no longer a need for a creative subject in order to solve the riddle of the over-appropriation of the real. The problem today is the over-appropriation of the image: how to own

images that are already owned. It can be solved only by the production of data that produce new data.

If creativity refers to a model of data that is generated from images and simultaneously generates new images, imagination as the power to make images appears as algorithmic control imitating or simulating movement rather than confining it. This is the very nature of surveillance, which calculates desire based on data extracted from images.

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In a similar way to how private property relates to the division of labor in industrial capitalism, the concept of imaginary property leads to an analysis of imagination as a "rule of production," which then triggers the question of the division of labor in digital, networked image production.

The traditional form of division of labor in industrial capitalism appears in the separation of manual and intellectual labor. It reflects the division of the thing and its self, its material and immaterial character, its value in use and exchange. It operates through the expropriation of surplus labor and generates a notion of exclusive ownership of the means of production that constitutes a specific form of private property.

In the algorithmic mode of computing, workload seems to be divided into a radically idealized version of the assembly line: code that is written by a creative human mind assigns a finite number of tasks to a machine; these tasks have to be executed logically, in a determined and deterministic fashion.

The algorithm, the chain of commands that foresees its outcome, can be characterized as an incarnation of *Vorstellung*, a notion of imagination usually translated as "representation." It is a "prepositing of a being-posited," as Jean-Luc Nancy comments on Martin Heidegger's considerations of Immanuel Kant's image theory in his "Kantbuch." Algorithmic control is creative as an imaginative force, as it refers to time as a pure image or "a schema-image" in the Kantian sense. "There is no given present that is not preceded by the pre-givenness of its givability, identical to its receivability."[7]

"The imagination is therefore time, since time is the non-present, the non-instantaneous, of a look that does not see its own

unity (its concept) directly, but only in and as the Bildung (formation) of the unity of the manifold, many-folded (if you will) into itself and from out of itself in order to image itself."[8] Algorithmic control divides a task into a finite number of subtasks that are executed consecutively. Its power is twofold: it is the power of a look which is preempting positions that are essentially deprived of seeing the process in its unity; but it is also the power of foreseeing the allocation of time slots in which each task or subtask has to be fulfilled. Both culminate in a notion of real time, where chronological time seems to have collapsed into an instantaneity that is only imagined as the identity of giving and receiving.

In that sense, globalized economies of late capitalism are self-imagined economies. The social divisions of labor of industrial capitalism are not overcome but radically applied on a global scale: contract manufacturing, just-in-time production, clustering. At the same time, new technical divisions of labor have emerged through the advance of digital registration procedures ranging from the cadaster to the stock exchange ("algo-trading"). These processes claim to operate in so-called real time—run by algorithms, which exploit the asynchronicity of milliseconds and therefore cannot be critically evaluated.

These phenomena cannot hide the fact that even the most complex systems of algorithmic control are based on the quantitative increase in the number of operations in a given time frame and their constant reprioritization in an hierarchically structured operating system, which, in the end, simulates a Fordist division of labor.

Today, systems that are inspired by formal logic and are algorithmically controlled and equipped with digital electronics have reached their limits of complexity. Furthermore, the paradigms inherent to networked computing seem to be in contradiction to all principles that characterize the current challenges of "biopolitical" control: from self-organizing and self-learning systems to neural networks and creative infrastructure.[9]

The conceptual need for new models of organizing workflows creatively is obvious when it comes to artificial vision as the ultimate instance of imaginary property. It fails precisely in the moment when it is confronted with the self of the image. Ambiguities, paradoxes, productive misunderstandings, and contradictions form the poetic

character of an image as an image that was made creatively.

What is at stake are hybrid divisions of labor, which actively involve the self of the user in the actual creation of code; that combine algorithmic and poetic work, disciplined and undisciplined activities, deterministic and precarious states, paid and unpaid labor. The result will be automatization of a kind that we can already experience in rudimentary forms within corporate notions of social networking where the degree of freedom of movement correlates to the function of algorithmic control.

A hybrid division of labor requires a different conception of the self. It is not the mirror image of a subject that owns itself and through that acquires the capacity of ownership as such. It is not the creative self that mirrors its imaginative power in the product of its labor.

The charismatic notion of the self is characterized by a permanent sense of crisis and the resulting need to perform itself in real time. The charismatic self marks the arbitrary datum identified in the midst of exponentially growing relational value. It is the point zero that makes the measurement of imaginary property possible again (as clicks, followers, or friends).

It acts as a clearinghouse for heterogeneous streams of data that are extracted from the myriad of circulating images and need to be differentiated by ad-hoc judgments. The charismatic self is constituted by the very capacity to have a distinct opinion even in a networked environment where the hierarchical production of meaning is messed up and relational value is generated without a plan or purpose. Its ambition is to overcome the perplexity that results from the chaos of an inflation of data inherited from past events.

By interacting with it, the charismatic self makes itself immune against the threat of automatization as extinction of the individual or as the end of the specialist. The mythology of networked automatization has estranged creativity from the process of creation. In order to generate relational value, the image becomes valuable in an alienated context—one other than its own. Through relational value, the charismatic self reconnects the image and a self, which must not necessarily be either the original creator or authorized owner.

Notes

1. Bill Maurer and Gabriele Schwab, eds., *Accelerating Possession: Global Futures of Property and Personhood* (New York: Columbia University Press, 2006), 8.
2. Konrad Fiedler, *Schriften zur Kunst*, vol. 1, ed. Gottfrield Bohm (Munich: Wilhelm Fink, 1991), 169.
3. “Perspective” would be the literal translation of *Versehen*, according to the Latin root of the word.
4. “Even when they are nonliving, or rather inorganic, things have a lived experience because they are perceptions and affections.” Gilles Deleuze and Félix Guattari, *What Is Philosophy?*, trans. Hugh Tomlinson and Graham Burchell (New York: Columbia University Press, 1994), 154.
5. Jacques Attali, *Noise: The Political Economy of Music*, trans. Brian Massumi (Minneapolis: University of Minnesota Press, 1985), 143.
6. Bernard Edelman, *Ownership of the Image: Elements for a Marxist Theory of Law* (London: Routledge, 1979), 38.
7. Jean-Luc Nancy, *The Ground of the Image*, trans. Jeff Fort (New York: Fordham University Press, 2005), 90.
8. Ibid.
9. See Ulrich Ramacher and Christoph von der Malsburg, eds., *Zur Konstruktion künstlicher Gehirne* (Berlin: Springer Verlag, 2009).