

Digital Battery: Kant, Data, and the Infringement of Innate Rights

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Abstract

This paper was originally written for Sam Black's PHIL 322 course *History of Ethics*. The assignment asked students to provide an exposition of one claim from a text that is relevant to their thesis. You can argue for or against that claim. But please be sure to prove to the Reader that you are not attacking a straw man and that your target does in fact endorse the view you attribute to them. Please don't summarize the entire book or paper. Anticipate an objection(s) to your position and reply to that objection(s). The paper uses APA citation style.

The defining debate regarding data privacy rests on a catastrophic category error: the confusion of property with the person. This paper employs Immanuel Kant's philosophy of right (specifically the distinction between internal and external possession) to argue that the extraction of behavioural data constitutes "Digital Battery" rather than theft. By analyzing the "Fallacy of Exteriority," which treats the immediate expression of human agency as an unowned external object, this study reveals that the current digital state of nature violates the innate right of freedom. Consequently, standard "Terms of Service" agreements are exposed as legally void mechanisms that force subjects to alienate inalienable rights. The paper concludes that regulatory solutions focused on ownership and compensation are insufficient; instead, a new Public Right is required that recognizes cognitive data as an extension of the self, strictly prohibiting its commodification.

If a pickpocket steals your wallet, the law calls it theft. If a surgeon removes a kidney without consent, the law calls it battery. The first is a violation of what you *have*; the second is a violation of what you *are*. In the defining debate of the 21st century (the battle over data), we have committed a catastrophic error. We have confused the wallet with the kidney. From the mundane annoyance of cookie banners to the increasingly constant interactions with AI systems, we

obsess over questions of *property*: Who owns the data? How should one be compensated for it? This framing, while legally convenient, rests on a category error that strikes at the very heart of human agency. It presumes that our data (the digital profile built through increasingly constant digital interactions) is akin to a plot of land or a tool: an *external possession* that can be alienated, traded, and subjected to the provisional claims of corporate actors. This paper will argue that Kantian ethics offers a useful critique of this presumption. By distinguishing between *internal possession* (the innate right of freedom) and *external possession* (acquired rights), Kant provides the tools to dismantle the foundational logic of our surveillance economy.

The extraction and mapping of human behaviour for profit (a model pioneered by search engines long before it's been weaponized by leading AI labs) is not, as the current legal framework suggests, a dispute over "ownership" or "compensation." It is, to use Kant's rigour, an act of *Digital Battery*. It is a violation not of what we *have*, but of what we *are*. This paper contends that the digital state of nature, established at the dawn of the commercial internet, rests on a *Fallacy of Exteriority*: treating the immediate expression of human agency as if it were an unowned external object (*res nullius*). Consequently, the "Terms of Service" model is revealed not as a solution to the "reciprocity problem" of property, but as a coercive mechanism that forces subjects to treat their "innate right" as a tradeable commodity. A transaction that Kant's philosophy reveals to be fundamentally void.

I. The Two Modes of Possession

To understand why the digital economy constitutes a violation of the person rather than property, we must first reconstruct Kant's critical distinction between internal and external possession. In the *Metaphysics of Morals*, right is introduced not as a guide for personal virtue, but as the "totality of conditions" under which the choice of one can be united with the choice of another in accordance with a universal law of freedom (MM 6:230). Kant identifies the "Innate Right of Freedom" as the sole original right belonging to every human being by virtue of their humanity. This right is "independence from being constrained by another's choice" (MM 6:237). Crucially, this innate right correlates to *internal possession*. This is the possession of one's own mind, body, and the capacity to set ends. It is "unilateral" in the strict sense. I do not require the consent of others to be the master of my own body or thoughts. My claim to myself is analytic. It is contained in the very concept of being a free agent.

Therefore, an infringement upon this sphere (wrenching an apple from my hand) is not a violation of my property; it is a violation of my person. It is, in a legal sense, battery.

In contrast, *external possession* concerns objects distinct from the self. This is the apple I have set down on a table. Here, Kant identifies a serious problem. Unlike my body, I have no analytic claim to an external object. If I claim the apple I have set down as *mine*, I am imposing a new obligation on all others to refrain from using it, an obligation they would not otherwise have. As Stone and Hasan elucidate in their analysis of “provisional right,” a “unilateral will cannot serve as a coercive law for everyone” (MM 6:256). I cannot simply *will* an external object to be mine and expect you to be bound by it. In the SN, my claim to the apple is merely “provisional.” It is a valid anticipation of a right, but it lacks the “conclusive” force that can only come from a “public right,” or a state, which represents the “omnilateral” will of all (MM 6:255).

Thus, Kant presents a binary ontology of rights. There is the apple in the hand (internal possession), which is protected unconditionally by the innate right of freedom, and there is the apple set down (external possession), which requires a civil constitution to solve the problem of reciprocity. The central tragedy of the modern era is that we have allowed the corporate incentive structure to categorize our data as the latter, when it is undeniably the former.

II. The Fallacy of Exteriority

The prevailing justification for the surveillance economy relies on what I will term the *Fallacy of Exteriority*. This is the assertion that once a thought, a location, or a preference is recorded digitally, it becomes an “external object” (an apple set down) which is then *res nullius* (belonging to no one) until it is claimed by a platform via a “Terms of Service” agreement. This logic is the original sin of the internet. Concerningly, the arrival of machine learning predictions and artificial intelligence has acted as an accelerant, transforming this longstanding practice from a latent threat into a crisis of agency. If the commercial internet built the machinery of extraction, AI has automated the refinery. But to dismantle the fallacy itself, we must look closer at the nature of the data being extracted.

An eager critic might jump to argue that data is merely a digital footprint. Metadata shed in the act of browsing, distinct from the mind itself. This objection fails because it ignores the inferential power of machine learning, which dissolves the distinction between the trace and the person. In the age of AI, we are not talking about static records of what a user typed or clicked; we are talking about

the real-time quantification of the self. The online infrastructure does not simply log behaviour. It extends its construction as a predictive model of the agent's internal state. By analyzing the subtle patterns of interaction (the hesitation before a click, the syntax of a late-night search, the specific clusters of content consumed in moments of excitement) algorithms can infer intimate cognitive realities that the user has never explicitly disclosed. These systems can infer future intent from past action, anxiety from scroll speed, or political affiliation from seemingly unrelated preferences. The data is not simply raw material found in the world, much like a footprint. It is an inferred readout of our hopes, our fears, our dissonances, ultimately, the most intimate parts of our cognition that make us truly us. It is the externalized substrate of our choice. To define this data as "external" is to claim that the private workings of the mind become "property" the moment they are observed. This is analogous to arguing that a diary, once written, becomes merely ink on paper (an external object divorced from the mind that produced it) such that seizing it and analyzing its contents for psychological leverage is merely a property dispute, not a violation of the author's inner life. Just as the diary is the externalized memory and conscience of the writer, digital data is the externalized cognition of the user; to harvest it is to invade the mind itself. Kantian ethics suggest this inferred profile *is* the *internal possession*. It is the operational reality of one's "capacity for choice" (MM 6:250), rendered visible and vulnerable to manipulation.

More crucially, this violation is driven by a specific economic imperative. In the age of AI, data is not simply a byproduct; it is the necessary fuel of progress. Cutting-edge AI tools have an insatiable hunger for useful data. They require vast, continuous streams of authentic thought, logic, and creativity to train and refine their capabilities. This creates a circular, coercive incentives structure. Relevant, high-quality data *is* one of the primary bottlenecks for AI advancement. To bypass this bottleneck, "effective" tool development entices user behaviour that functions as data dragnets. Users are compelled to use these tools to participate in modern advancements. In doing so, they feed the very models that predict and monetize their behaviour. The harvested data trains better models, which power more inescapable tools, closing the loop and continuing the cycle.

To render this violation, consider the legal and ethical status of the *polygraph*. A polygraph machine measures involuntary physiological responses (pulse, sweat, blood pressure) to reveal the internal state of the subject. In most enlightened jurisdictions, the use of polygraph data is heavily restricted or banned. Why? Because the polygraph bypasses the will. It extracts "truth" from the mind

without the mediation of the agent's choice. To force a subject to submit to a polygraph is to treat them as a thing to be measured, not a person to be engaged with. It is an invasion of the *internal possession* of the self.

The modern digital economy is nothing less than a global, always-on polygraph.

When an algorithm tracks your eye movements through infinite scrolls, the tremor in your voice as you speak to a digital assistant, or the fragmented search history of a new parent seeking professional advice, it is not “collecting property.” It is measuring the involuntary cognitive leakage of your mind. It is extracting the “pulse” of your intent and the “sweat” of your anxiety. The digital age forces us to live in a glass house to participate in society. We “choose” to live there because the alternative is civic and economic exile, but we do not “choose” to be seen in the manner that we are. The observation is structural, not consensual. By treating this involuntary leakage as “external property,” the corporate sector claims the right to invade the cognitive interior of the subject, collapsing the distinction between person and thing.

III. Why Consent is Void

A devoted defender of the digital status quo would object here. They would argue: “Even if data is ‘*internal possession*’, Kant allows for the restriction of freedom through contract. You clicked ‘I Agree.’ You entered a civil condition with the platform. You exchanged your privacy for the service. Thus, this cannot be battery. Rather, it is a reciprocal exchange that solves the very provisionality you speak of.” This objection fails, however, because it confuses the *form* of reciprocity with the *reality* of coercion. It attempts to use the logic of *external possession* to alienate *internal possession*, a transaction Kant explicitly forbids.

Kant is clear: “No one can voluntarily renounce his rights by a contract... to the effect that he has no rights but only duties” (TP 8:293). To sign away the rights to one's own cognitive exhaust is to sign away the “humanity in one's own person.” It is to agree to become a “means only” for the exchange of a service and, consequently, the training of a model or the targeting of an ad. This is the principle of *Inalienable Rights*. You cannot sell your vote. You cannot sell your kidney. You cannot sell your freedom (slavery). Why? Because these things are *constitutive* of being a person. If the data generated through your interaction with a smartphone is constitutive of the modern person, then it is inalienable. Therefore, the “Terms of Service” contract is *void*. A contract that requires “battery” (the

violation of the internal sphere) as the price of admission is not a “conclusive” resolution of rights; it is a conclusive act of barbarism.

Furthermore, the “reciprocity” claimed by these platforms is illusory. Reciprocity in the Kantian sense requires a “general will” where the law binds all equally. In the digital regime, the binding is unilateral. The platform inferentially learns about me from me, but I cannot learn about me from the platform’s inferences. The user is transparent to the machine; the machine is a black box to the user. This is not representative of the republic of laws but rather a high-tech tyranny where the “unilateral will” of the corporation serves as a “coercive law for everyone” (MM 6:256).

IV. Conclusion

So, while a cursory reading of Kant might suggest that our data is simply property waiting to be claimed, a deeper analysis reveals that the entire digital economy is built on a violation of the Universal Principle of Right. By categorizing the metadata of our digital interactions as *external possession*, we have allowed the logic of property to usurp the logic of the person. This *Digital Battery* is a diagnosis of a structural wrong that predates ChatGPT. We are living in a condition where the incentive for data accumulation (established by the browser and perfected by AI architectures) has overridden the “innate right of freedom.” We are treated as mines for extraction rather than agents of choice.

Therefore, true security in the Digital Age cannot be achieved by better compensation models or stricter laws around who owns what data. These merely haggle over the price of battery. A Kantian solution requires a new *Public Right* that categorically recognizes personal data as *internal possession*. It requires a legal framework that prohibits the alienation of cognitive data just as it prohibits the selling of oneself into slavery. Until we recognize that the algorithm is grabbing the apple *in our hand*, not the one on the table, we will remain in a state of provisional freedom, waiting for a reciprocal justice that a unilateral contract can never provide.

References

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